

RECORD OF PROCEEDINGS

Minutes of COUNCIL OF THE CITY OF NORTH CANTON REGULAR

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, February 25, 7:00 p.m. 2002
(YEAR)

CALL TO ORDER.

1. The council meeting was called to order at 7:00 p.m. by President of Council Jon Snyder.
2. The opening prayer was delivered by President of Council Jon Snyder.
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, Director of Law Batista, Director of Finance Herr, City Engineer Benekos and Clerk of Council Bittle.
5. Consideration

Consideration of Minutes of Council Meeting: 2/11/02
Consideration of Special Council Meeting: 2/19/02

Mr. McLaughlin moved and Mr. Osborne seconded to approve the minutes of the council meeting and the special council meeting as presented. All members present voting:
Yes: Kiesling, Lindower, Magel, McLaughlin, Osborne, Snyder and Foltz.
No: 0

6. Committee Reports

Finance & Property Committee: Refer to the minutes on file in the Council Office of the Finance & Property Committee meeting held February 19, 2002.

Ordinance, Rules & Claims Committee: Refer to the minutes on file in the Council Office of the Ordinance, Rules & Claims Committee meeting held February 19, 2002.

Street & Alley Committee: Refer to the minutes on file in the Council Office of the Street & Alley Committee meeting held February 19, 2002.

Water, Sewer & Rubbish Committee: Refer to the minutes on file in the Council Office of the Water, Sewer & Rubbish Committee meeting held February 19, 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: At this time is there anyone in the audience wishing to speak before the council this evening? If so please step forward and state your name and address for the record. Sir - Kim...

Kim Cooksey (Superintendent of Parks, Recreation and Grounds): Thank you. At this time I'd like to give Council a thank you for your time this evening. My name's Kim Cooksey. I'm Parks and Recreation Director for our City of North Canton. Two weeks ago at City Council meeting the issue of skate park was brought up by one of our citizens. At this time I'd just like to address some of the issues that were brought up at that time. First of all, the planning for this skate park started over three years ago. We worked in conjunction with the Administration, as many of you know the City Council, our Park and Recreation Board and also citizens within our community. After we gathered this information we came up with two main considerations on this project. Number one would be the location. Number two what made the best economic sense for our city. After gathering all this -- all the information and these considerations, we came up with a proposal to place the skate park at the Dogwood location. Number one, parking - as you all know Dogwood Park has the most available parking of anywhere in our city. Number two, security - being located right there on Dogwood Street it has a visibility area for easy access and visibility by our police department as well as my park department employees throughout the day and also on the weekends. And if you go into your packet I've included a letter from our chief of police in regards to this matter. Another reason, lighting - the lights are there for security and also for some...inaudible...night skating if our residents chose to do so. Also the fencing - a very important factor in regards to controls the flow of skating in that area and for security.

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Restrooms - they are already available. The skate pad area - already available to us. Also as you all know, in the summertime the Dogwood location is the major hub of all of our youth activities in North Canton. It only makes sense to locate in that area - we have a pool, we have the ball fields. That is the area our kids come to in our town in the summertime. And also too, if you would look at your photo number 1, would you please look at the proximity of residents within that area? The closest resident to that property location is 310 feet away. And also too, the added bonus, I know we all had a little chuckle about EMS being there, but it's also a comforting feeling to know that it's there if it is needed. Moving on to some secondary options or locations that we did consider. And the secondaries we have considered and I'd like to talk why those were not number one primary decision. The other Glenwood Park, photo number two that you have in your packet. The proximity to residents once again. The nearest house in that location is only 100 feet away, as you can see. We have no restrooms there. The nearest restroom would be the Clark station on the other side of South Main Street. And I don't think that's a very safe thing. And I don't think Clark would appreciate kids going from that location to use their restroom all the time. And I wouldn't want my child crossing that street. Also too, at that location there is no lighting. The next location that was considered was Witwer Park. Once again your photo number 3 in your packet. Once again proximity to residents. The closest residence there is only 50 feet away. And as you all know, at that location we have 3 tennis courts there. Okay. That court - those three courts have the highest volume used tennis courts in our city. And as you all know we don't need three courts for a skate park - we would like to have two. And as you all know - well maybe you don't know, but I'll inform you, skateboarding and inline skating and tennis do not go together. And also our middle school physical education classes use that during the school year for physical classes. Photo number 4, Price Park. Once again proximity to residents. And as you all know in 1989 with the completion of the walking path, one of the nicest things we've ever done in this city, with the help of the Rotary, with that completion, it is now the busiest park in our city. Probably one of the busiest parks in the county after that. We already have a volley ball court located in that area. And the additional green space, which we do have available there, in the Spring and also in the Fall, is used for youth soccer practices. The next location, East Maple - and I know a lot of people have discussed this location. Once again we have restricted parking. As many of you know if you have gone by East Maple ball fields in the summertime, we do not have enough parking there now. Okay. And also too, the city owned property that we do have is either wetlands, which all know you can't build anything on. And we have a nature trail there now so that kind of defeats the purpose doesn't it? We have ball fields located there and also the parking lot. And also, may I remind council of our lease agreement, which we do in effect with the Little League until 2018. So as you can see, we have a lot of different locations, but we did narrow them down. Let's say we had a perfect world and we had an area which we could develop a skate park, alright? If you would take everything that we have in - at all those locations - the path, the fence, the lighting, the restrooms and we would start from scratch and build it up, which has been suggested, it would cost us \$125,000.00. Think about that. Versus the 35,000 that we want to develop the Dogwood area. Now what makes good economic sense? Just in closing, I'd just like to say that these kids are not asking for anything more than what our city has given the football teams, the basketball players, tennis players and soccer players. All they want is a safe place for them, that they can call their own. Thank you.

Mr. Snyder: Mr. Cooksey, one question sir.

Mr. Cooksey: Yes.

Mr. Snyder: Do those require adult supervision at those or are they just at the - open to the kids? And how do you perceive that?

Mr. Cooksey: I perceive this - you post it, you skate at your own risk. If you do supervise them and something happens, I'm sure Roy can enlighten us much more on this, but everywhere we go supervision is not required on these. And really it's no different than we open up our city parks...inaudible...

Mr. Snyder: Okay, thank you sir.

Mr. Cooksey: Yes. And also at this time Mr. Mayor and Council, I'd like to present 600 petitions in favor of the skate park at Dogwood. Thank you.

Mr. McLaughlin: Mr. Cooksey, I'd like to congratulate you on a very nice layout - very nice.

Mr. Cooksey: Thank you.

Mrs. Kiesling: Yea, thanks for the info.

Mr. Snyder: Is there anyone else in the audience wishing to speak to Council? Okay.

Mr. Osborne: Is it possible I speak at this time?

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Mr. Snyder: Regarding what sir?

Mr. Osborne: Address Mr. Cooksey's statements.

Mr. Snyder: Well actually I can allow it - I don't know how that works. That's - that is not - I don't know what you could do on that.

Mr. McLaughlin: We can do - we can address that at the end under - as we go around.

Mr. Osborne: That's fine.

Mr. Snyder: Is that okay?

Mr. McLaughlin: Is that okay? If that's okay.

Mr. Osborne: Sure.

Mr. Snyder: Alright. At this time - you know last week we had a moral claim presented by Mr. George Mangus, relative to a spiking of his water. And rather than going into formal claim it was decided amongst the majority of the council members that we would ask for a voice vote to pay or not pay that. And so the claim I believe is \$85.00, which is the difference of his ten year history and the spiking in that one month. And what it would in effect be is a bookkeeping entry as that bill has not been paid. So we would authorize the Director of Finance to forgive that portion of the bill as it - at my suggestion it was not paid. So at this time I would ask the Clerk to call the roll as to giving Mr. Mangus an \$85.00 credit or not giving him an \$85.00 credit.

All members present voting:

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

No: 0

Mr. Snyder: Okay, thank you.

Mr. Foltz: President, may I address Council?

Mr. Snyder: Please, sure.

Mr. Foltz: Just to follow up with that, I think we should look at those on an individual case by case basis. And be very - well investigative and do our homework on it basically. Because what I don't want is to set a precedent and every time somebody has a water bill that's even 5 or \$10 more than they think, that they come to Council for a moral claim.

Mr. Snyder: I agree with you Member Foltz. Unfortunately had we no - no way of knowing the truth. The Administration - as you know we looked at every avenue. But we should always address them individually because we could flood the place with - it would be counterproductive of what we're trying to do. But those are very good comments. Thank you. The next thing we did also last week discuss the grant from State Fire Marshall's Office to the Chief of Fire Service - he's applied for a grant. And we do also need a voice vote just to authorize that procedure. And would the Clerk please call the roll?

All members present voting:

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

No: 0

Mr. Snyder: Thank you. Under old business...

OLD BUSINESS

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

Ordinance No. 13-02 - Third Reading

Ordinance No. 13-02 amending subsection 5. Meetings and Hearings: of CHAPTER D. Zoning Board of Appeals and Interpretation, Section III. ADMINISTRATIVE REGULATIONS, of Ordinance No. 2940, Zoning Ordinance of the City of North Canton, to change the notification requirement for a variance procedure.

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Mr. Snyder: Chairman Osborne.

Mr. Osborne: Yes, this is our third reading on this. This is a change of I believe it's two words in the wording in the notification requirement for variance procedures. There's no substantial change, just a clarification in the notification procedure.

Mr. Snyder: Okay. Any other comment?

Mr. Osborne: Kathy, you have anything?

Mrs. Magel: No.

Mr. McLaughlin moved and Mr. Osborne seconded to **adopt the third reading** of Ordinance No. 13-02. All members present voting:

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

No: 0

NEW BUSINESS:

11. Mr. McLaughlin moved and Mrs. Magel seconded to **read by title only, first reading** of Ordinance No. 27-02. All members present voting:

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

No: 0

Ordinance No. 27-02 - 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 to enter into a contract for the Westview Circle project and declaring the same to be an emergency.

Mr. Snyder: Chairman Magel.

Mrs. Magel: Yes, as discussed last week, there has been a widening scope of this project. We're taking the Westview Circle and we're going to combine it with a sewer project. It ends up now with a combination and the widening of the scope to be \$275,000.00 for this particular project, of which 175 was already appropriated. And for the most part we agreed last week to include the widening of the scope and include the extra \$100,000.00. If that's the case then this would be coming from 5929 for the amount - dollars of \$245,000.00 and also coming from Item No. 7951, \$30,000.00 - together adding \$275,000.00. Taking care of both projects then on Westview Circle. And also ask to be on emergency basis.

Mr. Snyder: Okay. Any other comment? If not...

Mr. McLaughlin moved and Mr. Foltz seconded to **adopt the first reading** of Ordinance No. 27-02. All members present voting:

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

No: 0

Mr. McLaughlin moved and Mr. Foltz seconded to **suspend the rules** for Ordinance No. 27-02. All members present voting:

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

No: 0

Mr. McLaughlin moved and Mr. Foltz seconded to **adopt under suspension of the rules** Ordinance No. 27-02. All members present voting:

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

No: 0

12. Mr. McLaughlin moved and Mrs. Magel seconded to **read by title only, first reading** of Ordinance No. 28-02. All members present voting:

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

No: 0

Ordinance No. 28-02 - First Reading

Ordinance No. 28-02 accepting the Vacation and Dedication Plat of temporary turn around roadway easements on Butler Street S.E. (City Lots 6053 & 6054) in the City of North Canton, Ohio and declaring the same to be an emergency.

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Mr. Snyder: Chairman Magel.

Mrs. Magel: Yes, I believe this is the same wording, although it looks a bit different. What we're doing is we're getting rid of the temporary turn around and we're replacing it with a permanent vacation on Butler. Is that correct?

Mr. Benekos: A permanent easement.

Mrs. Magel: Pardon me.

Mr. Benekos: A permanent easement.

Mrs. Magel: A permanent easement on Butler.

Mr. Benekos: Correct.

Mrs. Magel: Okay, we discussed this. That's a dead end street. And I believe we have permission from all property owners, signatures, it's - actually it was their request. Any questions?

Mr. Snyder: No. Okay...

Mr. McLaughlin moved and Mr. Osborne seconded to **adopt the first reading** of Ordinance No. 28-02. All members present voting:

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

No: 0

Mr. McLaughlin moved and Mrs. Magel seconded to **suspend the rules** for Ordinance No. 28-02. All members present voting:

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

No: 0

Mr. McLaughlin moved and Mr. Foltz seconded to **adopt under suspension of the rules** Ordinance No. 28-02. All members present voting:

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

No: 0

13. Mr. McLaughlin moved and Mrs. Magel seconded to **read by title only, first reading** of Ordinance No. 29-02. All members present voting:

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

No: 0

Ordinance No. 29-02 - First Reading

An ordinance authorizing the Mayor of the City of North Canton, through the Board of Control, to enter into a professional service agreement for an engineering study of the four (4) storm water retention basins located at 5th Street, 7th Street, Dogwood Avenue and Woodside Avenue to determine the hydraulic adequacy of the basins including the inlet/outlet structures and the physical condition and declaring the same to be an emergency.

Mr. Snyder: Chairman McLaughlin.

Mr. McLaughlin: This is something we want to look at for awhile - the four retention basins in the city to make sure that they're adequate enough to take the heavy rains, that they disburse it in time and make sure that the depth - that the sediment has eroded the depth of the four retention basins. I assume you're going to do this as soon as we can in the springtime.

Mr. Benekos: Correct.

Mr. McLaughlin: Thank you.

Mr. Snyder: Any other comments?

Mrs. Magel: Yes, for the record, it's coming out of 5529, for the amount of approximately \$15,000.00.

Mr. Snyder: Okay. Thank you.

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Mr. McLaughlin moved and Mr. Lindower seconded to **adopt the first reading** of Ordinance No. 29-02. 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. 29-02. 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. 29-02. All members present voting:

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

No: 0

14. Mr. McLaughlin moved and Mrs. Kiesling seconded to **read by title only, first reading** of Ordinance No. 30-02. All members present voting:

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

No: Foltz and Magel.

Ordinance No. 30-02 - First Reading

Ordinance No. 30-02 amending Section 1.A. of Ordinance No. 5-2000 in order to provide for an increase in water rates and provide for the billing and collection of water rentals.

Mr. Snyder: Chairman McLaughlin.

Mr. McLaughlin: We -- last week we discussed this on Option B, but in your packet there's Option C. There was some concern on whether the outside rates were too high. We tweaked them a little bit and I'd like to propose Option C on Ordinance No. 30-02. And what Option C does it keeps the inside rate at 75 cents, it gets the outside rate at 50 cents flat. And business inside consolidates the four ranges of the two, making it 2.75 for the low end, 2.50 for the high end. Money wise it drops us at about 35 or \$36,000.00. Julie, I don't have the figure with me.

Mrs. Herr: It's about 60...inaudible...

Mr. Lindower: 36,000

Mr. McLaughlin: 36,000

Mrs. Herr: 60,000...inaudible...

Mr. McLaughlin: over 60 - excuse me...

Mr. Snyder: It goes to 686,000...

Mr. McLaughlin: it goes to 683,035.00 and it should take us through to - hopefully to the year 2005. But again, I recommend that we - every January that Council looks at these and see where we're at. And we can tweak it, adjust it and do whatever we can, but I think that it's a necessity that every January we look at these things. So I'd like to propose Option C...

Mr. Batista: Okay, well I think what happened was Option B came out of your committee.

Mr. McLaughlin: Right.

Mrs. Kiesling: Yea.

Mr. Batista: So I would like to have a motion to amend Ordinance 30-02 to be Option C.

Mr. McLaughlin: I will - I will do that for Option C.

Mr. Snyder: Chairman McLaughlin, a privileged question if I may. That does include the proper funding mechanism for the borrowing of the money to do the water treatment plant and some money for exploration. Is that correct?

Mr. McLaughlin: There'll be - there'll be some money there, yes. That - what it does is the money will be for the paying back the water tower notes - also for the expansion and the - and the...

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Mrs. Kiesling: Upgrades.

Mr. McLaughlin: Upgrades. Excuse me.

Mrs. Herr: Yes.

Mr. McLaughlin: That should take care of it...

Mrs. Herr: Yea, it's just that in 2005 there's a projected deficit. So something will have to be done prior to that.

Mr. McLaughlin: And I think that one of the things we did discuss after council last week, and I apologize I was going out of town I wouldn't be back till...inaudible...after Sunday, was I got together with Rich and the Mayor and myself and had a little guidance from Rich and I appreciate the staying over and taking extra time and the foresight. So that's where Option C came out to be. And I think it's a fair plan. Some of the council members were concerned about the outside rates. We adjusted them and I think it's fair for everybody. It gets us around to be that an average bill will go up 75 cents per 1,000. An average \$3,000.00 or 3,000 gallon bill it will go up \$2.25 per month. I think it's a fair and equitable solution to our money problems.

Mr. Snyder: Member Foltz, you had some comment did you?

Mr. Foltz: Yea, I just want to repeat some of my comments. And we can go ahead and vote or whoever else might want to talk. Basically, you know, everyone knows I've been against this. I've held the same position for two years. And just to repeat some of my earlier comments, I believe through Ordinance 2943, in 1970, and Ordinance 33-84, in 1984, that legislation was passed by former councils that basically allowed a half a percent of the one and one-half percent income tax to be allocated toward debt service, towards any improvements to our water treatment plant. And as a comprise, I looked to raise rates only 25 cents and to use a portion of that towards the water treatment plant upgrade and expansion. Okay. And basically, just to go over those figures, we had total treasury investments as of 12/31/2001, of \$18,751,000.00 and that increased from 13,705,000 from June 30 of 1997. So basically, my total allocation out of those total treasury investments, all said and done, upgrade and expansion, would of be \$5,000,000.00 out of that fund. That still would leave us - and I know we - Julie, you brought it up last week, it might get into other projects. But that - to my figures just without getting into any other capital improvements anywhere else, we'd stay current with around 13, \$14,000,000.00 treasury fund balance that's invested. Another reason I'm not for it and for the water plant expansion and upgrade, is basically I don't feel it's fair that in two years, we raised rates in 2000, 40 cents for our residents and also this year 75 cents, for a 72 percent increase. I don't think we should put the improvements and upgrades on water treatment plant on our constituents' or our residents' backs. We have other ways to pay for a good portion of it. And I do feel that the plant makes money now. I know obviously if we get bonds or notes and we're going to have to pay for those and if we're going to use the treasury fund that - which I would like to do, or a portion of it, we still show in the year 2001, after operating, maintenance and repair costs are deducted from our revenues, we show net revenue of \$787,000.00 last year in the water treatment plant. So, you know, my vote's going to be where it is. I respect everyone else's opinion. And that's all I have to say at this time. So Jon, if anyone else had anything else to offer feel free to...

Mr. McLaughlin: I do want to do a rebuttal real quickly. And we went over this 6 or 7 times. The ordinance you were talking about, Roy said last week appealed by the vote - the voters of North Canton in 1984. Am I right Roy? That's - to me it's null and void it was taken back. Second of all, it costs us \$2.78 to produce a 1,000 gallons of water today. And we've been - by subsidizing it to a quarter, we're still losing money for the inside residents. And I think it's about time that we raise it to the fair share. I think the outside the overall average is \$3.41 for the State of Ohio. We've been through over and over and over. As for the - as for our balance in our so called rainy day fund, well Julie has said numerous times I'm sorry but look it keeps going down. We've got the repaying of the Hoover Company, we're not getting the interest on our money as we had before, we're losing some of the - some of our city income tax that we had collected from the city of - or from the Hoover Company in itself. That fund is not growing like it has been - it's going down. And with some of the projects we have it's going to go down further. I think Julie made a comment that hope - that by the end of the year it will down to about 11,000,000 - 11 or \$12,000,000.00. Am I right or am I wrong?

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Mrs. Herr: That's what it's estimated.

Mr. McLaughlin: Okay. And I think that...

Mrs. Herr: Could be more, could be less.

Mr. McLaughlin: Right. And I am not going to dig into that fund. I think it's about time it becomes self-sufficient. We haven't had a raise in almost 16½ years. We had one a year ago or two years ago. I think it needs to be going ahead and getting this thing self-sufficient. And I think it's fair and equitable what we've done with the 75 cent inside and 50 cent outside. Again, we've been over this for the last four weeks. I think it's time to vote on this issue and put the metal to the pedal.

Mr. Snyder: One thing though Mr. McLaughlin that you might also understand, that figure of \$2.71 does not represent a true figure.

Mr. McLaughlin: Right.

Mr. Snyder: It's in excess of \$3.22 with infrastructure repair. As we've talked about, we don't know a business and that is a business that belongs to the residents of the City of North Canton and they deserve at least an even return on their investment. Because I'm sure down the road if we do as some people want to do we will raising our income tax instead of our water rates. But anybody else wishing to comment on that - quickly? Please...

Mr. Osborne: Yes, I would like to say something. The very first week we started talking about this I did a cost of inflation analysis - very simple, it only took 15 minutes. If we'd had just built in cost of inflation since 1984 our rates, just keeping up with inflation, would be around \$2.86 a 1,000. I think the mere fact that it's 16 years with no rate increases, it's tough to bit the bullet, but it's catch up time or we're going to lose the plant. And I think going 16 years with no rate increases what so ever is a dereliction of duty. And we've come a long way here from proposals of 25 cents increase or 30 or 40 or even 50. At least we're getting up into a break even point as far as our production and distribution cost. And as Mr. Snyder pointed out, there are additional costs over and about that - debt repayment costs, which brings our water cost to around 3.25 a 1,000 so we're taking a big step here. Something that hasn't been done in many years. They had a chance to do it in 2000 and just put a band-aid on the situation. So as Mr. McLaughlin said, for a 3,000 usage - minimum usage, we're looking at \$2.25. That's quite cheap for the good quality of water that we have for our residents. So I'm very much in favor. Thank you.

Mr. Snyder: You're welcome. Any other comment?

Mrs. Magel: I have a question. Are you going to raise the rates from the 650 to \$1,000.00?

Mr. McLaughlin: When I...

Mrs. Kiesling: We..inaudible...that yet...

Mr. McLaughlin: That will be at another time - we're going to be looking at that, yes.

Mrs. Magel: Okay, but not on this...

Mr. McLaughlin: It's not tonight - not on tonight, no.

Mrs. Magel: Okay.

Mr. McLaughlin: This is strictly just the increase here.

Mrs. Magel: And Julie, this particular 75 cents will be going for the debt service - we will be taking a loan out?

Mr. Snyder: A portion of it will towards it.

Mrs. Herr: We will - yes, either a loan or notes or a loan through the EPA. Some sort of financing for the water treatment plant.

Mrs. Magel: Alright. The reason why I asked is, it's nice it's a jingle - we haven't raised our rates in 16 years. We raised our rates two years ago. The band-aid that we put on for 40 cents two years ago was supposed to be this pay down and this what we were told. That this was and would be going towards a loan. It was going to go towards the same loan that we're talking about for the - for the now - this new 75 cents. So it was not a band-aid. It actually was we were told, was for the water treatment alone for the water treatment upgrade. And we thought

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we had taken into consideration the debt service for it, but it never happened. And because of that we're here today, two years later, raising our rates again. I guess I want to just add something very quick onto what Doug said, cause as Rick had mentioned we've done this over and over and over again. We're talking about looking at raising our water rates every January. Sometimes I think we're taking the easy way out. We need money raise the rates, raise the rates, raise the rates. There's been some alternatives suggestions here, but they weren't even considered. Perhaps between now and next January, we can look at some other creative ways. Everyone knows and everyone is for the water treatment upgrade and expansion. I believe all seven of us with conviction are for it. It's just how do we pay that debt service off. And instead of cramming everything maybe in two, three weeks, maybe we could just take a look at this. Knowing it's coming up in January and we'll look at some other creative ways instead of just increase the rates, increase the rates, increase the rates. Thank you.

Mr. McLaughlin: Can I make one comment further? Kathy, we're not raising the rates every January. We will look at them.

Mrs. Magel: Right.

Mr. McLaughlin: I think that when Mr. Sarbach was the head of this I think he did a good job of raising it back two years ago to get where we were. Second of all is we didn't take out all the money that we were originally planning on doing. We took out the \$1,000,000.00 to put out a water tank and we took out a few more dollars for the waterline if I'm not mistaken. We still have...

Mr. Snyder: 900,000

Mrs. Kiesling: 900,000

Mr. McLaughlin: \$900,000.00 left in the water fund or for the waterline, which we never did. So we really didn't take out the full amount. And I think that, you know, that's one of the things we didn't do. Yes, we raised our rates back then. Yes, we try to keep up with the cost of living. Yes, we try to keep up with the cost of chemicals and running the plant and everything else like that, but it just didn't happen. I think that - I think that this is a fair plan. I think that in the past that we tried to do that. I made the comment when Mr. - when Mr. - Greg was head of - chair of the water and - or the water and rubbish committee, I asked then that we look at this every year. It's in the minutes the year that we raised it those few cents and everything else like that. And I think it's a must. I think it's one of those things we didn't do. And I wanted to do it back in last year, but nobody was, you know, nobody was interested in looking at that and everything else. But I think we've done a good job of getting where we're at and I think we need to go forward with this thing and do it quick. The other thing with the option that we're looking at is the revenue that we'd like to get in starting in April. We'd like get - have it back to back with the upgrades and the expansion all together to save the city some money. By doing it together I think we can save a few - a 1,000,000 or plus by doing. And if we didn't do it right now, then our change is going to cost us about a \$1,000,000.00 because of the new state laws that are coming into effect. So I'm glad we're getting this thing kicked out and on its way now.

Mr. Snyder: Another thing Mr. McLaughlin that you must, I think, be fair, Mrs. Magel stated the 40 cents. We spent \$3,500,000.00 of water revenue funds for either expansion or upgrading that plant under the previous administration. As you know every week we had a water emergency.

Mr. McLaughlin: Right.

Mr. Foltz: That's right.

Mr. Snyder: So if you figure 40 cents only generated about \$700,000.00, so that's a 1 million 4. So in a fact we spent 2.1 million dollars of general operating money and water money. So had we borrowed the 8,000,000, we still wouldn't of - it would of not been enough. Because we have one of the lowest administrative and delivery costs in the state. It's less than 20 percent for one of the finest products. So that's all I'll say. So at this time I'll entertain a motion to amend Ordinance No. 30-02 to read for Option C, Mr. McLaughlin's second proposal.

Mr. McLaughlin moved and Mr. Osborne seconded to **amend Ordinance No. 30-02** to read for Option C. All members present voting:

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

No: Foltz and Magel.

Mr. Snyder: Alright, may I...

Mr. Batista: Adopt the first reading as amended.

Mr. McLaughlin moved and Mr. Osborne seconded to **adopt the first reading, as amended** of Ordinance No. 30-02. All members present voting:

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

No: Foltz and Magel.

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Mr. Snyder: Again, I would just like to reiterate all the hard work of Chairman McLaughlin, members Osborne, Magel, Kiesling, Lindower and Foltz. You all put a lot of work into it. And thank you for your - the way you deliberated, as ladies and gentlemen; it's much appreciated from the Chair.

REPORTS:

Mr. Snyder: Any report from Director of Law?

Mr. Batista: No report.

Mr. Snyder: Director of Finance.

Mrs. Herr: No report.

Mr. Snyder: Director of Administration.

Mr. Held: Yes. In November we had a spike in our unaccounted water at the Water Treatment Plant. It was approximately 27 percent. Rich is that correct?

Mr. Steinhebel: Yes.

Mr. Held: And at that time Rich Steinhebel over at the Water Treatment Plant and the Water Distribution Team looked into it and we finally resolved that issue. We're back down to 1 percent of water is now unaccounted for and the national average is 15 percent. And what we did is we worked with a leak detection company that went through and they surveyed all of our water mains throughout the entire city. We did locate various leaks, which we addressed at that time. And in addition to that we had to make some adjustments to our monitoring equipment out at the - one of the water towers. And so it's back in check and running smooth.

Mr. Snyder: That's good news. Mr. Mayor, have any comments?

Mayor Rice: Just one thing. Jon, the - let Council know that the City and the Police Department received a grant for our D.A.R.E. program last week from the Attorney General's Office, Betty Montgomery. And delivered a check to Julie in the amount of \$10,962.00 for our D.A.R.E. program again. They continue to support our city D.A.R.E. program. And wanted to make Council aware that money is still coming. So we appreciate that support from the Attorney General's Office.

Mr. Snyder: That's great.

Mayor Rice: That's all sir.

Mr. Snyder: Thank you sir. Mr. Engineer.

Mr. Benekos: No report.

Mr. Snyder: Thank you. Madam Clerk.

Mrs. Bittle: No report.

REPORTS - COUNCIL:

Mr. Snyder: Member Foltz.

Mr. Foltz: A couple things Jon. Is Kim still here?

Mr. Cooksey: Yea.

Mr. Foltz: Kim, nice job on the presentation for the proposed skate park. As everyone knows, I just want to remind council, this was brought up appropriation ordinance in December, it went through committee, it went through a vote of 7-0 for - three weeks ago or two weeks ago from council. In my opinion the money was legislated to be spent. And I put it in the administration's hands, looking at everything that Kim brought up as far as where this actually goes. And I think in all - all indications it should go at Dogwood Park. And I do also believe it's the best location for the skate park. And I'd just like to try it and get it done, because I think our kids deserve that this year. And we can all discuss where it should be, how much we should spend, but the bottom line is this has been long coming as far as for this council, at least to this point. I think our kids are looking forward to do this, this summer yet. And I think if we get this bid out and Kim indicated through the Rec Board meeting earlier today, he's working with Jim to do so. And hopefully we can get bids back and maybe get something going by June or July. And that's all I have to say on it. To me it's a

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settled issue. Unfortunately one individual came up and discussed how he couldn't play tennis there. I thought we more than addressed his concerns and needs. And I hope that we can move forward with this and build this park for our children and youth in the city and elsewhere. Thank you. Second thing Jon - Julie, maybe you'll remember when the ordinance of '84, the income tax ordinance came out, was that a bond or a note that we paid on; the \$450,000.00 a year? Do you remember?

Mrs. Herr: It was a bond.

Mr. Foltz: Okay. Where did that money come out of?

Mrs. Herr: The money to repay it?

Mr. Foltz: Yea.

Mrs. Herr: It came from the...

Mr. Foltz: Did it come out of the water fund or did it come of the...

Mrs. Herr: It came out of the income tax fund.

Mr. Foltz: It came out of the income tax. So my last rebuttal here, even though it's past, is that the reason we didn't have any rate increase in 16 years because we used ordinances that council earlier to pay for a debt service. It's that simple. We're not doing so now. So that's all I have to say. Thank you.

Mr. Snyder: Thank you. Member Lindower.

Mr. Lindower: Yea, I'd like to briefly say that in regards to Councilman Foltz's remarks, I represent Ward 2, I had one individual contact me in regards to any negative input on the skate park. I have had no other people call me in regards to negativity of taking the tennis court and placing a skate park there. So as far as I'm concerned I feel that the folks in that particular area are content with what we're doing.

Mr. Snyder: Thank you sir. Member McLaughlin.

Mr. McLaughlin: Yea, I want to thank the City Administrator for making a call or two with me on some constituents and working out some problems. I appreciate that very much. Appreciate the answering of the memos. Did solve some problems and I appreciate that very much. Julie, one question I do have to ask you. We have \$200,000.00 still in a Zimber Ditch fund? Is there 200,000?

Mrs. Herr: I believe it is.

Mr. Snyder: There's 3, right? If you're going to use my money from ward here I get a little nervous.

Mr. McLaughlin: No, that's what - that's exactly what I'm going to bring up right now.

Mrs. Magel: Power first.

Mrs. Kiesling: Not going to happen.

Mrs. Magel: Power first.

Mrs. Kiesling: There you go...

Mr. McLaughlin: That's exactly...no...

Mrs. Kiesling: Go ahead though.

Mrs. Herr: We have 300,000...inaudible...

Mr. McLaughlin: Right. And I'd like to say if we're not going to use that, I think there's some residents down in the 4th Ward that I'd like to see something done. And I'd like to see...

Mr. Snyder: Keep it up.

Mr. McLaughlin: Hey, I'm helping him out. I'd like to see something done with money. So we do a street or two down there and then get that thing done. Because I don't think the Zimber Ditch - anything is going to happen with that this year. But I'd like to see a project down in the lower half of Ward 4. Stating my case now.

Mrs. Kiesling: Are you sick? Are you okay?

Mr. Snyder: Is that all I get for 20 bucks?

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Mr. McLaughlin: Stating my case now.

Mr. Snyder: That's all I get for the \$20.00 I gave you.

Mr. McLaughlin: That's it and a free steak dinner.

Mayor Rice: Yea, exactly.

Mr. McLaughlin: But I'd like to see something, I really would. I think those people need it down there. I think there's some streets down there that need to be attended to and everything else like that. I'd like to see that if possible.

Mr. Snyder: Well, thank you.

Mayor Rice: I think Rick if I could speak to that. Julie, correct me if I'm wrong. I think why we didn't get any other projects on the books this year was - it wasn't that the money wasn't available to do the street, but it was the funds not available to do like the - at those streets...

Mr. McLaughlin: Right.

Mayor Rice: they have waterlines that need replaced.

Mr. McLaughlin: Right.

Mayor Rice: Sewer lines to be replaced. And the money is not in that water fund in particular to fund the water projects so we felt it was a little irresponsible...

Mr. McLaughlin: Okay.

Mayor Rice: to go in and pave a street that next year, when we have the water money to do it, we'd have to go back and tear it up to put a waterline in. So you've got to understand you've got to fund

Mr. McLaughlin: Right, and...

Mayor Rice: All aspects of the project there.

Mr. McLaughlin: I understand. But I think...

Mayor Rice: So you've got to have funds in maybe two or three different funds to be able to do those.

Mr. McLaughlin: Okay, hopefully...

Mr. Snyder: You know, one thing I knew on Harmon Mr. Mayor, we do have the infrastructure in there already.

Mrs. Kiesling: Yes.

Mayor Rice: Right...

Mr. Snyder: So we could.

Mr. McLaughlin: Right.

Mayor Rice: Right. There may be some little ones there that you can pick up.

Mr. McLaughlin: Right.

Mr. Snyder: You may be able to get one done...

Mr. McLaughlin: The other thing that I want to point out too and in rebuttal to Doug is, for the last - since I've been on council, we have taken projects and we have really accelerated them for the last ten years in the different wards. And every time we do a street project with curb and gutter we replace that waterline. Now I know we've got to have spend at least four to five million dollars in the last ten years replacing infrastructure problems with waterlines. So yes, we have been using our money to fullest replacing the older lines and everything else. So I'm sure that is also contributed to why we're at today. But I - you know, and if you look and see proportionately in the last five years of where that money went to ward wise, you have a good idea of where the new infrastructure went into. I'm done.

Mr. Snyder: Thank you. Member Kiesling.

Mrs. Kiesling: No report.

Mr. Snyder: Member Magel.

Mrs. Magel: Your constituents will be real proud of you Rick.

Mrs. Kiesling: Hey, I'm proud of him.

Mr. McLaughlin: Hey, you know, it's - you got to do something. I mean there was people up here last Monday night and I - they caught me on the way out and they caught a moment of my heart that says hey look something needs to be done.

Mrs. Kiesling: Oh man, they...inaudible...

Mrs. Magel: I would like to point out to you that in your packets there's a letter dated February 21, 2002 - page 5 of the 2002 work plan provided by the City Engineer has been revised. Please substitute this page for the one in your copy. I'd like you to notice there's been a change in the Main Street utilities and make sure that you make your substitution in your packages. Jim assures me there'd be no difference in appropriation.

Mr. Snyder: Well that's good.

Mrs. Magel: What about that letter Jim?

Mr. Benekos: I got it.

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Mrs. Magel: Okay. That's all.

Mr. Snyder: Mr. Osborne.

Mr. Osborne: I'd like to address the skate park issue. Number one, Mrs. Laura Abrashoff would like to have her name taken off that petition. It was presented to her that this was a petition for people in favor of a skate park, period. There was no discussion as to where it would be put. Secondly, it's been made real clear to me with this skate park situation that Council needs to use the suspension of rules very gingerly in the future. It is unfortunate that the skate park funding was passed on a suspension of the rules which means the legislation is only read to the public one time and voted on and passed in that very single night. Normally it's read on three successive or three Mondays over a six week period. That way the public gets to participate and get involved in a process. I have gone out myself and as I reported last week, between myself and Mr. Gooden we collected about 140 signatures. Unfortunately I wasn't available this weekend. Every single resident I've talked to on Dogwood is not in favor of that location. I'd like to emphasize I am in favor of a skate park. But as I mentioned the very first time this was brought up in Council of the Whole, I had some concerns about the noise. But I also mentioned that there was a very high density of recreational activities that go on in a very small area. You have league sports, you have the Jaycee Fair, you have the pool, you have the tennis courts, you have the basketball courts, you have picnic facilities, you have the rental facilities and if you talk to anybody down there on Dogwood, 10th, 7th, anywhere in that area, they will tell you the parking problems, the congestion. Again, I'm not against the state - skate park. Now in the last few weeks I've gotten quite educated on skate parks. I've visited Canton's city skate park. I think most people would tell you it's not in very good repair. I've visited Joe's Skate Park in Green. It's an indoor facility - a commercial facility. They require a waiver and it starts out at the very beginning the risk of injury is significant and they want to make sure that people understand that. Their facility is supervised. Even though they allow inline skating, skateboarding and biking all in the same area, it is supervised. It's my understanding they want to limit this to just strictly skateboards. But unless somebody is there supervising, I don't know how you're going to control that. How you going to control the number of people that using it all at one time? How you going to limit the number of small children in there? Will they get run over?

Mrs. Kiesling: Can you answer that Kim?

Mr. Osborne: Well I talked to the Recreational Board today and I just brought up some of these issues.

Mrs. Kiesling: Well, do you have the answer?

Mr. Foltz: Well I can answer most of those questions Kim.

Mr. Cooksey: Doug, you already have. Let's go with this.

Mrs. Kiesling: Might as well get it done.

Mr. Foltz: First of all if someone is 3 or 4 years old down there without parental supervision, there's a bigger problem than them skateboarding okay, or inline skating. My experience with Canton, I don't think Canton's run down at so I take exception to that Chuck, I really do.

Mr. Osborne: Well, I've talked to...

Mr. Foltz: Okay, it's well used. And that's your opinion. And sometimes your opinion doesn't add to much point what we discuss up here. Okay.

Mr. Osborne: Well you go up and talk to Jay's Skate Park; they don't even consider that a usable facility. It's...

Mr. Foltz: I don't - that's then their private business.

Mr. Osborne: It's in very rough shape.

Mr. Foltz: We are covered under recreational user. Okay. And if you supervise something we're probably more liable than you are making stringent requirements or laws or regulations or supervise, that's the bottom line. This has been researched down in Canton and other municipalities. Roy, I'm sure you're going to look at that. I did say I was going to get you some information.

Mr. Batista: I'm nodding my head yes.

Mr. Foltz: I will do so. You probably already have looked at some other information.

Mr. Batista: Oh, I'm aware of the recreation user.

Mr. Foltz: You understand that being our legal representation.

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Mr. Batista: And you're absolutely right, once you exercise supervision you start to assume liability.

Mr. Foltz: Okay, we're taking a great concept here that allows children and young men, women of every age to help younger kids learn how to skate, skateboard and inline skate properly. That's what happens down in Canton. As far as I'm concerned this meets all the criteria. And as I said earlier I just can't wait till it's built. And I hope the administration moves forward with it. I think I addressed them all. Did I not address any of them?

Mrs. Kiesling: How do you keep the bikes off it?

Mr. Foltz: How do you keep the bikes off? Well we've discussed and this is going to come through committee meetings that Kim is going to set up with area youths as well as myself and some other people on this task force, to either use alternate days that they are allowed to use this or not use it at all. In Canton they're not allowed to use it, because they do destruct the existing skateboard equipment. We are looking at a different skateboard system right here...

Mrs. Kiesling: I agree.

Mr. Foltz: We're using a polymer or resin base type. It might be a high end base versus what was there two years ago. And that's something else we all have to understand. Things have changed greatly the last three, four years toward skateboarding. You know for 35,000 we could put this in, see how it works, we can change around configurations and not get hurt. The facility is already there. We always take another look at this down the road as far as where we want to be with any of our recreational services. All we're doing right now is just creating a place for the kids so they can not skate near the streets, not skate on the steps outside of here at City Hall, not skate on the Y. And when our law enforcement officers talk to them about it, at least now they can give them another alternative. They can say go to the skateboard facility at Dogwood - not go home. That's the bottom line in my opinion.

Mr. Osborne: Well the supervised facility up there at Joe's Skate Park, they require helmets. I don't know who's going to supervise and require safety equipment. Also they say here in an E-mail and I'm going to put this out later in the week, it says, do be prepared for about - do be prepared for injuries like broken bones and cuts that require stitches. They told me when I was up there visiting them they get a number of broken bones. I also visited Akron's outdoor skate park. Obviously they spent a lot - considerably more money. I just think we'd be better off to build a facility from the ground up incorporating inline skate trails, bike jumps for the bikers. Put all this in an area that won't disturb anybody, that's away from road work - roadways in the area. And these summer kind of activities can all be contained in a given area.

Mr. Cooksey: Mr. Osborne, you just received a question two hours ago at the Park and Recreation Committee. You say that we should build this thing from the ground up, I ask you again, where are we going to build it?

Mr. Osborne: That will have to be...

Mr. Cooksey: Thank you.

Mr. Osborne: If you've worked for three years on this I would of thought that you would of planned something from the ground up and design something for this. And prepared...

Mr. Cooksey: In my report that's what we've had. This is what we've had to work with. Okay? Other things have priority. You're talking about spending \$125,000.00 and telling the citizens here you're going to raise the water rates. My goodness, I wouldn't even submit a \$125,000.00 in the budget for the mayor and the administrator because it would of never got to you on council. I know better. I'm asking for \$35,000.00 to get this program off the ground.

Mr. Osborne: And I'm glad that...

Mr. Cooksey: This is seed money.

Mr. Osborne: I'm glad to give it to you. But this is not a good location. Every resident - you go down Dogwood, all the way down one side and up the other, there is too much activity. They have concerns over the parking; it's already a problem.

Mr. Cooksey: Didn't I address the parking earlier this evening? That is the most parking we have in anywhere in this city.

Mr. Osborne: I'm just telling you what the residents tell me.

Mr. Cooksey: Well, I'm just telling you back. Just drive up there you can see the parking. And face it, we all have an inconvenience during the Jaycee Fair week. Okay, everyone of us. If we don't like a lot of traffic, we avoid the area.

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Mr. Osborne: Well they live there, they can't avoid it.

Unidentified: Chuck...

Mr. McLaughlin: Mr. President...

Mr. Cooksey: That's right.

Mr. Snyder: Yea, we'll bring it...

Mr. Cooksey: But you have to remember that most - probably 80% of the kids that are going to be using this, are going to be between the ages of 9 and 16 years old. They will ride their bikes, their skateboard or their inline skates to that location to use it.

Mr. Osborne: I'm just reporting what the residents tell me. We had Mr. Gooden come in here. And everything he told me, I said wait a minute, you've got some good thoughts here. And the more I've investigated it the more I've found that people do not want it in that area. I'm sorry.

Mr. Cooksey: I agree. But one thing we haven't touched on yet and you didn't bring it either, the city paid, with the sideliners, with the school and also the city, went \$33,000.00 a piece to build five beautiful tennis courts up behind the high school. A lot of people don't even know they're there. They're less than 4/10's of mile away from Dogwood. If someone wants to play tennis they can go there. We have 18 tennis courts in this town, we're going to lose 2 to the skateboard park. We still have plenty of tennis courts.

Mr. Osborne: I have a letter here from...

Mr. Cooksey: I received the same letter.

Mr. Osborne: the superintendent. There are a lot of times that restricted, both in the Spring and the Fall, because the kids are practicing.

Mr. Cooksey: It's still a bargain.

Mr. Osborne: And bottom line the residents just don't want it in that area.

Mr. Snyder: Alright gentlemen, I'm ask now we bring this to a close. Before we'll continue all evening...inaudible... Is there anything else that you needed to bring?

Mr. Osborne: That's all I have.

Mr. Snyder: Thank you Mr. Cooksey, I appreciate it.

Mr. Cooksey: Thank you.

Mr. Osborne: Thank you. Thank you Mr. Cooksey.

Mr. Cooksey: Thank you Council.

Mr. Snyder: I have no comment.

FINAL CALL FOR NEW BUSINESS:

Mr. Snyder: Final call for business. Anyone in the audience wishing to speak before the Council? Feel -- Please step forward, state your name and address for the record. If not - no one wants to speak? Hope we've answered your questions. If not I'll entertain a motion to adjourn.

ADJOURN:

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

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

No: 0

The meeting ended at 8:00 p.m.

PRESIDENT OF COUNCIL

ATTEST:

CLERK OF COUNCIL