

RECORD OF PROCEEDINGS

0246

Minutes of

COUNCIL OF THE CITY OF NORTH CANTON

SPECIAL

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, April 1, 2002 (YEAR)

CALL TO ORDER:

The special council meeting was called to order immediately following the Council of the Whole Meeting by President of Council Jon Snyder.

Mr. Snyder: Pursuant to roll call vote, we called a special council meeting for Monday, April the 1, 2002 to consider the three ordinances published. And as you know, council rules prohibit any other discussion or any other legislation relative to the night. Would the Clerk please call the roll?

ROLL CALL:

- 1. 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 and City Engineer Benekos.

Mr. Snyder: Thank you.

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

Ordinance No. 38-02 - Second 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 what we talked about last week. The pipeline leading up the railroad tracks from Canton's line into our treatment plant.

Mr. Treadon: That is potable...inaudible?

Mr. McLaughlin: Into our main waterline and up to the treatment plant. So we will be - if and when we need their water we can turn it on and use it. Contract's been approved by Roy. Everythings been approp - I mean everythings been in order so there shouldn't be - there's no problem at all.

Mr. Snyder: Okay. Is there any questions? Alright...

- Mr. McLaughlin moved and Mrs. Magel seconded to adopt the second reading of Ordinance No. 38-02. All members present voting: Yes: Lindower, Magel, McLaughlin, Snyder, Foltz and Kiesling. Abstained: Osborne. No: 0

- 3. Mr. McLaughlin moved and Mr. Lindower seconded to read by title only, second reading of Ordinance No. 39-02. All members present voting: Yes: Magel, McLaughlin, Snyder, Foltz, Kiesling and Lindower. Abstained: Osborne. No: 0

Ordinance No. 39-02 - Second 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.

Mr. Snyder: Chairman...

Mr. McLaughlin: This is the - this is the agreement we have with Canton to buy their water without...inaudible... And this is the one that they're also - Roy looked at and approved. I think there's any questions left. I think all the questions were addressed last week.

Mr. Snyder: Any question of council? If not...

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Mr. McLaughlin moved and Mrs. Kiesling seconded to adopt the second reading of Ordinance No. 39-02. All members present voting: Yes: McLaughlin, Snyder, Foltz, Kiesling, Lindower and Magel. Abstained: Osborne. No: 0

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

Mr. Treadon: 41?

Ordinance No. 41-02 - Second 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.

Mr. Snyder: Chairman McLaughlin.

Mr. McLaughlin: This is our changing of the contract that we had to finish our line from Bachtel into our ball fields. We're using that money there to run the line from Canton into a - into a Unidentified: Price Park.

Mr. Lindower: Inaudible...

Mr. McLaughlin: Bachtel, Bachtel..

Mr. Snyder: Mayor, one question if I may. Is it going to be a possibility - is it plausible that by next Monday we'll have a price on that? Is that - I'm sure you knew that was coming. But...

Mayor Rice: Yea, we're hopeful for that. Jim's working on that as we speak to try to make sure we've got that nailed down for you by next week.

Mr. Snyder: Okay.

Mr. McLaughlin: Before the third and final reading of it.

Mayor Rice: And don't you believe....

Mr. Benekos: We're working diligently on that. We're finalizing the design and we can't go to the contractor to get his final price until we get that done. Hopefully we'll have that done by the middle of this week and we can give it to the contractor.

Mr. Snyder: Am I to understand that we're drawing those plans in house?

Mr. Benekos: No.

Mr. Snyder: Oh, they're outside. Who's engineering this?

Mr. Benekos: GPD. We had with contract with them to design the other portion and there's money in that contract for this.

Mayor Rice: Inaudible...

Mr. Snyder: Did we originally have the segment of Glenwood to the Water Treatment Plant completed already. Or they're...inaudible...yet.

Mr. Benekos: No, the design was not completed.

Mr. Snyder: Okay.

Mayor Rice: It was in process, but not complete.

Mr. McLaughlin: Will it...inaudible...you say it will be done this week.

Mr. Snyder: Hopefully.

Mr. McLaughlin: Hopefully by Wednesday and then out for...

Mr. Benekos: We're shooting for it. I talk with them every other day.

Unidentified: Alright.

Mr. McLaughlin: We still on schedule? Everything's still falling into place?

Mr. Benekos: We can still, yea...

Mayor Rice: We're close.

Mr. Benekos: we can still make this summer.

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Mr. McLaughlin: That's what I'm asking for. Or July deadline is what I'm asking and concerned.
Mr. Held: It's looking good...
Mr. Benekos: Yea, yea...
Mr. Held: At this point.
Mr. Benekos: right now with no other glitches, we'll be able to meet that schedule.
Mr. McLaughlin: Okay.

Mayor Rice: The biggest thing that's going to determine that Rick is once council approves these contracts, quite honestly it's the EPA approval. That's the only variable out there. I mean the contractor's in place with this change order and everything can go, but we still have to get EPA approval on that line.

Mr. McLaughlin: But sediment from EPA was they wanted us to do that line in order to...

Mayor Rice: Yea, they're very supportive and we're then hoping that they can turn this around plus. Because again, as I mentioned before, it doesn't have to go to Columbus.
Mr. McLaughlin: Good.
Mayor Rice: It just goes to Twinsburg for their approval. So it's a local approval, which should mean, we're hoping, that we can turn the approval around quickly.

Mr. McLaughlin: If you need me to drive the plans up I'm up in Twinsburg.
Mayor Rice: Yea.
Mr. McLaughlin: I can pick them up or do whatever.
Mayor Rice: Yea, no...inaudible...it's just...
Mr. McLaughlin: The quicker the better.

Mayor Rice: The sooner we can get them to review them and approve them, then we're ready to go. We can...
Mr. McLaughlin: Okay.
Mayor Rice: they can start laying the line as soon as we get the approval.

Mr. McLaughlin: I just want to make sure. I'm concerned about that. I don't know if anybody saw that in the USA Today on Friday,
Mr. Foltz: Yes, yes...
Mr. McLaughlin: there was a major article on, and I still have it in the car, I'll gladly give Council a copy, but it addressed the shortfalls of the water on the eastern seaboard and how we're on the edge of it and everything else like that.
Mayor Rice: That's right.
Mr. McLaughlin: It was a nice article. And they're very concerned because most of the trout fishermen up there, they're just getting a trickle out of the rivers, not like the major flows they had before.
Mayor Rice: That's right.
Mr. McLaughlin: But I've got the article in car. I will gladly drop Council off a copy, because it's a very good article the USA Today had.

Mrs. Magel: Is that Twinsburg Ground Water Dave?

Mayor Rice: Yea. And our goal is for them to get it done by the end of this month. If we can get approval out of them by the end of the month, again, we need about 60 days construction time. So if we get them out - we're trying to get it - everything in line, they can get the approval done by the end of April. We can build in May and June and hopefully have this thing done by the first of July.
Mr. McLaughlin: Okay.
Mayor Rice: As we said that's our best case scenario, but we're still pushing for that. And don't see a major problem with that yet, but...
Mr. McLaughlin: Okay.

Mayor Rice: The biggest - as I see it, probably the biggest potential stumbling block is getting EPA approval or that holding us up.
Mr. McLaughlin: Okay.
Mayor Rice: But once we get that, we're ready to go.

Mr. McLaughlin: I've got my fingers crossed. Appreciate it.

Mr. Snyder: Any questions? If not...

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

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Mr. Snyder: Before I adjourn, Mayor is there anything that you wish to say to the Council or...

Mayor Rice: Well if you want about - we could brief as to today's activities in relationship...

Mr. Snyder: If you would please. I know it's out of the - out of the rules, but I think it's...inaudible... information.

Mayor Rice: As you know the test digging began this morning. They probably actually started digging around 8:30 or so - 8:15, 8:30 this morning with Malcolm Pirnie. Sun Pro's actually doing the work down there. There are - before they started there were five identified sites out of their study; if you remember back where they detected some sort of metal in the ground. They started digging in one of those areas this morning, uncovered primarily a bunch of concrete with

Mr. Foltz: Rebar...

Mayor Rice: bar reinforcement - rebar through those. Pulled up a couple significant chunks of old steel culvert pipe that had been buried in the - in that area, some wood, other miscellaneous things like that. I think - I think some time about midmorning we even had one of the city employees that felt - had spoke before about some first hand knowledge of what of might of happened down there, came down actually identified a different site. So they actually went outside of a different area. So if you will, a site no. 6, wasn't originally planned. And we - they dug in that area, really didn't find anything in that - in that area. But I thought that was significant in that it appeared to me being down there today, you know, it's amazing those - it appeared that those maps they gave us showing where their highest concentrate of some metal objects being; really they were right on. Because when they dug in those areas they found some metal of some sort. Even though it was concrete rebar or culvert pipe or things, they found things. And when somebody came down and identified another site that really wasn't identified in the study as a hot site for metal, they dug and really didn't find anything. Which I thought was interesting. But anyways they dug those. Went back then and dug at that original site again and did uncover, I don't know, what was it four...

Mr. Held: Five...

Mayor Rice: Four or five crushed up barrels. Old barrels - they were crushed completely flat. They extracted those items out and will be testing them. They didn't - on their on site analysis didn't detect any type of...

Mr. Held: Solvent.

Mayor Rice: Type of...

Mr. Osborne: VOC's

Mayor Rice: VOC's, solvents, anything like that. Anything they pull out they've got a little monitor that they test it with there with air monitor type of thing. Didn't detect anything with that. But they'll take those and do full testing on them to see. But it didn't - appearances didn't seem to be there was anything really of any significance other than there were some old drums that they did pull out. They then went to a third site later in the afternoon, after I left. But Rich called me the end of the day, he said they really didn't uncover anything in that third pit other than he said - as he described some chunks of angle iron, that type of thing they pulled out of it. So had a very productive first day. They got an awful lot of work done down there. If you will now we have six sites that they're digging at. And they basically dug in three of those six sites today and found those items that I just mentioned to you. In that one area they found four or five crushed drums. Other than that they found the rebar, they found the miscellaneous things - angle iron, that type of stuff that they found digging. But, they're doing a great job - work down there. They've got full crews. It's two representatives from EPA are there monitoring the whole situation as are the people from Malcolm Pirnie and the work crews from Sun Pro. Everything they take out of there they test it. They - they're doing - also in all the pits they're doing samples of - soil samples. Once they get pit dug, they've taken some soil samples off the side walls and off the bottom and taking those in and they're running tests on that. They're testing everything that come out of there. They're logging and photographing everything they take out. Photographing the pits, everything and tracking everything. So, had a good day. You know, the good news is they're getting in there accomplishing what we wanted them to. Which was get in there and dig it up and find out so everybody - the world can see what was in there.

Mr. Lindower: That non hazardous stuff they're taking out there, like your concrete with rebar and all that, are they removing those items or putting them back?

Mayor Rice: No, they're not going to - good question. That is - they're not going to be putting that concrete rebar and that kind of stuff - just - not that there's any...

Mr. Lindower: No reason.

Mayor Rice: particular reason they couldn't.

Mr. Lindower: Right.

Mayor Rice: But I think just to be on the positive side they're going to take that stuff out and dispose of it. You'll notice if you're down by the site they've got, I think, about three different big dumpster - roll off dumpsters down there.

Mr. Lindower: Yea.

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Mayor Rice: That the lining - they're putting a lot of the - lot of that type of soil. There's some - part of the soil is pretty mushy type stuff and they're taking that out. Along with that there's some wood, you know, they uncovered some wood and lumber and stuff like that - pieces, parts. So they're hauling that stuff out. We will be hauling in some clean fill dirt primarily in these pits. We also do have our police stationed down at the site starting this morning. Again, because we've got some big holes opened up down there. We mounted some lights down there for the nighttime to light the area up. And we do have police security - our police officers securing the site 24, 7 until those holes are refilled and it's all fenced off and that type of thing. So we're trying to take every precaution to keep the site safe and clean from somebody wanting to go down there and play around. But it's available. It's roped off. And certainly if anybody from council - for whatever you can't - you can get so close. And again, the City is not running the site, Malcolm Pirnie is. They're in charge of this site. Dan Bremer, who's the head guy down there, if you decide you want to go down and you want to get a closer look from outside the orange fence, what you need to do is you need to go down though and get to Dan Bremer to escort you into the site. You gotta - if you're going to go in - they will allow you to go in. Or the news media - Kelly was there this afternoon. They'll escort you in to get a little closer look. You can't get much close - you can get pretty close from fence. It's really not any - any big deal. But you can get a little closer if you want to. But you just have to be supervised to go in according to them. Yea and I'd suggest you not wear nice shoes. My shoes - these loafers just didn't cut it down there this morning man. I've got to go shoe shopping tonight I think.

Mr. McLaughlin Did - every so often they dig and they take a soil sample like at 10 foot, or 20 foot, or 30 foot down...inaudible...

Mayor Rice: I don't know exactly how often Rick, but they are taking soil samples in and out of there. They're taking out the items they find and that - they're sampling those. They're doing a lot of different sampling. I can't tell you specifically how many they're taking. We'll find out in a report. Because they'll be reporting all the samples they take.

Mr. McLaughlin: Didn't they find some of that money we buried a couple years ago out of our general fund?

Mr. Treadon: In coffee cans?

Mayor Rice: I wasn't going to comment on that but... But it's going pretty well. I mean if they've got - they basically dug, like I said, three of the six spots. They may even go do some additional little spots down there. Because we went hey, once we're here and we're doing it, we want to be thorough. Most of the stuff they found is not buried very deep, it's in the top three, four feet. They haven't had to go with a - they're not really finding anything they go further down. Most of the stuff like those barrels and the culverts and that were probably in the top - they probably weren't any more than about four feet down. Even though they're going considerably deeper than that. I think they're going at least ten, fifteen feet down in most cases. I don't know exactly, but they're - they're getting down there. And obviously when they find some spots, like when they found the drum area there and they uncovered those probably around 1:00 or so this afternoon, just as Channel 3 was arriving.

Mr. McLaughlin: Inaudible...

Mayor Rice: But they - but they did find those. And once they located those they expanded, you know the pit; to dig around and see if there was more in that area. So I think it appears it's going very well. We're finding stuff, which is what we want to do. Nobody had any thoughts that we're going to dig down there and not find anything. In fact we want to find what's down there so.

Mr. McLaughlin: Will we be fair from Channel 3 if we found it to be clean and...

Mayor Rice: Oh, I think they're doing - in all honesty I think they're doing an excellent job of reporting it. He's just trying to get the facts out to the public.

Mr. Treadon: I think that's exactly what they're going to find, that it's clean.

Mr. McLaughlin: Well I think it upset me...

Mr. Snyder: They were on at 6:00. They were - I watched...

Mr. McLaughlin: Inaudible...something at 6?

Mr. Snyder: They had it..

Mr. Held: They ran something at 6, yea.

Mayor Rice: Jon said they ran a story today. That's pretty good.

Mr. McLaughlin: I mean it was upsetting the first time they ran that. They're making these acquisitions and getting these customers saying this, this, this and this could be down there. They don't know. I mean...

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Mayor Rice: Well again, that's part of the problem up to this point Rick we - nobody's known any real facts. It's all been hearsay and this, that and another. And that's exactly why we embarked upon this digging process is to go out and find out. Now everybody is going know. It's out in the middle of the field for anybody in the public that wants to come watch, the news media watch. Nothing's being hidden out there. It's all out there for anybody to come - come see what's there. And it's being reported well...

Mr. McLaughlin: But I want to make a fair...

Mayor Rice: in the news media too.

Mr. McLaughlin: I just want a fair shake. I mean, you know, them...

Mayor Rice: I think you're - I think you're getting a fair shake.

Mr. McLaughlin: The way they're - the way they're reporting they can see commercials because of the threats and everything at the acquisitions they made.

Mr. Snyder: Well the actual...

Mr. McLaughlin: If it's a clean bill of health, I want to make sure that they give us a little bit of publicity.

Mr. Treadon: Are you suggesting that Channel 3 didn't do true investigative reporting?

Mr. McLaughlin: What we had, yes. There's - some of one of our lawyers said that.

Mr. Snyder: If I may critique the 6:00 news...

Mr. Treadon: Heavens to betsy.

Mr. Snyder: I will tell you the actual reporting from the site is very, very objective.

Mr. McLaughlin: Okay.

Mr. Snyder: Unfortunately some people of the former administration, being it's employee or elected official, didn't do so well in there. But other - but the present administration and the present site did okay.

Mr. Lindower: Inaudible...Daryl Revoldt...

Mr. Foltz: Well said Jon.

Mrs. Magel: Are you suggesting that the three out of the six sites are completed? Or are they half, three-quarters?

Mayor Rice: I don't want - again, Kathy, and rest of Council understand, this is not our site. It's not under our supervision. So I don't want to make a definitive statement like that because quite honestly I don't know.

Mrs. Magel: Okay.

Mayor Rice: It's up really - it's being run by Malcolm Pirnie. They're calling the shots while they consult with EPA. I wasn't down there at the end of the day today. I was - David and I went down about 7:30 this morning, were there till about 9:00, went back around 12:30 and stayed till probably about 2:30. And Dave was down there more than I was. But I spent several hours down there, but not the entire day. I think for the most part they - while they may - I think they basically feel they found what was in those locations. Now whether they're completely done or not, I don't know for sure.

Mrs. Magel: Okay.

Mayor Rice: I think they believe they're pretty well done with those sites.

Mr. McLaughlin: So three more to go so...

Mayor Rice: At least another three more to go. You know, I think they'll be out there at least the remainder of this week and depending on what else turns up, maybe into next week.

Mr. McLaughlin: Okay.

Mayor Rice: But they made really good progress today. We weren't - we weren't sure that they'd get even one pit dug today. But they've - they've moved pretty quickly. If the weather cooperates and it's muddy down there but, and it's pretty messy right now but, I think they're getting the job done. Getting the answers that we need.

Mr. Snyder: Okay.

Mr. Foltz: I had a question Jon.

Mr. Snyder: Oh please.

Mr. Foltz: Dave is there money in the budget to buy Mayor Rice similar equipment that you are wearing? Like the yellow coat, boots...

Mr. Held: Those boots, they're rare.

Mr. Foltz: If you could find a pair.

Mr. Held: Don't start about the boots tonight - my coverall boots.

Mr. Foltz: We don't - we don't want him, you know...

Mrs. Magel: I second that, that was very rare.

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Mr. Foltz: We're ruining his good, you know, dress shoes.

Mr. Held: Get him the yellow jacket too.

Mayor Rice: Put it this way, you could tell David's from Marlboro Township.

Mr. Held: I have to say...

Mr. McLaughlin: I want to see the yellow boots.

Mayor Rice: He was prepared.

Mr. Foltz: You can see Dave from satellite.

Mr. Held: The Mayor was kind of, you know, giving me a little bit of business about my boots. But he...

Mr. Foltz: Your feet are dry. Right?

Mr. Held: was standing there in the loafers in three inches, four inches of mud.

Mr. Snyder: Sir, the only problem and unfortunately we don't have a public speaks tonight. That's only at a regular council meeting. Unless the Council wants to hear from him. That's entirely up to you.

Mr. Osborne: I'll let him speak.

Mrs. Kiesling: Is your question to the Mayor?

Unidentified: Pardon me.

Mrs. Kiesling: Is your question for the Mayor?

Unidentified: No, it's concerning a water problem.

Mrs. Kiesling: Oh dear...

Mr. Foltz: Jon, I feel it's a special meeting...

Mrs. Kiesling: Yea.

Mr. Foltz: That can come up at the regular meeting. We don't need to make exceptions on it.

Mr. McLaughlin: Inaudible...start...

Mr. Snyder: Yea. Well I'll tell you sir, why don't I do this, why don't I adjourn this meeting and you can come up and you can address your problem to us.

Unidentified: That's fine.

Mr. Snyder: Okay. That way we won't violate the rules, if you can understand.

Unidentified: That's fine.

Mr. Snyder: At this time I'd entertain a motion to adjourn.

Mr. McLaughlin moved and Mr. Foltz seconded to adjourn the special meeting. All members present voting:

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

No: 0

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PRESIDENT OF COUNCIL

ATTEST:

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DIRECTOR OF FINANCE