

RECORD OF PROCEEDINGS

Minutes of

COUNCIL OF THE CITY OF NORTH CANTON

REGULAR

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, February 28 7:00 p.m. 20 05

CALL TO ORDER:

1. The meeting was called to order at 7:00 p.m. by President of Council Jon Snyder.
2. The opening prayer was delivered by Rev. Tom Douce, Interfaith Campus Ministry.
3. All present recited the Pledge of Allegiance.

ROLL CALL:

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

5. Committee Reports

Finance & Property Committee: Refer to the minutes on file in the Council Office of the Finance & Property Committee meeting held February 22, 2005.

Ordinance, Rules & Claims Committee: Refer to the minutes on file in the Council Office of the Ordinance, Rules & Claims Committee meeting held February 22, 2005.

Parks & Recreation Committee: Refer to the minutes on file in the Council Office of the Parks & Recreation Committee meeting held February 22, 2005.

Personnel & Safety Committee: Refer to the minutes on file in the Council Office of the Personnel & Safety Committee meeting held February 22, 2005.

Street & Alley Committee: Refer to the minutes on file in the Council Office of the Street & Alley Committee meeting held February 22, 2005.

Water, Sewer & Rubbish Committee: Refer to the minutes on file in the Council Office of the Water, Sewer & Rubbish Committee meeting held February 22, 2005.

Mr. Lane moved and Mrs. Kiesling seconded to approve the committee report minutes as presented. All members present voting:

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

No: 0

Mr. Snyder: May I have a motion to excuse Member Lindower?

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

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

No: 0

6. Consideration

Minutes of Council Meeting: 02/14/05

Mayor's Court Receipts: January, 2005

Mrs. Kiesling moved and Mr. Foltz seconded to approve the council meeting minutes and Mayor's court receipts as presented. All members present voting:

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

No: 0

7. Recognition of Visitors

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

Mr. Osborne: My name is Chuck Osborne, 307 Fairview Street SE, North Canton, Ohio. I would like to address my comments to this Council regarding City Administrator Michael Miller's efforts to acquire 24 acres of wetlands in the Nimishillen Creek Floodplain without consulting and communicating with North Canton City Council. I would like to begin by saying that preservation of these wetlands and floodplain is important to me. It is important to Plain Township, to the Stark County Park District, and to the entire community of Stark County. And in that vein, I think that we need to realize that everyone can benefit no matter who becomes the environmental steward of this property. North Canton does not have to acquire this property to protect and preserve the wetlands. Any number of government entities who have attempted to acquire these wetlands could preserve this property for the benefit of all

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without any financial burden on the taxpayers of North Canton. Administrator Michael Miller and Mayor Tom Rice have totally ignored this option and would have this Council believe that acquisition of these wetlands by North Canton is the only option available and that is far from the truth. The truth is that the seller has been shopping this property for many years and the reason the property has not sold is that the owner is asking a king's ransom for the property. The Stark County Park District discussed acquisition of this property as far back as 1999. Also, Plain Township, where the property is located, has expressed interest in acquiring and preserving these wetlands over the years. North Canton seriously negotiated for these wetlands in 2001 and went so far as to have an appraisal done on the property. The appraisal dated April 5, 2001 valued the property at \$5,000 per acre. North Canton declined two offers from the seller four years ago. The first offer from the seller was for \$18,000 per acre on March 13, 2001. A second offer from the seller a few months later was for \$15,000 per acre made on June 10, 2001. If government leaders in Plain Township, the Stark County Park District and North Canton have passed on this property at an asking price of \$15,000 four years ago, why would you now consider paying \$22,500 per acre? And that price does not include the expense of \$50,000 in improvements the seller wants the City to make for his benefit and the fifty year lease of the property back to the seller for one dollar per year. We have all heard the saying that there is a fool born every minute. Well, I believe that the seller of this property has found two of these individuals right here in North Canton City government. Mr. Miller and Mayor Rice, why are you resurrecting this seller's pipe dream that the taxpayers of North Canton would want to pay far in excess of the fair market value for this property? Mr. Miller, you stated to Council in a memo dated February 9, 2005 that the Water Rate Utility Study was the basis for moving ahead with the purchase of these wetlands. One of the goals of that Water Utility Rate study is environmental stewardship. Environmental stewardship is what governments are expected to foster and promote and that is a worthy goal. But environmental stewardship should not come at the expense of fiscal stewardship. Mr. Miller's arguments at last Tuesday's council meeting for the acquisition of this, these wetlands are unsound and rely on scare tactics. The first scare tactic was that the property must be purchased to stop development. The August 6, 2004 appraisal of the property provides the following site description, "The subject site is generally level and low with a significant portion of the subject being in a flood zone". It goes on to say, "A significant portion of the subject property lies in a 100 year flood zone. During times of heavy rains a significant portion of the subject lies under 2 to 3 feet of water as the creek floods". And a soil survey from the Stark County Soil & Water Conservation Study indicates the presence of hydric soils, which would indicate the possible existence of wetlands on the property. "Most of the soils are either muck or sloan; therefore, a Delineation Study would be necessary if someone wanted to develop the site." Mr. Miller, it is laughable that you would attempt to tell this Council that North Canton must purchase this property to prevent development. Your own appraisal indicates that the likelihood of development on this property is very unlikely. The revelation in last Tuesday evening's council meeting that Administrator Miller had given the seller a \$6,000 payment as part of a six month option agreement is beyond comprehension. This expenditure and the agreement, which Administrator Miller signed, were without the knowledge or approval of City Council. Mr. Miller, what was the purpose of making a payment on an option to purchase when there was no one competing for the property at the price you have offered? It appears to me you were trying to keep Council from walking away from this deal rather than the seller. Who would you think this seller needed, why would you think this seller needed an incentive to bind him to this deal? This seller had finally hooked North Canton into paying more than \$22,500 an acre for property that only a few years earlier the City had declined to buy for \$15,000 per acre. Is it possible that maybe you were really just trying to make Council feel more obligated to approve this deal? What part of this deal do you think Council will focus on? The wholly unacceptable terms and the price you have negotiated or the loss of \$6,000 of taxpayer dollars if Council turns down this convoluted deal. This is a scare tactic on your part to force Council into a deal that is against the best interest of North Canton taxpayers. Another scare tactic last week was your comment that North Canton would lose the grant funds if it does not proceed with this deal. Quite honestly Mr. Miller and you, Mayor Rice, it appears as if you are working on behalf of the seller. You have argued vigorously for this deal that is stacked overwhelmingly in favor of the seller and against the taxpayers of this City. You have fashioned a deal that is in your own words, convoluted, and it makes North Canton a party to a blatant attempt to evade tax implications of the sale for the seller. What is the actual price of this property? In total dollars, the seller's sale price in 2001 began at \$364,140. Later that same year, the seller's price for the property dropped to \$303,450. In 2005, the sale price rises to \$540,000 with the owner contributing \$120,000 of the sale price back to the City. The net to the seller in this transaction is \$420,000. This is far higher than the \$303,450 that North Canton turned down in 2001 and it allows the seller to claim a fictitious donation in this deal. This same fuzzy math has been used to mislead the members of the NRAC who authorized a grant of \$180,000 for the City of North Canton to purchase these wetlands. It is my understanding that the grant to purchase this property is a 75/25 match with 75% of the purchase price coming from local sources. If you remove the fictitious donation from the seller, this criteria is not met. Mr. Miller, since you are Chairman of the Natural Resource Assistance Council for District 19, can one conclude that your position as chairman has what might be termed special privileges when dispensing these public funds? The numbers are

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being manipulated in a scheme to deceive everyone and I believe you know it. This deal by Administrator Michael Miller and Mayor Tom Rice has more holes than a hundred slices of Swiss cheese. There is an additional cost to North Canton taxpayers in terms of this proposed purchase that has not been quantified. Everyone here on this Council as well as in certain flood prone areas of the City is aware of the problems of the Zimber Ditch. What costs are the taxpayers of North Canton assuming when North Canton takes ownership of the West Branch of the Nimishillen Creek? I would like to conclude with what I believe are flagrant violations of North Canton City Charter that have grown out of the secrecy that has surrounded this deal. The North Canton City Administrator, Mr. Michael Miller, signed an Option Agreement for the purchase of this property nearly three months ago on November 22, 2004 without any consultation or knowledge of this North Canton City Council. This is a direct violation of Section 3.01 (4) of the North Canton City Charter. Which states, "The mayor shall sign, on behalf of the municipality, all contracts, conveyances of indebtedness and all other instruments to which the municipality is a party." Mayor Rice, is there any reason why you did not sign this agreement? And please do not tell me that you were unavailable. You know as well as everybody else in this room that this is a deal that nobody would want. The Option Agreement sets forth a purchase price of \$540,000 for the property. The negotiations and subsequent agreement to purchase this property has taken place without any consultation or knowledge of the North Canton City Council. Furthermore, Mr. Miller expended \$6,000 to secure a six month option and dispensed the funds nearly three months ago on November 30, 2004 without the knowledge of the North Canton City Council. The \$6,000 is to be deducted from the purchase price of \$540,000. This agreement is much more than a \$6,000 agreement but the purchase of property for a price in excess of the amount allowed by Section 4.05 of the North Canton City Charter and Section 735.05 of the Ohio Revised Code. These are serious violations of North Canton City Charter and show a total disregard for the system of checks and balances that is built into the process of city government. The secrecy in which the negotiations for this property have been held should unnerve every member of this Council. I would urge this Council to end any further discussions under the present terms for the purchase of this property and demand a return of the \$6,000 given to the seller without proper authority by Mr. Miller. I would urge this Council to direct Mr. Miller to partner with the Stark County Commissioners and allow the County to pursue acquisition of these wetlands for the benefit of the entire community. In this way, the goal of environmental stewardship is achieved and North Canton taxpayers are spared any further expense. Thank you.

Mr. Miller: Normally, I don't respond Mr. President but since this was a series of personal attacks on myself, I feel I'd like to lay out the facts a little bit better than Mr. Osborne did. The \$6,000 option to purchase was not a secret from Council. It was something that was negotiated by the Law Director with my assistance through the attorney for the Crowder family. It was done through about four or five drafts. It was done with consultation with the appropriate members of Council whose Committees that option would go back to. Council was aware of it. Going back to the original concept of doing options to purchase so that we had something to present to Council. Council discussed early on in 2003 the benefit of doing options to purchase and bringing it to Council so that Council could make the final decision up or down on purchases of property. Specifically, at that point in time, we're talking more along the lines of Zimber Ditch and it's potential acquisitions of property that would help us as far as drainage is concerned. But this one was discussed as well. In fact, this one was discussed with Council at the time that the legislation was changed when Council approved the application to the National Resource Assistance Council for the grant that we've received. The \$180,000. In addition, the pictures that were taken as part of that, were taken by somebody on the committee structure that was involved very much in water rate study and the whole idea of protecting the wetland up there not for the general benefit of the County but for the specific benefit of North Canton. North Canton, I can only assume, turned down a purchase in 2001 because there was a great number of questions swirling around the East Maple Well Field. The East Maple Well Field at that point in time was questionable. It was still questionable whether or not it had been polluted from somebody dumping off of Applegrove Road. If you back in stories, etc, etc or whether there's something else involved. Obviously, that situation's cleared itself up. We're in, we're going to be using the East Maple Well Field to produce anywhere from 2 to 4 million gallons a day for the consumption of North Canton consumers. That being the case, it's very important to us to preserve the integrity of the East Maple Well Field and make sure that we still have infiltration enough to produce the water we need out of the East Maple Well Field. If you look at some of our older wells, Price Park originally produced 2 million gallons a day. It's down to half a million gallons a day. Primarily because of the fact that we don't have the infiltration that we use to have because of the build up of houses and that stuff around Price Park. Same thing for Dressler, it's down a half million gallons a day from where it used to be. For the, again, the primary reason of development around it. So hopefully, we've learned our lessons and we're trying to predict this well field so that we can continue to produce enough water out of it and not have it continue to be constricted in the future as far as production. Stark Parks was in discussions with Mr. Crowder. Stark Parks was looking at it strictly from the fact of protecting open space. Plain Township was looking at it for additional park land. Neither one of those had the same

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concerns or interests that North Canton has to protect the well field from pollution, from future development, from anything along those lines it would hurt production of water from that East Maple Well Field. In fact, in the same Water Rate Study that talked about acquiring more property north of the East Maple Well Field, that same study sets forth this year, adding a second well on East Maple Well Field so that we can produce more water out of that, that well field in the future. So, obviously, it's important. The reason that we went after the grant this time around so hard and the reason why it resurrected itself is because, again, we're looking at the Water Rate Study. We have a plan. We're going forward and trying to implement the plan. If Council passed the Water Rate Plan and didn't want us to follow it, we should have been told at that point because we are following the Water Rate Plan and the Water Rate Study to try to get things done. The National Resource Assistance Council money, this may be the last year, in fact, there was a question when the grants were being reviewed whether there would be money available for this year's round at all. So there may not be money available in the future. The bottom line was on the math, the appraisal came in at \$10,000 an acre. There's no secret. I told Council about it last week. Told the National Resource Assistance Council about in our application, which Mr. Osborne got a copy of and apparently did not read it carefully. The extra \$7,500 a acre that we got, under National Resource Assistance Council, makes up the if I can quote Mr. Osborne, "17,500 net per acre" that we're paying for the property. So in essence, the rate payers of the Water Department of North Canton, not the taxpayers. But the rate payers of North Canton Water Department are paying the appraised price. Let's look at the appraised price for a minute since that sticks in Mr. Osborne's craw as well. We have a appraisal for \$10,000 an acre. That appraisal has not been reviewed and there's a reason for that. And that is because the math works in order to acquire this property. If you look at the first property that's in that appraisal. It's a piece of property at 38th and Salway which I'm very familiar with because I tried to acquire it as Service Director of the City of Canton in 2001, 2002 for the Water Department of the City of Canton. City of Canton did a study to put a well on that property. The appraisal came in at \$40,000. \$4,000 an acre, roughly. The appraisal went out the window because Green Thumb Nursery came in and bought it for \$165,000 which ended up being roughly around \$16,000 an acre, 15 or 16. Seven months later, which isn't mentioned in the appraisal, they turned around and sold it for \$265,000 or roughly \$23,500 plus an acre. City of Canton basically was foreclosed from putting a well on that property. City of Canton is now going to have to turn around and spend a great deal more money than putting a regular projection well on that 10 acres and go back and rehab it's well, just north of that, the collector well. That right now is being pumped and they're going to do maintenance on it in the near future. So, you're looking at \$23,500 an acre for property that is in flood plain that really can't be developed because it's peat. It's got hydric soils and it's got a creek running next to it. Sounds very similar to the property we're talking about right here on the Crowder property. The other thing that Mr. Osborne didn't mention--because he talked to Mr. Fano on Wednesday of last week, the same as I talked to him last week and the same as I've talked to him again this week--as he didn't mention that Sippo Lake, the County was paying \$20,000 an acre for wetland. So by publicizing this tonight, and bringing it out and attacking the purchase instead of getting all the information, basically we just backed ourselves in the corner where we go out and try to acquire future property, wetland or otherwise. We've just driven the price up because now all that information is out there in the public domain. Before, it wasn't. Ultimately, the County had 37 acres that appraised for \$560,000. They came back and changed their own appraisal before they went to court. They went to \$860,000 for the same 37 acres because Jackson Township was paying \$20,000 an acre for wetland. By the time it got to court, they paid \$1,000. So they paid \$20,000 an acre for that property. Let me go back through and see what else was mentioned. I, I get back to the without knowledge of Council and again maybe it's a policy that needs to be adopted in the open so that we know how we're going to go forward in purchasing land or attempting to purchase land in the future. And it's gets back to some other things that have to do with economic development because there is a exception to the public records law in a public meeting that allows you to meet about purchase of property. Recognizing the fact that as soon as a public body talks about purchasing a piece of property, that property price goes up and you end up in a difficult situation of trying to actually follow through on it. We discussed doing an option purchase with the least amount of money that we could put out there and bringing it back to Council. That works simply because now the person can't go out and try to use your bid or use your price to get a bigger price from somebody else. That's exactly what happened on 38th and Salway. The City of Canton had nothing in writing. Had a hand shake, had a hand shake from the folks when they went out and spent money on a study to put a well on that property and the hand shake went away by the time that the price, it got sold at \$165 and turned around and got sold again at \$265. We had to have a written option to purchase. As I discussed with a couple members of Council before we did the NRAC Application because without an option to purchase, they will not give you money. So it's a catch-22. Unless you do something, you can't go out and get money to help you with the purchase. As far as some of the other things that were said about my position on NRAC and the rest of it. It's close enough to libel that I'll leave that one alone tonight but the comments that Mr. Osborne makes are not privileged in this Chamber because he's not a member of this body and I'll just leave it at that. But I have acted with the knowledge of the people on Council, the Committees that were involved in this purchase.

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I was acting with and have acted with the knowledge of the Mayor. I've acted with the knowledge of the Law Director. I've acted in the best interest of the citizens of North Canton and it's water customers the whole time during this. I presented the information to Council for Council to make a decision. Council ultimately gets to make that decision. I don't have hard feelings either way, either way Council makes a decision but obviously I have an opinion on what I think is best for the citizens of North Canton at this point. That is what's before Council. That's the decision Council needs to make and with that if Council has any other questions as I said last week when I did the presentation to Council, I'm available to answer questions at any point in time.

Mr. Snyder: I appreciate your comments. Anyone else in the audience wishing to speak to the Council this evening? Sir, step forward, state your name and address for the record.

Mr. Saylor: Thank you. My name's Glenn Saylor, Jr. and I live at 340 Reed Avenue, North Canton, Ohio. I'd also like to speak this evening about the possible purchase of the 24 acres from David and Karen Crowder. I would preface my remarks by stating that I have no criticism of David and Karen Crowder in this matter. They own this property and can ask whatever price they want to for it. The principle of private property is a cornerstone of our American foundation. My remarks and questions are addressed to Mr. Miller and others in City Administration that were responsible for this decision process. The City obtained an independent market appraisal of \$240,000 for this property. Why then did the City agree to the seller's asking price of \$540,000? Which is over double the appraisal value. Even if the seller's donation of \$120,000 to the City is factored into the equation, the adjusted selling price of \$420,000 is still 75 percent above the market value. This seller is definitely motivated to sell this property for as early as 2001 the Crowders had approached the City. A large portion of this property is described by the City itself as wetlands and flood plains in the City's application to the State for funding. Therefore there would be little interest by nongovernmental entities in this property. If there were no other interested parties why then did the City feel compelled to, an offer well in excess of the appraised value. Additionally, one has to wonder why the deal was structured in a way that the purchase price was established at \$540,000 with the seller then immediately donating \$120,000 back to the City. Why was the purchase price not simply set at \$420,000? This issue, I think, deserves to be looked at closely by this Council. With the City having agreed to pay well in excess of the appraised value of this property, one would think that the City would have, would get this property free and clear of any restrictions. Instead the City agreed to the seller's demand not to put any trails, roads or access ways within 75 feet of the seller's adjacent nine acre parcel. This restriction will limit what the City can do with this property. With the City having agreed to pay well in excess of the appraised value for this property, one would think that the City would get this property with no stipulations. Unfortunately the City also agrees to lease back to the Crowders 4 of the 24 acres for a period of 50 years. Mr. Miller terms the four acres as a small portion in his February 9th memo to Council. But this constitutes fully 1/6 of the entire property that the City of North Canton cannot use for 50 years. With the City having agreed to pay well in excess of the appraised value for this property, one would think that the City would demand an appropriate lease agreement. Instead the City leases, agrees to lease the four acres to the Crowders for a mere \$1.00 per year. Additionally, the City agreed to spend an additional \$25,000 or \$50,000, I'm not sure which, to construct two ponds on the four acres being leased to the Crowders. These ponds are to be built to the Crowder's, not the City's, specifications. Mr. Miller's proud to point out in his February 9th memo to the City of North Canton that they only, the City of North Canton only has to pay \$240,000 of the purchase price. Which is the appraised value. So who covers the rest of the purchase price? Well you and I do. As taxpayers of the State of Ohio, we fund the State's Clean Ohio Conservation Fund, which is covering \$180,000 of this purchase. Make no mistake about it, we taxpayers will fund the entire purchase. Would it not have been more appropriate to initially negotiate a purchase price more inline with the property's actual value. Then if the state funding kicked in, the City's share would be much less than the appraised value. And if the state funding failed, the City would still be able to purchase the property at a fair market price. As I mentioned at the beginning of the speech, the Crowders have every right to ask whatever price they want to for their property. But if they were, if they were not willing to accept an offer at or slightly above fair market value the City should have simply walked away. Remember that the Crowders approached the City as early as 2001 about selling this property and fully three years have passed since and they have yet to sell this land. I mentioned earlier there should be little fear that this property would be extensively developed since it's mainly wetlands and floodplain. In conclusion, I would argue that Mr. Miller, as a representative of a the taxpayers of the City of North Canton, negotiated this property purchase option very poorly. He agrees to pay far in excess of the property's appraised valued, for a property with no other apparent interested buyers. Mr. Miller agrees to the leasing back of 4 acres to the Crowders for 50 years for \$1.00 a year. He agrees to spend \$25,000 or \$50,000 of additional City money to be, to build ponds to the Crowders specifications on these 4 acres. He agrees to restrictions that may limit what the City can do with this property. He agrees to pay for boundary survey and the list goes on. This purchase option sets a dangerous precedent as future potential

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sellers of property to the City may hold out for amounts far in excess of the market value. Hopefully my presentation will spark some questions and an investigation by this Council. This Council should carefully study the Crowder Property Agreement before signing off on it because the costs are much greater than they appear at first glance. Thank you.

OLD BUSINESS:

8. Mr. Snyder: Thank you sir. Is there anybody else in the audience wishing to speak this evening? Seeing none. May I have a motion to read by title, excuse me, I think Mr. Foltz, do you not want to amend that...

Mr. Foltz: Yea. If we could President Snyder. I'd like to amend the Ordinance 28-05 to put on an emergency.

Mr. Snyder: Ok, is there a second?

Mr. Foltz moved and Mrs. Kiesling seconded to include an emergency clause for Ordinance No. 28-05. All members present voting:

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

No: 0

Mr. Foltz moved and Mr. Sarbach seconded to read by title only, third reading, as amended of Ordinance No. 28-05. All members present voting:

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

No: 0

Ordinance No. 28-05 – Third Reading

An ordinance 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") and the Stark County Park District ("Park") for the construction, maintenance and operation of the Hoover Connector Trail Phase 2 and its appurtenances in the City of North Canton on lands owned or leased by the City and/or the Park and declaring the same to be an emergency.

Mr. Snyder: Chairman Foltz?

Mr. Foltz: Yea, as indicated earlier our share of this is going to be \$69,500 to help the County personnel build the trail in that area. It's Phase 2. I think it's worked out wonderfully for our citizens and neighboring residents and reason for the emergency as you just passed to get them started earlier, with the weather. They're ready to go and if we do get a break in weather they can get started with the trail. So I recommend we pass this on an emergency then. So I'll make that motion.

Mr. Foltz moved and Mr. Sarbach seconded to adopt the third reading, as amended, of Ordinance No. 28-05. All members present voting:

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

No: 0

Mr. Sarbach moved and Mr. Foltz seconded to suspend the rules, as amended, for Ordinance No. 28-05. All members present voting:

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

No: 0

Mr. Foltz moved and Mr. Sarbach seconded to adopt under suspension of the rules, as amended, Ordinance No. 28-05. All members present voting:

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

No: 0

9. Mr. Sarbach moved and Mr. Peters seconded to read by title only, third reading of Ordinance No. 34-05. All members present voting:

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

No: 0

Ordinance No. 34-05 – Third Reading

An ordinance authorizing the supplemental appropriation of funds of the City of North Canton, Ohio, to be appropriated from the unappropriated balance of the No. 203 Income Tax Fund to the Transfers-Capital Projects account in the aggregate amount of \$187,200.00, and authorizing the transfer of same funds from the Income Tax Fund to the Capital Improvement Fund for the current expenses during the fiscal year ending December 31, 2005.

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Mr. Snyder: This is to move the money over from the savings to the actual capital improvement fund. Pay the bill that we received from Highway Department of the State for the Applegrove work--\$187,200. There being no questionis, may I have a motion to adopt the third reading of Ordinance 34-05?

Mrs. Kiesling moved and Mr. Peters seconded to adopt the third reading of Ordinance No. 34-05. All members present voting:
Yes: Peters, Sarbach, Snyder, Foltz, Kiesling and Lane.
No: 0

10. Mrs. Kiesling moved and Mr. Peters seconded to read by title only, third reading of Ordinance No. 35-05. All members present voting:
Yes: Sarbach, Snyder, Foltz, Kiesling, Lane and Peters.
No: 0

Ordinance No. 35-05 – Third Reading

An ordinance authorizing the supplemental appropriation of funds of the City of North Canton, Ohio, to be appropriated from the unappropriated balance of the No. 330 Capital Improvement Fund to the Contract Payments account in the aggregate amount of \$187,200.00 for the current expenses during the fiscal year ending December 31, 2005.

Mr. Snyder: Thank you. That, at this point, will allow the Finance Director to draw her warrants to pay this. It will be an appropriated amount of \$187,200 for that same project. Any questions of the Council? If not, may I have a motion to adopt the third reading of Ordinance No. 35-05?

Mrs. Kiesling moved and Mr. Peters seconded to adopt the third reading of Ordinance No. 35-05. All members present voting:
Yes: Snyder, Foltz, Kiesling, Lane, Peters and Sarbach.
No: 0

11. Mr. Lane moved and Mr. Sarbach seconded to read by title only, second reading of Ordinance No. 38-05. All members present voting:
Yes: Snyder, Kiesling, Lane, Peters and Sarbach.
No: Foltz

Ordinance No. 38-05 – Second Reading

An ordinance accepting the record plat of Monticello No. 7, known as and being part of Out Lot 188 as situated in the Northwest Quarter of Section 21, Plain Township, Stark County, Ohio, and located within the corporate limits of the City of North Canton.

Mr. Snyder: Chairman Lane?

Mr. Lane: This is self explanatory. It's a record plat for Monticello No. 7 and this will be our second reading on it. I move we accept.

Mr. Lane moved and Mr. Peters seconded to adopt the second reading of Ordinance No. 38-05. All members present voting:
Yes: Kiesling, Lane, Peters, Sarbach and Snyder.
No: Foltz

12. Mr. Sarbach moved and Mr. Peters seconded to read by title only, second reading of Ordinance No. 40-05. All members present voting:
Yes: Kiesling, Lane, Peters, Sarbach, Snyder and Foltz.
No: 0

Ordinance No. 40-05 – Second Reading

An ordinance authorizing the Superintendent of the Water Treatment Plant to cause the installation of an approved backflow prevention device, if necessary for the safety of the public water system, and to give notice to the property owner to install such an approved device, and repealing any and all legislation passed previously and inconsistent with this ordinance.

Mr. Snyder: Chairman Sarbach?

Mr. Sarbach: Yea, this ordinance will bring inline the City's ordinances with the Ohio EPA regulations and with the Ohio Revised Code in the subject that it's referring to. With that, I move that we adopt the second reading of Ordinance 40-05.

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Mr. Peters: Second.

Mr. Snyder: Chairman Sarbach, one question. Is there some mechanism there we're even going to know if these water users have that apparatus on their system or not?

Mr. Sarbach: I believe Superintendent of Water has his plans in effect and his records are there. Is that correct, Mike?

Mr. Miller: That's my understanding. He has a record of...

Mr. Sarbach: I spoke with Ann about that.

Mr. Miller: ...we, probably not all of them. But most of the ones that are in existence on our system and as people take out permits for various things. The permit office also notifies them that there's new apparatus that are on there that would require this to go into effect for those folks.

Mr. Snyder: Now will we have a sufficient enforcement for outside our City limits?

Mr. Miller: Yes, the enforcement essentially is that they're notified...

Mr. Sarbach: A shut off valve.

Mr. Miller: ...on a regular, there's the ultimate enforcement. But they're notified and they have to get a certified person to let us know that they've expected that device each year. And ultimately if they don't do it, we do have a shut off ability.

Mr. Snyder: I appreciate that. Thank you sir for that. Go ahead.

Mr. Sarbach moved and Mr. Peters seconded to **adopt the second reading of**

Ordinance No. 40-05. All members present voting:

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

No: 0

NEW BUSINESS:

13. Mr. Foltz moved and Mr. Sarbach seconded to **read by title only, first reading of**

Ordinance No. 43-05. All members present voting:

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

No: 0

Ordinance No. 43-05 – First Reading

An ordinance establishing the rates to be charged for season membership and daily admission for the City of North Canton Municipal Swimming Pool, and the rate for swimming lessons, and repealing any and all legislation inconsistent herewith.

Mr. Snyder: Chairman Foltz?

Mr. Foltz: As we discussed last week at the Committee meeting. Most of these fees are very moderate. At most \$5 or \$10. \$5 to single family, to single user. \$10 to a family of four. There's no increase for any senior citizens. So these are the people that can buy pool memberships which are City residents, school district members, business owners that pay taxes or own property inside the City. So the any other increase was the admission. Daily admission went from \$6 to \$7. As always, everyone knows what a benefit it is to buy your membership early and you'll enjoy our pool. And it is for our residents primarily ...inaudible. I recommend we pass these charges.

Mr. Snyder: Chairman Foltz, one question if I may. Is it your intention, sir, possibly on the second or third reading to put an emergency in that to...

Mr. Foltz: Yes, I just...

Mr. Snyder: ...so that's applicable to this year?

Mr. Foltz: inaudible....with Administrator Miller. Just so we get it out in time for people to, to do purchase the memberships so second reading I'd like to put that on emergency at that point.

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Mr. Foltz moved and Mr. Peters seconded to **adopt the first reading** of Ordinance No. 43-05.
All members present voting:
Yes: Sarbach, Snyder, Foltz, Kiesling, Lane and Peters.
No: 0

14. Mr. Lane moved and Mr. Sarbach seconded to **read by title only, first reading** of Ordinance No. 44-05. All members present voting:
Yes: Snyder, Foltz, Kiesling, Lane, Peters and Sarbach.
No: 0

Ordinance No. 44-05 – First Reading

An ordinance authorizing the Mayor of the City of North Canton, through the Board of Control, to enter into an amended Local Public Agency (LPA) Agreement by and between the State of Ohio, acting by and through the Director of Transportation, hereinafter referred to as ODOT, and the City of North Canton, hereinafter referred to as the City, for the South Main/Everhard Improvement Project (STA-CR-66-Main St), repealing any and all legislation inconsistent herewith, and declaring the same to be an emergency.

Mr. Snyder: Chairman Lane?

Mr. Lane: In case the wording looks familiar, it is. This is, actually we had a dollar change so we have to go through the process again and basically get rid of the old ordinance and put a new ordinance in place. So we need to amend it. I move we accept.

Mr. Lane moved and Mrs. Kiesling seconded to **adopt the first reading** of Ordinance No. 44-05. All members present voting:
Yes: Foltz, Kiesling, Lane, Peters, Sarbach and Snyder.
No: 0

Mr. Lane moved and Mr. Foltz seconded to **suspend the rules** for Ordinance No. 44-05.
All members present voting:
Yes: Kiesling, Lane, Peters, Sarbach, Snyder and Foltz.
No: 0

Mr. Snyder: As time is of the essence, may we adopt this first reading under the suspension of the rules of council on Ordinance 44-05?

Mr. Lane moved and Mr. Peters seconded to **adopt under suspension of the rules** Ordinance No. 44-05. All members present voting:
Yes: Lane, Peters, Sarbach, Snyder, Foltz and Kiesling.
No: 0

15. Mr. Lane moved and Mr. Peters seconded to **read by title only, first reading** of Ordinance No. 45-05. All members present voting:
Yes: Peters, Sarbach, Snyder, Foltz, Kiesling and Lane.
No: 0

Ordinance No. 45-05 – First Reading

An ordinance authorizing the Mayor of the City of North Canton to sign a Replat of part of Out Lot 211 and Out Lot 318 located within the corporate limits of the City of North Canton, as situated in part of the Southwest Quarter of Section 18, Township 11 (Plain Township), Range 8, Stark County, Ohio combining the two City owned parcels into one (1) Out Lot.

Mr. Snyder: Chairman Lane?

Mr. Lane: Again, it's relatively self explanatory. I think everybody got a map pertaining to this. All we're doing is combining two lots into one basically. So I would move we would accept and adopt the ordinance.

Mr. Lane moved and Mr. Peters seconded to **adopt the first reading** of Ordinance No. 45-05.
All members present voting:
Yes: Sarbach, Snyder, Foltz, Kiesling, Lane and Peters.
No: 0

16. Mr. Lane moved and Mr. Peters seconded to **read by title only, first reading** of Ordinance No. 46-05. All members present voting:
Yes: Snyder, Foltz, Kiesling, Lane, Peters and Sarbach.
No: 0

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Ordinance No. 46-05 – First Reading

An ordinance authorizing the Director of Administration of the City of North Canton to advertise and receive bids according to specifications now on file in the office of the Director of Administration; and for the Mayor to be authorized, through the Board of Control, to enter into a contract for the South Main Streetscape Phase 4, Maplecrest to Easthill, project, and declaring the same to be an emergency.

Mr. Snyder: Chairman Lane?

Mr. Lane: We talked about this last week and again a lot of stuff in the next few months is going to relate to the South Main Project. But we're moving the Streetscape up. This will be the Maplecrest/Easthill area. We need to get this done in order to deal with the South Main/Everhard Project. That being the case, I would move we would accept.

Mr. Lane moved and Mr. Sarbach seconded to adopt the first reading of

Ordinance No. 46-05. All members present voting:

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

No: 0

Mrs. Kiesling moved and Mr. Peters seconded to suspend the rules for Ordinance No. 46-05.

All members present voting:

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

No: 0

Mr. Snyder: Again, as time is of the essence in order to complete this project timely in it's construction season, may we adopt under the suspension of the rules, Ordinance 46-05?

Mrs. Kiesling moved and Mr. Peters seconded to adopt under suspension of the rules

Ordinance No. 46-05. All members present voting:

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

No: 0

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

Ordinance No. 47-05. All members present voting:

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

No: 0

Ordinance No. 47-05 – First Reading

An ordinance authorizing the Director of Administration of the City of North Canton to advertise and receive bids according to specifications now on file in the office of the Director of Administration; and for the Mayor to be authorized, through Board of Control, to enter into a contract for the purchase of one (1) 200-KW Diesel Fueled, Mobil Generator, for use by the Water Treatment Plant, and declaring the same to be an emergency.

Mr. Snyder: Chairman Sarbach?

Mr. Sarbach: Yes, this budgeted item will allow our Treatment Plant to operate under extreme circumstances when we have no power which it seems we've had more of those situations and may be able provide the service to our residents and have the protective equipment that we have there. So with that, I move that we adopt the first reading of Ordinance No. 47-05.

Mr. Sarbach moved and Mr. Peters seconded to adopt the first reading of

Ordinance No. 47-05. All members present voting:

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

No: 0

Mr. Sarbach moved and Mr. Peters seconded to suspend the rules for Ordinance No. 47-05.

All members present voting:

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

No: 0

Mr. Sarbach moved and Mr. Peters seconded to adopt under suspension of the rules

Ordinance No. 47-05. All members present voting:

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

No: 0

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18. Mr. Sarbach moved and Mr. Peters seconded to read by title only, first reading of Ordinance No. 48-05. All members present voting:
Yes: Kiesling, Lane, Peters, Sarbach, Snyder and Foltz.
No: 0

Ordinance No. 48-05 – First Reading

An ordinance authorizing the Director of Administration of the City of North Canton to advertise and receive bids according to specifications now on file in the office of the Director of Administration; and for the Mayor to be authorized, through the Board of Control, to enter into a contract for the purchase of a Hydraulic Elevator, for use by the Water Treatment Plant.

Mr. Snyder: Chairman Sarbach?

Mr. Sarbach: Yes, this will, this budgeted item will allow the plant to continue it's expansion and replace the, the older antiquated, I believe it's what 35, 36 yr old elevator that we have there. We a mult level water treatment plant and this allows us to move materials and equipment and people back and forth as needed. This is a budgeted item and with that I move that we adopt the first reading of Ordinance No. 48-05.

Mr. Sarbach moved and Mr. Peters seconded to adopt the first reading of Ordinance No. 48-05. All members present voting:
Yes: Lane, Peters, Sarbach, Snyder, Foltz and Kiesling.
No: 0

19. Mr. Sarbach moved and Mr. Foltz seconded to read by title only, first reading of Ordinance No. 49-05. All members present voting:
Yes: Peters, Sarbach, Snyder, Foltz, Kiesling and Lane.
No: 0

Ordinance No. 49-05 – First Reading

An ordinance 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") and Aqua Ohio, Inc. fka Consumers Ohio Water Company ("Aqua"), an Ohio public utility corporation for the sale of water to Aqua Ohio, Inc., and declaring the same to be an emergency.

Mr. Snyder: Chairman Sarbach?

Mr. Sarbach: Yes, this will allow us to take in more funds. Sell more water. Hope to bring the unit cost down of each of that. This contract with Aqua Ohio was negotiated by Mr. Miller and I feel it's a good one. And we have an emergency clause on that so we can get the valve casings or the meter read change points as they were in effect or installed before the initiation of the contract. So we need to keep moving on that. With that, I move that we adopt the first reading of Ordinance No. 49-05.

Mr. Peters: I'll second.

Mr. Snyder: Sir may I, have a question here.

Mr. Sarbach: Please.

Mr. Snyder: Mr. Miller I may direct that to you sir possibly, my apologies I didn't do it last week. I was just, I had a couple questions of me this week and I support this measure whole heartedly and I think I'd me remissed if I didn't, and if my logic is not right, sir, please correct me. But I know we are criticized not selling water to the new sanctuary as an active water customer to the City of North Canton in essence there's going to provide water to the Sanctuary. But I feel, am I right in not, in my thought process we are going to sell it slight in scale. Actually, the amount of money we're selling per month to them which ultimately will go to the Sanctuary homes is maybe in a year's time, two maybe three times greater than what it would be if we had those customers direct. My logic is to that, say there's 200 hundred water customers at the Sanctuary or say for argument sake or discussion purposes, 5,000 a month. Which in essence is about \$60,000 a year. Which would be on the high side for 200 end users. And on the low side of your projected contract, it's about 130, 131,000. So in essence, it's at least two times the same as what we would get if we had those, actively had those 200 customers.

Mr. Miller: Yes, that's one way to look at it. Ultimately, if we could have got the customers at our price we'd want to have individual customers because you can always make more money selling to individual customers as opposed to selling in bulk. That's not possible because we've basically been beat to the punch, so to speak, for the Sanctuary by Aqua in that they

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reached a deal with the developer and the price per customer for us is just too exorbitant for us to make a return on that dollar. They basically got their foot in the door because they bought Applegrove and that's a whole other story. But ultimately, yes we will be making money. The water that we're producing more than likely will go directly through the system into the, into those customers, so to speak. So that is a way of looking at it. We will still be making money. We could, I'd obviously rather have the customers than selling in bulk.

Mr. Snyder: But it is a means of us recovering our investment of our new treatment plant...

Mr. Miller: That's absolutely true.

Mr. Snyder: ...we have the ability to produce x dollars of water and we're only doing a forty or fifty percent capacity.

Mr. Miller: We, we have a fixed cost at this point to operate that plant based upon the number of customers that we have. Our fixed costs to a great extent aren't going to change by producing another 500,000 gallons a day other than the amount of it cost us to pump it out and the chemicals to treat it. That is being recouped by this cost or by this contract plus more so. We'll be making about 130,000 based upon a sale of 500,000 gallons a day. If we sell more, or they buy more, we'll be making more in that case.

Mr. Snyder: And we can conceivably go to 2 million.

Mr. Miller: Yes.

Mr. Snyder: Which at that point you're talking about a half million dollars worth of volume.

Mr. Miller: Yes.

Mr. Snyder: Which is a lot of pipe and a lot of end users so I'm saying in essence, it's a very nice approach to try to broach....

Mr. Sarbach: Might I add that if it would take approximately ten years to get 200 customers up there. By the time those, that property is fully developed. This ...inaudible...will come in at the onset of the contract the minimum 500,000 gallons a day. It would be a long time before that area would bring in that ...inaudible. I think this is a good situation for us and Aqua. For both of us.

Mayor Rice: If I can just interject for a second of the, as of the end of last year, we had just under \$14 million dollars in our water fund debt for the City. Which is virtually all of our debt with the exception of the Arrowhead purchase a couple years ago. So this revenue, it could be, who knows, best case scenario it could be half million, 5 or 600,000 dollars a year. Minimum about \$130 plus the new revenue we're getting from the Airport. Which is projected to be around \$100,000. All that money, we're generating to pay back the debt that we took on to expand the Water Treatment Plant. This is why we expanded the Water Treatment Plant capacity and renovated now the other piece of the puzzle is generate more business to help amortize and pay those notes off. So absolutely we'll do that.

Mr. Sarbach: Do you have any more questions?

Mr. Snyder: Sir, I apologize. I appreciate...

Mr. Sarbach: No, that's fine.

Mr. Snyder: ...I appreciate your answers. I, you know as I say, I was in favor I just wanted to make sure that I was somewhat inline of my answer. But thank you for that.

Mr. Sarbach: Do we have a second on that?

Mr. Snyder: I think you did sir.

Mr. Sarbach moved and Mr. Peters seconded to **adopt the first reading of Ordinance No. 49-05.** All members present voting:

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

No: 0

Mr. Sarbach moved and Mr. Peters seconded to **suspend the rules** for Ordinance No. 49-05. All members present voting:

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

No: 0

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Mr. Sarbach moved and Mr. Peters seconded to **adopt under suspension of the rules** Ordinance No. 49-05. All members present voting:
Yes: Foltz, Kiesling, Lane, Peters, Sarbach and Snyder.
No: 0

20. Mr. Peters moved and Mrs. Kiesling seconded to **read by title only, first reading of** Ordinance No. 50-05. All members present voting:
Yes: Kiesling, Lane, Peters, Sarbach, Snyder and Foltz.
No: 0

Ordinance No. 50-05 – First Reading

An ordinance to provide for an election on the adoption of proposed amendment to the Charter of the City of North Canton.

Mr. Snyder: Chairman Peters?

Mr. Peters: Yes, thank you. As it stands right now when we advertise ordinances or resolutions in the newspaper we have to advertise in it's entirety. This will allow, this ordinance here will allow us ask the electorate if we can just advertise using the lead paragraph...

Mr. Sarbach: Title only.

Mr. Peters: ...title only, yes. And that's about it, any questions for that? With that, I move that we adopt the first reading of Ordinance 50-05.

Mr. Peters moved and Mrs. Kiesling seconded to **adopt the first reading of** Ordinance No. 50-05. All members present voting:
Yes: Lane, Peters, Sarbach, Snyder, Foltz and Kiesling.
No: 0

REPORTS:

Mr. Snyder: Director of Law?

Mr. Pusateri: No report sir. Thank you.

Mr. Snyder: Director of Administration?

Mr. Miller: I talked plenty tonight. Nothing else.

Mr. Snyder: Mr. Mayor?

Mayor Rice: I just, I would like to reiterate like we spoke. First, appreciate Council's approval of this Aqua Contract tonight. I think it's critically important to what were, our objectives here in the City and development. As I mentioned, when we signed up the Airport this also was a process that started well before Mike got here. It's probably been going on for a couple years but Mike stepped in and did a great of bringing this thing to conclusion with his knowledge and expertise in water to get this contract done with Aqua. So between those two items and I mentioned a short time ago. We probably have, using rough approximations between the Airport sign up now and the new contract with Aqua, going to generate roughly a quarter million, anywhere from a quarter million dollars a year to three quarters of a million dollars a year in new water revenue. That is going towards, I know Council is always concerned, as they should be, about the new debt with the Water Treatment Plant for the expansion and renovation of our Water Treatment Plant but part of the Administration's commitment at the time when we asked for that funding was we pledged that we would go out and find new water revenue sources and we're doing that. And those two actions, I think, demonstrate that. And we'll continue to look for new revenue opportunities. But that makes that \$13,800,000 a little easier to pay off with this additional revenue. So thank you for your support on that. That's all.

Mr. Snyder: Mr. Engineer?

Mr. Benekos: No report.

Mr. Snyder: Madam Clerk?

Mrs. Kalpac: No report.

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REPORTS - COUNCIL:

Mr. Snyder: Member Foltz?

Mr. Foltz: Yea, just a few comments. First of all, I'd like to say I've known Mike Miller for, dealt with him for thirteen years and I think his integrity is beyond reproach. I think he does lay out everything to the Council, to anybody that asks him any questions. He's been very informative to me over the years. I just want to put that on the record. It's refreshing that we've battled against the City of Canton in water situations before. I'm very happy that Mike's on North Canton's side of the ball. Because he knows water better than anybody in the community, or as well as anybody in the community. So I think that judgment should be made by everybody but I think it speaks for itself, the history and experience that Mike brings to the table here. So that's greatly appreciated. And whether you agree with the mechanics of the Crowder sale, I think that's something that needs further discussion with Council obviously. But the facts are, there's a \$180,000 grant available because Mr. Miller has worked towards that grant. He's been on some boards. We've never had that before. Some of the council members have been up here for years know that the City of North Canton has been very hard pressed to obtain any grant dollars, other than recent Public Works money that Jim Benekos has worked hard to do. So let's not loose sight of that. Even though it's state dollars and we as tax payers have probably paid into that fund to some form or fashion. Most of the time it doesn't come our way so take that into consideration. And I thank Mr. Miller for that opportunity. Like I said, whether the mechanics add up for the people here on Council that's another matter. But at least we have that availability of a grant for our residents and for our improvements here in the City. That's all I like to say, thank you.

Mr. Snyder: Member Lane?

Mr. Lane: Just actually a couple questions for either Jim and/or Mike on behalf of me and my at-large colleagues because I know eventually the phones going to ring. What's the latest on the creek and the dam study? Have we got anything back?

Mr. Miller: We got the information back February 11th from USGS. Finkbiner has set their deadline as April 1st to complete the study. I've already called Mr. Visconte. Did that...

Mr. Lane: Thank you.

Mr. Miller: ...the day we found out what the deadline was on that from Finkbiner.

Mr. Lane: That's why my phone hasn't rung.

Mr. Miller: He's been informed already.

Mr. Lane: That was the key call right there.

Mr. Miller: 499-4444.

Mr. Lane: It's on my speed dial too. 4/1, right? And that's no joke. I'm assuming that they didn't pick that day for just to taunt us.

Mr. Miller: No. You want to we can move it a day forward or a day back if you want.

Mr. Lane: Then my other question. This I haven't gotten a call on, but I drive by everyday and eventually I'm going to. The southeast corner of Woodside and Maple where they stored all the construction equipment for the project. I'm assuming that they're going to bring that back to a grassy looking. Obviously they can't do it right now but when spring comes around, is that part of the deal?

Mr. Miller: Yes.

Mr. Lane: Ok. So I can answer that that way.

Mr. Miller: Yes.

Mr. Lane: Thank you.

Mayor Rice: Weeds will be able to grow as high this spring as they have in years passed.

Mr. Lane: Well they got a great mound to start with. I mean, that's at least a four footer that they can put the weeds on so. But that's going to go away too, I'm hoping. That big mound where the outhouse was so. It was a lovely sight for three or four months but I'd like to see it gone now.

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Mr. Snyder: I think that car wash bought that.

Mr. Lane: Don't even go there.

Mr. Sarbach: Don't go there. Don't go there. Let that go Jon.

Mr. Snyder: Member Kiesling?

Mrs. Kiesling: No report.

Mr. Snyder: Member Peters?

Mr. Peters: No report.

Mr. Snyder: Member Sarbach?

Mr. Sarbach: Yea, I'd like to reiterate. Mike's done a lot of good things here. Keeping us in the dark is not one of those. He's regularly in contact with me by email or by phone just to advise me of what direction we're going or what's going on. And in turn, you know, we worked back and forth. We were able to provide some aerial photographs to help them determine some things and so a lot of these comments are completely unfounded but everybody has a right to say what they want I guess. I guess if this individual better be against us because it must be good, well never mind. I don't get it. Mike you have my confidence. I admire your expertise in water and you don't have a blank check but I want you to continue with what you're doing and we'll all talk about the price at a later date.

FINAL CALL FOR NEW BUSINESS:

Mr. Snyder: Is there anyone in the audience wishing for final call for business? If not, may I have a motion to adjourn?

ADJOURN:

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

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

No: 0

The meeting adjourned at 8:09 p.m.

PRESIDENT OF COUNCIL

ATTEST:

CLERK OF COUNCIL

03/07/05-ALG