

RECORD OF PROCEEDINGS

Minutes of

COUNCIL OF THE CITY OF NORTH CANTON

REGULAR

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held

Monday, July 8,

7:00 p.m.

2002

(YEAR)

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. Laura Fitt - Community Christian Church.
3. All present recited the Pledge of Allegiance.

ROLL CALL:

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

Consideration of Minutes of Council Meeting: 6/24/02
 Consideration of Financial Statement: June, 2002

Mr. Snyder: May I have motion to consider the minutes of the council meeting of 6/24/2002, with noted correction under - Councilman Osborne did - the word was northern not...

Mr. Osborne: Older.

Mr. Snyder: Older?

Mr. Osborne: Yea.

Mr. Snyder: Is that what it corrected?

Mr. Osborne: Yes.

Mr. Snyder: So the word now is corrected, you've received a piece and I would entertain a motion to accept them as corrected. Also the consideration of the financial statement June, 2002 as given you last week.

Mr. McLaughlin moved and Mr. Osborne seconded to accept the corrected minutes of the council meeting and the financial statement as presented. All members present voting:

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

No: 0

6. Committee Reports

Community & Economic Development Committee: Refer to the minutes on file in the Council Office of the Community & Economic Development Committee meeting held July 1, 2002.

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

Ordinance, Rules & Claims Committee: Refer to the minutes on file in the Council Office of the Ordinance, Rules & Claims Committee meeting held July 1, 2002.

Personnel & Safety Committee: Refer to the minutes on file in the Council Office of the Personnel & Safety Committee meeting held July 1, 2002.

Street & Alley Committee: Refer to the minutes on file in the Council Office of the Street & Alley Committee meetings held June 10, 2002 and July 1, 2002.

Water, Sewer & Rubbish Committee: Refer to the minutes on file in the Council Office of the Water, Sewer & Rubbish Committee meeting held July 1, 2002.

Mr. McLaughlin moved and Mr. Osborne seconded to accept the committee report minutes as presented. All members present voting:

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

No: 0

7. Recognition of Visitors

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

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Patricia Davis: My name is Patricia Davis. Resident of North Canton and a homeowner. Some of you know me, some of you don't, some of you have known me in excess of 35 years and some of you may wish you never have met me. Councilman - Councilman Snyder refers to me as the tenacious one. I won't tell you what Roy Batista calls me. I live at 414 West Maple here in North Canton. My home is on the corner of Hillcrest and West Maple, two tenths of a mile from City Hall. Most of you know why I'm here. The reason for my visit is to bring to the attention of Administration and Council a matter of concern in the city and to voice my concerns for the record. I would also like to have it on the record that I personally don't have a problem with this intersection, I don't own this intersection, the city has a problem. This is a major crosswalk for the students of the City of North Canton going to the middle school, it's a much traveled corridor for the city's school buses; so it's a matter of concern to all council members because these children live in all precincts in all districts within this city. It doesn't concern just Mr. Snyder and just Mr. Foltz and council at large, it's everybody's problem. We are a heavily traveled area getting to and from the tennis courts, the basketball courts, the park. There are many bicycles, hot wheels, tricycles, walkers, joggers that use this intersection. There are many employees that come to and from this city. Hoover Company employees use this West Maple Street very heavily. Last year our enrollment at the middle school was 1,115. One of our police officers who did crossing guard one day told me of an experience that he had where he was escorting one of our children across the intersection he looked up and quote (he said), "I knew damn well she wasn't going to stop." He picked that child up and I don't remember whether he told me he took it back to the curb or carried her forward, I don't know, it doesn't matter. But he - he - our police department saved that kid. He was able to get the license number down and the lady who ran the red light and later that day she was cited and she told him she had been looking and waiting for the phone call or a visit. And I'd like for everybody to know that there's only been 16 accidents at this intersection in the last 5 years. Four of them have taken place since the parade - the night of the North Canton Jaycee fair opening. That Monday evening, 5:45 I heard a loud crunch only to find a six month pregnant day care bus driver being pulled from the driver's seat of that bus. She was put on a stretcher, taken to the hospital and admitted. Another passenger in the bus was later treated and released from the hospital. There were six infants on that bus - the youngest was a one year old baby. When I saw it my heart sank. There's a big line and a big sign that says stop here on red, she was stopped. One lady ran a red light, hit her, pushed the other car into the bus and we ended up with two people in the hospital. The last accident we had there on June the 28th involved another woman who was pregnant. She's just three months along but she has not yet been released to go back to work. So maybe we should put a sign that says no pregnant women on West Maple, I don't know. One of these other 16 accidents caused a car to be airborne - landed in my front yard. The noise was so loud I looked out, I thought he was coming through my house. I literally got up and ran to the other end of the - my livingroom. We went outside to offer assistance to the passenger hanging out the passenger's side of the car, bleeding like you - you can't believe the amount of blood. He had come through the passenger's window. We're looking for a driver, the police are looking for a driver, paramedics are looking for a driver. We later find out he was the driver, but he came out the passenger's side window as he was airborne. I've been quiet about this intersection for about three years. Prior to that my home had been involved in four accidents in one year, three of them in less than 10 days. I contacted Mr. Boyajian and asked him what the city could do to protect me and my family, my property and there was a pole installed on the corner and for some reason my house hasn't been affected at all. These accidents almost always involve injuries - North Canton EMS is called. There have been times the Fire Department has been called to spray down gasoline when gas tanks rupture. I don't know if these accident victims merely want to make a trip to the hospital and claim whiplash, I don't know, but I know they go to the hospital. Sixteen automobile accidents with only one driver in each car is equal to 32 people - 32 potential injuries. During a 24-hour period you can't imagine the screeches at that intersection. If you think about the closest intersection to your home, I wonder if you can tell me you've only had 16 accidents in 5 years. I know that my dad hasn't had that many in 30 years that he's been in town. You can't blame this on the young kids, I can't blame it on the elderly, middle aged, male, female - both genders, every age is involved with these accidents. The response by the Police Department and EMS is excellent. It's just too bad they have to be involved in all these calls to this lazy little 25 mile an hour intersection. I've been asked what's wrong with the intersection. The only thing I know for sure is that there's too many accidents. I've been asked what do I want done, what will satisfy me, what will make me happy. I don't care if you paint the light polka dot. I'd like to see the little speed ripples along the road, but they tell me that's illegal. But that might slow them down, I don't know. I've been asked what my neighbors think about this intersection. I don't care what my neighbors think. But I don't think they're happy when cars are in their yards, hitting their trees, crosswise on their sidewalks. The only thing I can do is bring this to the attention of the people who can do something about it and that's you. One thing I know when they come in on West Maple traveling east in the morning they have full light or the sun to contend with - nobody here can do anything about that. But they first approach two 4-way stops, then they get to the top of that hill at West Maple and they have an aesthetically nice black light that nobody sees because it blends in with the trees. When the light's green the green light blends in with the leaves. Now up here on Woodrow and 10th Street we don't have an aesthetically nice black light. Polka dot might be the answer, I don't know. I was - I suggested putting up signs that say dangerous intersection ahead. One person told me that the motorists don't pay attention to the signs that are up there now, what makes me think they'll pay attention to another one. My suggestion, take down all the signs and just put a sign that says just welcome to little Indianapolis. Bring the car down that says your speed is - there's no room for it, I offered my front yard. Nobody could back it in there. Well my husband drives semi-truck he can pull a 48 foot trailer, he can put it anywhere you want it.

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Stricter enforcement of the law. I was told that the no turn red - on red signs were posted illegally, they should be hung by the light pole. My suggestion, move the no turn on red signs to the light pole. We can't do that, they have to be hung where there are two lights. Put up another light. Well we can't do that that would cost \$75,000.00 and we don't have that kind of money. My suggestion, stricter law enforcement generates more money, you'll have it, put up a light. Can't guarantee where that money would be spent so that's not going to work either. I'm told there's too much traffic on West Maple Street. Have somebody down at the bottom of the hill only let every fourth car in - maybe that's your solution, I don't know. Sitting on my front porch I write down license plate numbers, I call the Police Department, I want to make citizens arrests. I'm not allowed. They didn't commit felonies. But if they'd come in my yard and kill one of my grandkids then they'd be arrested. Joe Nist came - Officer Joe Nist came to my house. While standing in the front yard he hollered at one lady who turned right on red just a big bellow out of him. She stopped, she was ticketed. She didn't see the signs. I've invited you all down for ice water, coffee, anything you want. I'm sitting on the front porch. Captain Grimes has been there, Councilman Snyder, Councilman Osborne, Councilwoman Magel, City Administrator Held. Councilman Foltz encountered last Monday night what I'm talking about, he was almost hit at the intersection.

Mr. Foltz: Definitely.

Ms. Davis: When it was brought to his attention. The drivers are not - not only turning right on red, they're brazen enough to turn left on red. There's trip signals on Hillcrest. When they fly past those trip signals, go beyond the sign that says stop here on red, then they're there 15, 20 minutes until somebody comes pulls up behind them or somebody on the other side of the street comes and flips their trip - or flips the trip light. They get tired and impatient. They turn left, they turn right, they go straight, they do anything they want to do. But I - you know when I took my license nothing said anything about impatience at red lights - you waited till the light changed. As a teenager North Canton was known for its strict laws - traffic laws. I hated them then, but as an adult I know why we had them. I've been told we don't want to have a bad reputation for being a speed trap town. But what's wrong with having a reputation for being a no tolerance of traffic offenders? A lots being done right now. Dave Held was down, we walked all through the area. We're going to have some bicycle patrolmen. They're going to write down license numbers and then later radio to the traffic policemen same as the traffic guard did when he picked up the child and carried her to safety. A one month study of the area is being done. I can't tell you how many traffic tickets have been passed out in that that intersection the last week. But I know every time I look out my back window, side window or front window, I see a North Canton policeman. We have a - council - or Dave Held has a short term fix in process, long term considerations - or long term solutions are being considered. He's working with other departments. It's out of my hands. I'm here to tell you for the record there's a problem, now you all know it, now you guys fix it. I have pride in our past. I have been here since 1963 and I have hope for our future. Now you guys - it's in your ballpark now. And any of you are welcome to come down there and sit at any - and during all this Hoover Company has been shut down so all of you that have been there and observed have observed the violators. You didn't see anybody from Hoover Company - they're shut down. So that's only half of it. That's all I have to say. Stop down for iced tea, coffee, whatever. Sit on the front porch. The two white chairs, one's mine the other one's yours.

Mr. Osborne: Your water's nice and cold I'll say that.

Ms. Davis: Yes, it's cold.

Mr. Snyder: Thanks Mrs. Davis.

Mr. Foltz: Thank you.

Mr. Snyder: Anybody else in the audience wishing to speak before the council this evening? Seeing none the first order of business is...

OLD BUSINESS:

8. Mr. McLaughlin moved and Mr. Osborne seconded to **read by title only, second reading of Ordinance No. 70-02**. All members present voting:
 Yes: Magel, McLaughlin, Osborne, Snyder, Foltz, Kiesling and Lindower.
 No: 0

Ordinance No. 70-02 - Second Reading

An ordinance authorizing the Mayor of the City of North Canton, through the Board of Control, to accept a 10.100 acre tract of land, more or less, on the south side of Applegrove St. N.W. from the North Canton Rotary.

Mr. Snyder: Again as you all know that Attorney Goldthorpe is preparing that deed with the codicil in it that it remain green space. And as soon as that is prepared, hopefully when we return we'll have that and we'll execute it and pass it on the third reading. If there be no questions...

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Mr. McLaughlin moved and Mrs. Kiesling seconded to **adopt the second reading** of Ordinance No. 70-02. All members present voting:
Yes: McLaughlin, Osborne, Snyder, Foltz, Kiesling, Lindower and Magel.
No: 0

NEW BUSINESS:

9. Mr. McLaughlin moved and Mrs. Kiesling seconded to **read by title only, first reading** of Ordinance No. 71-02. All members present voting:
Yes: McLaughlin, Osborne, Snyder, Foltz, Kiesling, Lindower and Magel.
No: 0

Ordinance No. 71-02 - First Reading

An ordinance authorizing the Administration of the City of North Canton to waive the rental fee for Dogwood Park Shelter one day a month for the months of July through December, 2002, for use by the North Canton Urban Forestry Community Awareness Initiative for a series of workshops available to the residents of the City of North Canton and declaring the same to be an emergency.

Mr. Snyder: Chairman Kiesling.

Mrs. Kiesling: Yes, this is the workshops we've set up the second Wednesday of month July through December - they are going to work out of Dogwood Park Shelter. Just waiving the fees for them for our city residents to come out and learn some stuff about forestry. We're doing it on emergency because they're first workshop is this Wednesday, July 10th. Any questions? Okay.

Mr. McLaughlin moved and Mrs. Kiesling seconded to **adopt the first reading** of Ordinance No. 71-02. All members present voting:
Yes: Osborne, Snyder, Foltz, Kiesling, Lindower, Magel and McLaughlin.
No: 0

Mr. McLaughlin moved and Mrs. Kiesling seconded to **suspend the rules** for Ordinance No. 71-02. All members present voting:
Yes: Snyder, Foltz, Kiesling, Lindower, Magel, McLaughlin and Osborne.
No: 0

Mr. McLaughlin moved and Mrs. Kiesling seconded to **adopt under suspension of the rules** Ordinance No. 71-02. All members present voting:
Yes: Snyder, Foltz, Kiesling, Lindower, Magel, McLaughlin and Osborne.
No: 0

10. Mr. McLaughlin moved and Mr. Osborne seconded to **read by title only, first reading** of Ordinance No. 72-02. All members present voting:
Yes: Foltz, Kiesling, Lindower, Magel, McLaughlin, Osborne and Snyder.
No: 0

Ordinance No. 72-02 - First Reading

Ordinance No. 72-02 authorizing the Director of Finance of the City of North Canton to make payment of a moral claim to Jason and Jayne Farrar in the amount of \$750.00 for reimbursement for damage caused by a sewer backup and declaring the same to be an emergency.

Mr. Snyder: Chairman Osborne.

Mr. Osborne: Thank you Mr. President. We discussed this last week in committee. This was a sewer backup and it's recommended from the Law Department and the Law Director that we reimburse Mr. & Mrs. Farrar for the damages. Any a - any questions there? Okay.

Mr. Snyder: Thank you...

Mr. McLaughlin moved and Mr. Osborne seconded to **adopt the first reading** of Ordinance No. 72-02. All members present voting:
Yes: Kiesling, Lindower, Magel, McLaughlin, Osborne, Snyder and Foltz.
No: 0

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Mr. McLaughlin moved and Mr. Osborne seconded to suspend the rules for Ordinance No. 72-02. All members present voting: Yes: Lindower, Magel, McLaughlin, Osborne, Snyder, Foltz and Kiesling. No: 0

Mr. McLaughlin moved and Mr. Osborne seconded to adopt under suspension of the rules Ordinance No. 72-02. All members present voting: Yes: Magel, McLaughlin, Osborne, Snyder, Foltz, Kiesling and Lindower. No: 0

11. Ordinance No. 73-02 - First Reading

Mr. Snyder: Mr. Chairman, it's my understanding you want to table Ordinance 73-02.

Mr. Osborne: Yes. I've had a request from I guess several council members and the Law Department that they'd like to pow wow I guess with Mr. Kopp. So we'll table the 73-02 until after further negotiations are made with the city.

Mr. Snyder: Okay. May I have a motion to read by title only the first reading of Ordinance No. 74-02?

Mr. McLaughlin: So moved. Mr. Foltz: Second.

Mr. Treadon: Jon... Mr. Snyder: Sir. Mr. Treadon: I think you need a vote to table it. Mr. Snyder: Oh, I'm sorry. Thank you. I stand corrected. Pardon me. Madam Clerk can we may I have a motion to table that?

Mr. McLaughlin moved and Mr. Osborne seconded to table Ordinance No. 73-02.

Mr. Snyder: Madam Clerk do a roll call please.

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

Mr. Snyder: Okay. Thank you. I apologize to Chairman Lindower.

12. Mr. McLaughlin moved and Mr. Foltz seconded to read by title only, first reading of Ordinance No. 74-02. All members present voting: Yes: Osborne, Snyder, Foltz, Kiesling, Lindower, Magel and McLaughlin. No: 0

Ordinance No. 74-02 - First Reading

Ordinance No. 74-02 amending Section 3. Of Ordinance No. 3-85, as amended, to provide for the position of Captain as part of the full-time personnel in the Emergency Medical Services Department of the City of North Canton; and, declaring the same to be an emergency.

Mr. Snyder: Chairman Lindower.

Mr. Lindower: Yea this is - we've discussed this. This is the creation of the Captain's position - one captain per shift. No change in the number of personnel in EMS. Are there any questions on that? Thank you.

Mr. McLaughlin moved and Mr. Foltz seconded to adopt the first reading of Ordinance No. 74-02. All members present voting: Yes: Snyder, Foltz, Kiesling, Lindower, Magel, McLaughlin and Osborne. No: 0

Mr. McLaughlin moved and Mr. Osborne seconded to suspend the rules for Ordinance No. 74-02. All members present voting: Yes: Foltz, Kiesling, Lindower, Magel, McLaughlin, Osborne and Snyder. No: 0

Mr. McLaughlin moved and Mr. Foltz seconded to adopt under suspension of the rules Ordinance No. 74-02. All members present voting: Yes: Kiesling, Lindower, Magel, McLaughlin, Osborne, Snyder and Foltz. No: 0

RECORD OF PROCEEDINGS

Minutes of COUNCIL OF THE CITY OF NORTH CANTON

REGULAR

Meeting

DAYTON LEGAL BLANK, INC. FORM NO. 10148

Held Monday, July 8,

2002

(YEAR)

13. Mr. McLaughlin moved and Mrs. Kiesling seconded to **read by title only, first reading of Ordinance No. 75-02**. All members present voting:
Yes: Lindower, Magel, McLaughlin, Osborne, Snyder, Foltz and Kiesling.
No: 0

Ordinance No. 75-02 - 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 to be on file in the office of the Director of Administration and the Mayor to enter into a contract for the West Maple/Ream Intersection Improvement Project and declaring the same to be an emergency.

Mr. Snyder: Chairman Magel.

Mrs. Magel: Yes. This project has been budgeted. It's taking out of budget line 5929 - paving, curbs and gutters for \$95,000.00. Questions?

Mr. Foltz: Follow up - one question. We're just widening the intersection Jim - is there a light involved?

Mr. Benekos: No light.

Mr. Foltz: I was thinking of a possible solution to people traveling west...

Mrs. Kiesling: Slowing them down a little bit.

Mr. Foltz: on East Maple to slow down before you get to Hillcrest anyway. Cause it's - as you know with your office being right there it's hard to get out on that intersection during any time of the day let alone rush hour. So - okay.

Mr. McLaughlin: I agree. Especially from the hours from 3 to - 3 to 6.

Mr. Foltz: You might as well forget it and go somewhere else.

Mr. McLaughlin: Yea.

Mr. Osborne: Yea, that's a good recommendation.

Mrs. Kiesling: Yea.

Mr. Osborne: 15 miles an hour or something like that.

Mr. Foltz: Cause I think what happens you turn off of North Main and or come you know coming south on Main Street and you get a running start and then you're going down the hill.

Mr. McLaughlin: Yea.

Mr. Foltz: That might be part of the problem.

Mr. Held: Well you're - you're making...

Mrs. Magel: Like she said the light is - you can't see that, the light is black and you cannot see it, it is blended in.

Mr. Foltz: Obviously it's - it's something to talk about. You know I know the administration is going to work on a solution but that might be one - one small step in the right direction.

Mrs. Kiesling: Do a traffic study of that intersection.

Mrs. Magel: But at this point the \$95,000.00 does not include that. But a...

Mrs. Kiesling: Yea.

Mrs. Magel: David if you could take that into part of your study.

Mr. Held: We will do that.

Mr. McLaughlin moved and Mrs. Kiesling seconded to **adopt the first reading of Ordinance No. 75-02**. All members present voting:

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

No: 0

Mr. McLaughlin moved and Mrs. Magel seconded to **suspend the rules** for Ordinance No. 75-02. All members present voting:

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

No: 0

Mr. McLaughlin moved and Mrs. Kiesling seconded to **adopt under suspension of the rules Ordinance No. 75-02**. All members present voting:

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

No: 0

RECORD OF PROCEEDINGS

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- 14. Mr. McLaughlin moved and Mrs. Magel seconded to **read by title only, first reading** of Ordinance No. 76-02. All members present voting:
Yes: Snyder, Foltz, Kiesling, Lindower, Magel, McLaughlin and Osborne.
No: 0

Ordinance No. 76-02 - 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 to be on file in the office of the Director of Administration and the Mayor to enter into a contract for the Linwood Circle Improvement Project and declaring the same to be an emergency.

Mr. Snyder: Chairman Magel.

Mrs. Magel: Yes this is Linwood Circle Improvement project which also budgeted. The monies will be coming out of three funds - 4729 which is for street improvement, 89,000; 7552 which is a waterline, \$18,000.00 and 7951 for sanitary sewer which is \$26,000.00. Total amount is \$133,000.00.

Mr. Snyder: Any other questions?

Mr. McLaughlin moved and Mrs. Magel seconded to **adopt the first reading** of Ordinance No. 76-02. All members present voting:
Yes: Snyder, Foltz, Kiesling, Lindower, Magel, McLaughlin and Osborne.
No: 0

Mr. McLaughlin moved and Mr. Foltz seconded to **suspend the rules** for Ordinance No. 76-02. All members present voting:
Yes: Foltz, Kiesling, Lindower, Magel, McLaughlin, Osborne and Snyder.
No: 0

Mr. McLaughlin moved and Mrs. Kiesling seconded to **adopt under suspension of the rules** Ordinance No. 76-02. All members present voting:
Yes: Kiesling, Lindower, Magel, McLaughlin, Osborne, Snyder and Foltz.
No: 0

- 15. Mr. McLaughlin moved and Mr. Osborne seconded to **read by title only, first reading** of Ordinance No. 77-02. All members present voting:
Yes: Lindower, Magel, McLaughlin, Osborne, Snyder, Foltz and Kiesling.
No: 0

Ordinance No. 77-02 - 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 to be on file in the office of the Director of Administration and the Mayor to enter into a contract for the Browning Avenue Improvement Project and declaring the same to be an emergency.

Mr. Snyder: Chairman Magel.

Mrs. Magel: Yes, this is the Browning Avenue Improvement project which also was budgeted and approved. It will be coming out of two funds - 5929 the paving, curb, gutter for \$160,000.00 and 7552 the replacement waterline at \$60,000.00. Total project at \$220,000.00. Questions?

Mr. McLaughlin moved and Mr. Foltz seconded to **adopt the first reading** of Ordinance No. 77-02. All members present voting:
Yes: Magel, McLaughlin, Osborne, Snyder, Foltz, Kiesling and Lindower.
No: 0

Mr. McLaughlin moved and Mrs. Magel seconded to **suspend the rules** for Ordinance No. 77-02. All members present voting:
Yes: McLaughlin, Osborne, Snyder, Foltz, Kiesling, Lindower and Magel.
No: 0

Mr. McLaughlin moved and Mrs. Magel seconded to **adopt under suspension of the rules** Ordinance No. 77-02. All members present voting:
Yes: Osborne, Snyder, Foltz, Kiesling, Lindower, Magel and McLaughlin.
No: 0

RECORD OF PROCEEDINGS

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16. Mr. McLaughlin moved and Mrs. Magel seconded to **read by title only, first reading of Ordinance No. 78-02.**

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

No: 0

Mr. Treadon: 78?

Mr. Snyder: Yes.

Ordinance No. 78-02 - First Reading

An ordinance authorizing the Mayor of the City of North Canton, through the Board of Control, to enter into a LPA FEDERAL PROJECT 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 LPA, for the South Main/Everhard Improvement Project (STA-CR 66-Main St) and declaring the same to be an emergency.

Mr. Snyder: Chairman Magel.

Mrs. Magel: Yes, this is the South Main/Everhard Improvement Project, which was not budgeted. However, there will be no funds requested at this time. But we do understand that we are - made a commitment for the local funds as we had discussed before. No funds at this time, but are committing ourselves to the project. And remember this was a grant so we pay a very small portion and get a large gain. Any questions?

Mr. McLaughlin moved and Mr. Lindower seconded to **adopt the first reading of Ordinance No. 78-02.** All members present voting:

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

No: 0

Mr. McLaughlin moved and Mr. Lindower seconded to **suspend the rules for Ordinance No. 78-02.** All members present voting:

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

No: 0

Mr. McLaughlin moved and Mrs. Magel seconded to **adopt under suspension of the rules Ordinance No. 78-02.** All members present voting:

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

No: 0

Mr. Snyder: Thank you. Chairman McLaughlin it is my understanding you wish to table 79-02.

Mr. McLaughlin: Yea. We do not have - have enough votes to pass on emergency. I was hoping we could do this. This is one where I was hoping - it was passed to us about April 1st for the administration that we complete the second part of the -the Water Treatment Plant that we could save some money by doing both the Phase 1 right after Phase 2. But there's not enough votes. We did this - I think some of the questions they had were borrowing the money or us paying for the money and then borrowing it later on. We did that with our water tower down on South Main. But there's still a lot of questions unanswered and I do not have the votes at this time. So at that time I'm going to table - I'm going to ask for a table. I - this is one project I was hoping we can get done and save a few dollars, but it's not going to happen. The window - our window of opportunity is closing quickly. This window is probably about a 6 to 8 months by the time we get back savings are going to dwindle down to about 10, \$15,000.00. Don't you - would you - would you say Tom? If we - by not doing it till September?

Mayor Rice: Well our only point on this was I remember earlier in the year Council saying after the presentation by B and N that yea move forward, move forward, move forward on the expansion. And this in working with B and N also because we've had to take water increases, we've been trying to find ways to save money. And had we moved on this back when we presented it I don't know. Rick you say April, I don't know.

Mr. McLaughlin: It was March - I think end of March.

Mayor Rice: Our projection was at that time it you know we had the opportunity to save about \$100,000.00. Which if you remember that's equivalent to a lime slaker. I think the lime slaker costs about 90. So it's - we thought it was a significant amount of money if we moved quickly to enter into that. I don't remember Rick but...

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

Mayor Rice: About a lime slaker.

Mr. McLaughlin: That's why I was looking at Rich just shaking his head.

RECORD OF PROCEEDINGS

Minutes of

COUNCIL OF THE CITY OF NORTH CANTON

REGULAR

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held

Monday, July 8,

2002

(YEAR)

Mr. Foltz: That was - that was the heavy topic that lime slaker.

Mayor Rice: A stainless steel lime slaker as well.

Mr. Foltz: I remember that well.

Mayor Rice: So we're just - as we said before when we presented it, if you want to wait...

Mr. McLaughlin: Yea.

Mayor Rice: till next year you can wait till next year. The problem is by delaying all it's doing is costing you money. So we're missing an opportunity to save probably about \$100,000.00.

Mr. McLaughlin: And there's still some questions on council of how to fund this...

Mayor Rice: Well...

Mr. McLaughlin: and there always has been. I think from talking to some of my colleagues tonight there was some questions that they still have and not enough time before the summer break to answer them. So at this...

Mrs. Herr: I think I've answered most of those questions though Rick. I don't...

Mr. McLaughlin: Right you've did everything you can Julie. I just don't have the votes. I'm ready to proceed with this get it done, we've got a few that won't. I mean we could pass it on a first reading but it's still not going to happen because we're going to have a six-week interval before we come back to it.

Mayor Rice: Every day it's delayed is costing us more money that's all. I mean it's - where we're giving up the opportunity to save that money.

Mr. Foltz: Tom, Tom...

Mayor Rice: I mean we had the projection of saving about \$100,000.00 because we're going to save 6 months. I mean the savings is in the time. We've already wasted 2 months probably to get to this point in time. So you take...

Mr. McLaughlin: Try to find the funding on it.

Mayor Rice: a third of that is already gone. So you're probably already down now where you've wasted \$33,000.00.

Mr. McLaughlin: And I think that...

Mayor Rice: in delaying it to this point.

Mr. McLaughlin: one of the questions we had and Julie answered was how to fund this or can we fund it out off of our loan that we're going to take. And that was one of the things that she yes we can do it. That's why I wanted to proceed with it. But I thought all the questions were answered but they weren't. I think Doug's got a - do you have a comment?

Mr. Foltz: Yea, you know I was one of the first ones on council floor to say let's go ahead and do both phases. It's not getting it done, it's making sure that we get a funding mechanism in place that we don't fall through the cracks like we did 2 years ago and use some reserves and then all of a sudden we need another rate increase. I don't want to get into that whole argument. I think everyone knows where I stand on that. That's my only objection. But if there is a time frame spelled out specifically that makes sense in my mind anyway I don't know about the rest of Council when this can occur you know I'll be more lenient towards my vote in this case. But I just don't want to use reserves not knowing when we're going to get this bond or note. You know that's my point of contention here. You know it's open to the rest of Council as far as I'm concerned...

Mr. McLaughlin: Yea. I think that one of the issues that Julie made was yes we are going to get the bond and I think that that bond was coming next year.

Mrs. Herr: Well we're applying for a loan through the Ohio EPA State Revolving Loan Fund and they have told me that yes we can include this design for the expansion in with our construction loan requests for the improvements. We would just add it on top of it. And then once they approve the loan, which won't happen until after the project's been bid - I mean it will be approved but we won't know what the final amount is of the loan because we don't know what the construction cost is going to be. At that time then we could start submitting invoices and they will reimburse us for what we've already paid out. This is - it's the same way that we did the tower or the tank there on South Main. We up fronted everything and then we got reimbursed through Ohio Water Development Authority, it's the same type of mechanism. So you know we're - yes, we're using our funds now but we're going to have a dedicated revenue source to cover that. We're not going to be using the user fees to cover that. And even though at this point I don't when the loan's going to go through, when it's going to be approved, because of you know the whole project is waiting on approval by the EPA in Columbus.

Mr. McLaughlin: Yea.

Mrs. Herr: It's up in the air as to when it's going to happen. It might be this year, it might not be next year, but as long as we have that loan approval we'll have that dedicated source of revenue for that \$350,000.00.

RECORD OF PROCEEDINGS

Minutes of COUNCIL OF THE CITY OF NORTH CANTON

REGULAR

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, July 8,

2002

(YEAR)

Mr. Foltz: I had a question. Do they have to approve both Phase 1 and 2 before that loan is...

Mrs. Herr: No the...

Mr. Foltz: filtered through our...

Mrs. Herr: the project is for Phase 1.

Mayor Rice: Phase 1 - construction of Phase 1...

Mrs. Herr: Construction.

Mayor Rice: is that only thing that will be borrowed.

Mrs. Herr: And then we're just adding in the design for Phase 2. I mean we have to explain what Phase 2 is about. But it's - you know once we get to point where we're going to do construction with Phase 2 we'd have to apply for another loan. All we're doing now is because of the timing situation is trying to lump in all in together and that's what they've said we can do.

Mr. Osborne: Well I don't have this same memory that I guess everybody else does. I thought we just had a presentation back earlier this year. And this is the first indication I've had that we wanted to go ahead with this. So the projected savings - I'm just at a loss here as to suddenly this is like our last chance to grab at this. It was just a presentation that I had back in was it March? I didn't know there was an indication that we could go ahead and approve something like this.

Mayor Rice: Hey Rick, how long...

Mr. Osborne: And I haven't...

Mayor Rice: how long ago did the Administration send over this request to you about - about the design?

Mr. McLaughlin: March - I think the end of March first of April.

Mr. Osborne: Well this is the first I've seen it.

Mayor Rice: I mean council's had it in their hands...

Mr. McLaughlin: Yea, we've talked about...

Mayor Rice: No, it's been on the agenda before. It's been on the agenda a couple times.

Mr. McLaughlin: Yea, we've talked about this before - brought up. We've brought it before council before and then

Mayor Rice: Yea.

Mr. McLaughlin: one of the things we did say was we wanted to know the funding mechanism and that's one of the things Julie was checking on.

Mrs. Kiesling: Right. We stopped it because we didn't know the funding mechanism.

Mr. McLaughlin: Right and that was one of the things we had...

Mrs. Magel: It was tabled.

Mrs. Kiesling: Right. Well or just taken off. Yea.

Mayor Rice: This has been in council's...

Mr. Osborne: Well they made a presentation. At the time they made the presentation they described all the funding sources and I was for proceeding ahead. But as time has gone on there suddenly seems to be some confusion as to how long this money will be out of our - out of pocket.

Mr. Foltz: You can go first Rick because I didn't know Chuck was going to be against it too. I just want it spelled out - a time line. What's going to happen, how it's going to happen...we're all in agreement with it. If that happens...inaudible...

Mr. Osborne: So I haven't missed any meetings but this is my first understanding that the city wanted to proceed with this.

Mr. Foltz: Yea, cause you only need four.

Mr. McLaughlin: One of the questions I - it was just - somebody would - do we want to proceed with the first reading of this and I want to know if I could take out the emergency clause and just on with the first reading?

Mr. Snyder: You can do it anyway you want. Amend it and remove it.

Mr. McLaughlin: I'd like to amend the...

Mr. Foltz: Well...

Mr. McLaughlin: What's that.

Mr. Foltz: can we hear from the rest of the council what they're thinking?

Mr. McLaughlin: Oh yea.

Mr. Foltz: You know that's...

RECORD OF PROCEEDINGS

Minutes of

COUNCIL OF THE CITY OF NORTH CANTON

REGULAR

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held

Monday, July 8,

2002

(YEAR)

Mrs. Kiesling: Yea I talked to Julie today and I feel very comfortable. And my biggest concern was you know we don't have a time frame, we don't know where we're going to get the money, we don't know where we're going to get EPA approval. However, she had made it very clear that when we do our budget in the winter that we can appropriate the money because we know that it's coming back to us if not this year for sure next year. So we can appropriate the or put the 350 into waterlines in our streets this year instead of user fees - well it's all going to equal out. But it's coming back to us next year. I don't feel it's going to take away from any capital improvements and waterlines in the budget next year and that was my biggest concern. Once we get the loan approved, which will be when things are all said and done, hopefully in 2003 we'll the loan back - we'll get the money back when they apply for the entire loan for both - for the design of phase 2 and the construction of phase 1. And I feel comfortable with it. I trust Julie and I - if we can appropriate it it's going to be there in black and white; she must be pretty comfortable that it's coming back to us.

Mrs. Herr: I mean if you look at it you're going to have...

Mrs. Kiesling: And you also said that if we don't get the loan if something goes wrong with the EPA we'll go out and get short term financing

Mrs. Herr: Correct.

Mrs. Kiesling: and get the 350 back into our budget.

Mrs. Herr: Yea. I mean if you look...

Mrs. Kiesling: We're going to get it back.

Mrs. Herr: If you look at it you're having an expenditure over here, you're going to have a revenue source over here, hopefully it's the EPA loan, but it's going to net out. It's not going to have any affect on you know the funds that we bring in through user fees.

Mr. McLaughlin: And I think you mentioned it's no different than different than buying a home and the escrow and everything else like that. Putting money in a - in an account and then getting it back...

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

Mr. McLaughlin: once you get you're...inaudible...

Mrs. Herr: It's equivalent to like if you were to build a home and you get a construction loan.

Mr. McLaughlin: Right.

Mrs. Herr: You know you pay the contractor and then you draw down from your loan to

Mr. McLaughlin: Right.

Mrs. Herr: you know to reimburse yourself.

Mr. McLaughlin: Right.

Mrs. Herr: So it's along the same lines. And again it's not a foreign concept. That's - the Ohio Water Development Authority that's how they work. They don't give you your funds up front and say here go spend it, you have to spend the funds and then you get reimbursed.

Mrs. Kiesling: My question for Doug is what was the concern a couple years ago with the tank?

Mr. Foltz: The concern was we thought we were going to get a financial instrument in here to pay for that never happened. It feel through the cracks because we started taking the surplus that the previous rate increase generated and we spent it all and then we get to the point where we got to raise rates again. I don't want to be in that same situation in council. My vote's going to be no next time also if that's what we're going to do now. And that's what my fear is. I'm not saying that we don't have good intentions through the Administration or Julie doesn't have good intentions to get this done, but what if it doesn't happen? I'm willing to lose a little bit of money to safeguard raising our rates an enormous amount again versus you know let's make sure we've got it in hand and then go after it.

Mr. Osborne: Julie, how soon are we reimbursed?

Mrs. Kiesling: I understand that.

Mr. Foltz: You know that's what I'm saying.

Mrs. Herr: Well I mean it could take...

Mrs. Kiesling: Inaudible...bid.

Mrs. Herr: a few weeks, it could take a month. I mean that's really...

Mrs. Kiesling: Right.

Mr. Osborne: I thought you said a year or two years?

Mrs. Herr: But the problem is that once we have the approval that the loan's been approved, then we have the revenue source that we can use the funds off of. Even though we don't have the money in the bank yet, we have the approval. We know we're getting it so we can go ahead and appropriate the funds because we have a revenue source.

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, July 8, 2002

Mr. Osborne: But there's a cash flow problem here I would expect.

Mr. Snyder: No, not necessarily.

Mrs. Herr: Not - no.

Mrs. Kiesling: Sure, that's the problem.

Mr. Snyder: May I have a privileged question Chairman McLaughlin?

Mr. McLaughlin: Go - go ahead Mr...

Mr. Snyder: Mayor may I ask a question if I may and you might not be able to answer it. Obviously the people that do this is it Burgess and Niple...

Mayor Rice: Yea.

Mr. Foltz: Table it...inaudible...passed on emergency...inaudible...

Mr. Snyder: they're interested in - the reason they're offering a savings because it guarantees their ability to move on

Mr. Foltz: Just table it.

Mr. Snyder: after the original construction is that - they'll be the manager of the second phase this way.

Mr. Foltz: Six weeks isn't going to kill it. We don't even have approval on the first phase yet, we got to get that cleared up.

Mayor Rice: As I understand it Jon, it will allow them to provide some overlap in services between the current upgrade that we're getting ready to do and the expansion by roughly 6 months according to their time line. That overlap of phase 1 if you will and phase 2, we would be - we would of - our - their presentation a couple months ago in the letter form that we gave to council on this issue was that that overlap they estimated of 6 months would be a savings to the city...

Mr. Snyder: Approximately 100,000...

Mayor Rice: Of approximately \$100,000.00.

Mr. McLaughlin: Plus...

Mayor Rice: That's why, if you remember, originally we had talked about and we will - all talked about this before, we said it when we presented it a couple months ago, that you can certainly wait until next year. Originally we had not talked about getting into the expansion until next year at one point in time. We can still do that. You can wait and do this next year. You're going to have the same funding issues. You're going to have to front the money until you borrow it - it's not going to be any different. The benefit of doing it now was simply to potentially realize a savings. But understand now it sat around here for a couple months so we're not looking at saving \$100,000.00 now. We lost some of that opportunity because we've lost time.

Mr. Snyder: Well my question would be and maybe you're not - I'm sure you're not in a position to answer that. But I think if we gave this the first reading tonight it would keep the majority - keep the seven members in a comfort zone, would you be inclined to send a letter to them stating that we are moving forward with it. And possibly they would be - they would consider that as a - some type - I realize it's not a legal contract. But maybe - would they consider that? Is that too far removed from reality?

Mayor Rice: How far out on that limb do you want me to climb?

Mr. Snyder: Well I'm just - I would think - the reason they're saying...inaudible...

Mayor Rice: I don't know that I'm comfortable doing that on you know... I thought based on the presentation they gave back what did we just look it up January 28th, and I'll have to go back and refresh my memory, but I remember a lot of expression of support that yea let's move forward with both the upgrade and the expansion.

Mr. McLaughlin: To save the 100,000...

Mayor Rice: Unless I was hallucinating that night or something.

Mrs. Kiesling: No, I don't think you were.

Mr. Osborne: Well this is the first time I've heard of this since we had that presentation in January.

Mayor Rice: Well you need to - you need to...

Mr. Osborne: I resent the implication that council has squandered money..

Mayor Rice: I'll be glad to...

Mr. Osborne: because we've delayed this.

Mayor Rice: I'll be glad to provide you Mr. Osborne the agenda when we brought this up 6, 8 weeks ago.

Mr. Osborne: Well I'd like to see it.

RECORD OF PROCEEDINGS
COUNCIL OF THE CITY OF NORTH CANTON REGULAR

Minutes of

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, July 8, 20 2002

Mayor Rice: I think your chairman is telling you that. He's - ask your chairman.
Mr. Osborne: Well I haven't seen it...
Mr. McLaughlin: This was on the agenda for March and we...
Mrs. Kiesling: But you tabled it...
Mr. McLaughlin: We tabled it...
Mrs. Kiesling: We've never talked about it so...
Mayor Rice: It's been tabled and sitting there for a couple months waiting for council to act.

Mr. Snyder: I think we're getting off the subject here Chairman McLaughlin.
Mr. McLaughlin: What's that?
Mr. Osborne: I haven't seen it.
Mr. Snyder: We don't want to get into a verbal argument.

Mayor Rice: It's there. I mean you don't have to take my word for it, ask your clerk to pull out an old agenda. Mary Louise...

Mr. McLaughlin: But I think - I think there's not enough votes.

Mr. Snyder: Well let's...
Mayor Rice: Right...

Mr. McLaughlin: And I mean we talked about this, we tabled it, we talked about it last week. When I asked for the motion to go through everybody shook their heads. There was no problem in th business meeting part of it.
Mayor Rice: Yea.
Mr. McLaughlin: And I thought we were - we were on our way until I heard this afternoon we were not.

Mr. Osborne: It must of been pulled from the agenda because I don't remember this ever coming up since January.

Mr. McLaughlin: We talked about it last - last Monday night.

Mr. Snyder: Are we going to move forward then with an amendment to this? Is that what you...

Mr. McLaughlin: No I don't even think - to be honest with you I don't it would pass. I would like to see it, I really would.

Mr. Osborne: I would like to talk to Burgess and Niple and get a little insight on this.

Mr. McLaughlin: You know I'll pull the emergency and try for the first and let the chips fall where they may be.

Mr. Snyder: Well I mean...

Mr. Osborne: Can I get permission to talk to them?
Mr. McLaughlin: Mr...
Mayor Rice: Who you asking for permission? You've never asked permission before I don't - I'm not in charge of Council.

Mr. Osborne: Well they've been cautioned not to talk to me so I guess they need your permission.

17. Mr. McLaughlin: I'll make a motion to pull the emergency and have first reading on it and...

Mr. Snyder: Alright. Please, is there a second to that motion?

Mr. McLaughlin: See, died...

Mrs. Kiesling: I'll second.

Mr. Snyder: Madam Clerk call the roll.

All members present voting:
Yes: McLaughlin, Snyder, Foltz (yes, first reading), Kiesling (sounds like pulling out your toes) and Lindower
No: Magel and Osborne.

Mr. Foltz: That was pulling out my molar.

RECORD OF PROCEEDINGS

Minutes of

COUNCIL OF THE CITY OF NORTH CANTON

REGULAR

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, July 8, 2002
(YEAR)

Mr. McLaughlin: I appreciate the spirits.

Mrs. Bittle: It's 5 yes to remove the emergency.

Mr. Snyder: Alright...

Mr. Foltz: Here again I just want to make sure everyone's aware...

Mr. McLaughlin: I know.

Mr. Foltz: I am for this completely. If we didn't have a history of not taking care of business earlier I wouldn't be in this situation with my vote. But Julie, if you could do something with the time line so we could better understand and I apologize for not talking to you earlier about this, but it's kind of like well it's going to happen. And Jon you made some nice statements last committee meeting about how you know we need to get this under some kind of funding mechanism for this to happen. But then when that occurs falls through - falls through the cracks that's my problem. And I know you can't control that Julie, but I'm just looking at some - some guidance about when that might happen. You know are we - do we - already applied for it? Or are we awaiting to apply for it until EPA approves phase 1 completely? Those are things I'm fully clear with in my mind.

Mr. Snyder: I think we have the assurance of the Finance Director, who is duly noted she works for the Council, we will charge her with the fact if the time line is not moving sufficiently quick enough...

Mrs. Kiesling: She'll go after...

Mr. Snyder: that it would be 18 to 24 months or something like that, we will move that we borrow the funds temporarily on year note from water and then either - then we'll pay it back with the funds. Is that - is that...

Mr. Foltz: Maybe it's something we just need to do anyway.

Mr. Snyder: Well you can do that also. But I mean we will...

Mr. Foltz: Then we save the money on the consultant...

Mr. McLaughlin: Right.

Mrs. Kiesling: Right.

Mr. Foltz: So what, we pay a little bit of interest. What's the interest rate now?

Mr. McLaughlin: I'd be very - very low.

Mr. Foltz: Maybe that's great solution there Jon.

Mr. Snyder: But that's what we'll do...

Mrs. Kiesling: That's what he's willing to do.

Mr. Snyder: we'll make sure of that. And I assure you that Chairman McLaughlin you'll insist upon that if the...

Mr. McLaughlin: Yes, yes I will.

Mr. Snyder: if this time frame is not moving that will keep people in the comfort zone if. And if it doesn't work that way we'll just go in the market and borrow the money that's all.

Mrs. Herr: That's...

Mr. Snyder: Alright.

Mrs. Magel: Well I'd like to say something for the record. Some of us are a little shy and stung from what happened last time over \$500,000.00 that we were going to have a loan but the loan nearly 3 years later has not occurred. But I would like to say Julie, every time I call her she's more than cooperative. She explains, she tells the truth, she says the entire situation and gives the overall picture. So my confidence is in our - the Finance Director. Currently - well we were in a situation that because of the \$500,000.00 over nearly a 3 year period now we were first - forced into another rather substantial water rate increase and I just don't want to see that cycle repeated. And that's my only - it's a - I have full confidence in Julie and what you're doing and how you're handling this situation. And I did call you on this and you did spend a lot of time going over every minutia with me and I appreciate it.

Mrs. Herr: And one thing I do want to mention again is that you know I can come up with a time line but the whole thing is contingent upon when the project's approved.

Mrs. Kiesling: The EPA.

Mrs. Herr: I mean you have a separate process for the loan approval, but that process can't be finished until the plans have been fully approved. So as much as I would like to say you know a window of so many months, it's really...

Mr. McLaughlin: Up to EPA.

Mayor Rice: It's out of our control.

Mrs. Herr: Out of our control, exactly. So...

Mr. McLaughlin: Right.

Mayor Rice: To make that determination.

RECORD OF PROCEEDINGS

Minutes of

COUNCIL OF THE CITY OF NORTH CANTON

REGULAR

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held

Monday, July 8,

2002

(YEAR)

Mr. McLaughlin: But I'd like to see this at least you know move forward. You know I thought sure that we were going - heading towards that direction because there was no objections last week.

Mr. Foltz: Yea.

Mr. McLaughlin: But I - I'd like to see a first reading tonight.

Mr. Foltz: Well Julie can you answer that then? If we - what are we waiting on to apply specifically? Till the EPA approves phase 1...

Mrs. Herr: Yea we have...

Mr. Foltz: Is that correct?

Mrs. Herr: There's an application that we're in the process of completing and unfortunately it's not just filling out a one sheet piece of paper.

Mr. Foltz: Okay, I understand that.

Mrs. Herr: I mean there's many things. Rich knows of things that he has to put together, I have to put together. It's you know there's definitely a lot of paperwork involved. But there's that process plus there's other things that the folks down at EPA have to do as well as the fact that the project still hasn't been you know hasn't had final approval. So there's like three parts going on all at the same time. And you know trying to...

Mr. Foltz: That...

Mrs. Herr: plan when each part's going to be finished it's really...

Mr. Foltz: As long as we can take care of the things on our end in a reasonable manner of time.

And a - cause we're locked in basically on the amount for the consultant for the design phase for 2 right? That's what it is the 359. We don't have to have EPA approve that too

Mr. Snyder: No.

Mr. Foltz: before we go for this loan right - just phase 1? So that's - that's no work for anybody at this point it's just getting everything else done. And as long as we make some progress there in six weeks you know I'll be more willing and open minded to move this forward from my position.

Mr. Osborne: Well I know the city desperately needs this update...

Mrs. Magel: Inaudible...it's not going to be six weeks...

Mr. Foltz: Well I'm...inaudible...

Mr. McLaughlin: It will be eight.

Mr. Osborne: I will vote for it because I know we desperately need it. But I am concerned that we've waited till the eleventh hour here and suddenly everybody's saying we need to do this now. It's the first I've heard of it. So you've got my vote.

Mr. Foltz: Okay, well...

Mayor Rice: I will provide copies to council of the letter that Burgess and Niple wrote that we circulated to council and the agenda. I'll ask Mary Louise for your help tomorrow to pull out an old agenda of when this was first on the agenda.

Mr. McLaughlin: And the minutes.

Mayor Rice: Okay.

Mr. McLaughlin: Of the discussion.

Mayor Rice: The Administration has not been waiting till the eleventh hour. The Administration made this request many weeks ago. As Mr. McLaughlin, as chairman knows, it's been on the council agenda, it's been discussed, it's been tabled and it's been sitting inactive for many weeks. So don't be putting any accusations that the administration's bringing anything at the eleventh hour. That is an absolute false statement and the documentation will support that. I suggest you all go back and look at your old agendas, it's there.

Mr. Osborne: Must of been somebody else sitting in this chair because I don't remember at all.

Mayor Rice: Well...

Mr. McLaughlin: Anyway let's...

Mr. Snyder: Mr. Chairman I'm going to call question.

Mayor Rice: I'm not going to comment on that.

Mr. McLaughlin: Go ahead.

Mayor Rice: Inaudible...

Mrs. Kiesling: Oh dear.

Mr. McLaughlin moved and Mrs. Kiesling seconded to **read by title only, first reading** of Ordinance No. 79-02. All members present voting:

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

No: 0

RECORD OF PROCEEDINGS

Minutes of

COUNCIL OF THE CITY OF NORTH CANTON

REGULAR

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

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2002

(YEAR)

Mrs. Bittle: Magel.

Mrs. Magel: Is it - does it have the emergency on it?

Mr. Snyder: No.

Mrs. Kiesling: No.

Mr. Treadon: No.

Mrs. Magel: Yes.

Mr. Treadon: You just voted for it.

Ordinance No. 79-02 - 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 the design of the expansion phase of the Water Treatment Plant, at a cost not to exceed \$359,500.00.

Mr. Snyder: Alright. I think you would...

Mr. McLaughlin: It's what we talked about and we're ready to go right now.

Mr. McLaughlin moved and Mrs. Kiesling seconded to **adopt the first reading** of Ordinance No. 79-02. All members present voting:

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

No: Magel.

Mr. Snyder: Thank you...

18. Mr. McLaughlin moved and Mrs. Magel seconded to **read by title only, first reading** of Ordinance No. 80-02. All members present voting:

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

No: 0

Ordinance No. 80-02 - First Reading

Ordinance No. 80-02 authorizing the Mayor of the City of North Canton, through the Board of Control, to acquire property from Strouble's Lanes, Inc. (Parcel No. 13-WD) for right of way purposes and the acquisition of Temporary Right of Way (Parcel No. 13-T) necessary for the Portage/Whipple Intersection improvements and declaring the same to be an emergency.

Mr. Osborne: Shouldn't that be Strouble?

Mrs. Kiesling: Strouble.

Mr. Snyder: As you know the Director of Law negotiated a successful negotiation for \$25,000.00 and the Director of Administration put in two signs and we reached a cooperative resolution with the owners of that and we'd like to move forward.

Mr. Osborne moved and Mr. McLaughlin seconded to **adopt the first reading** of Ordinance No. 80-02. All members present voting:

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

No: 0

Mr. McLaughlin moved and Mr. Foltz seconded to **suspend the rules** for Ordinance No. 80-02. All members present voting:

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

No: 0

Mr. McLaughlin moved and Mr. Foltz seconded to **adopt under suspension of the rules** Ordinance No. 80-02. All members present voting:

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

No: 0

19. Mr. McLaughlin moved and Mr. Foltz seconded to **read by title only, first reading** of Ordinance No. 81-02. All members present voting:

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

No: 0

RECORD OF PROCEEDINGS

Minutes of

COUNCIL OF THE CITY OF NORTH CANTON

REGULAR

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held

Monday, July 8,

2002

(YEAR)

Ordinance No. 81-02 - First Reading

An ordinance authorizing the Board of Control of the City of North Canton, through the Director of Administration, to seek quotes for administering a self-insured health insurance program and authorizing the Mayor, upon instruction by Council, through the Board of Control, to enter into a contract for said health insurance program and declaring the same to be an emergency.

Mr. Snyder: Again now we are - our insurance expires in December. It's a littler earlier than normal, but at the suggestion of State Auditors to the Director of Finance that there be some things added to our bid. So this is giving the administration and her time to prepare appropriately. Any other questions on that? If not...

Mr. McLaughlin moved and Mrs. Kiesling seconded to **adopt the first reading** of Ordinance No. 81-02. All members present voting:

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

No: 0

Mr. McLaughlin moved and Mrs. Magel seconded to **suspend the rules** for Ordinance No. 81-02. All members present voting:

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

No: 0

Mr. McLaughlin moved and Mrs. Magel seconded to **adopt under suspension of the rules** Ordinance No. 81-02.

Mr. Snyder: Did I just read that before? Oh, I apologize.

All members present voting:

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

No: 0

Mr. Snyder: The oxygen level must of changed in this building. Alright...

20. Mr. McLaughlin moved and Mr. Osborne seconded to **read by title only, first reading of Resolution No. 82-02**. All members present voting:

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

No: 0

Resolution No. 82-02 - First Reading

A resolution adopting the Budget of the City of North Canton, Ohio, for the year 2003.

Mr. Snyder: It says proposed budget there or is that the regular budget?

Mr. Treadon: Adopting the budget.

Mr. Snyder: Is that how that works?

Mrs. Herr: It's the tax budget.

Mr. Snyder: Yea, that's the tax budget.

Mrs. Herr: It's not the appropriation budget it's.

Mr. Snyder: Oh, alright.

Mr. Treadon: And this is a one time vote.

Mr. Snyder: Right, just a one...

Mr. Treadon: One time.

Mr. Snyder: Appreciate that. Any questions? We just held that to public hearing on - related to that. If not...

Mr. McLaughlin moved and Mr. Osborne seconded to **adopt the first reading** of Resolution No. 82-02. All members present voting:

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

No: 0

Mr. Snyder: May I have a motion to suspend the rules for Ordinance 83-02 - the committee minutes rules?

RECORD OF PROCEEDINGS

Minutes of

COUNCIL OF THE CITY OF NORTH CANTON

REGULAR

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

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Mr. McLaughlin moved and Mrs. Magel seconded to **suspend the rules of council requiring committee minutes**. All members present voting:

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

No: 0

21. Mr. McLaughlin moved and Mrs. Magel seconded to **read by title only, first reading of Ordinance No. 83-02**. All members present voting:

Yes: Lindower...

Mrs. Bittle: Magel.

Mr. McLaughlin: Pardon me.

Mrs. Kiesling: She didn't hear you through her cough.

Mrs. Magel: Yea, sorry.

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

No: 0

Mr. Foltz: We need a...

Mr. McLaughlin: I think we're all waiting for vacation.

Mr. Foltz: 6 week break.

Mr. Treadon: You anxiously waiting for me to read this?

Mrs. Magel: Yes.

Mrs. Kiesling: Yes.

Ordinance No. 83-02 - 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 and the Board of Stark County commissioners for the Portage/Whipple Intersection Improvement Project, including the replacement of the existing waterline and declaring the same to be an emergency.

Mr. McLaughlin: This is what we talked about in the committee before the meeting that our best cost was through the county. We figure the project to be around 60,000, but we're adding 5 because once we get in there we don't know what we're going to get into or whatever. So we're asking for 65. And it's already been budgeted under 5929 for this year. So do you have any other questions? Everything's good?

Mr. Snyder: Alright...

Mr. McLaughlin moved and Mr. Foltz seconded to **adopt the first reading** of Ordinance No. 83-02. All members present voting:

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

No: 0

Mr. McLaughlin moved and Mrs. Magel seconded to **suspend the rules** for Ordinance No. 83-02. All members present voting:

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

No: 0

Mr. Snyder: May I have a motion to adopt under the suspension of the rules Ordinance 80...

Mr. McLaughlin: 3-02...

Mr. McLaughlin moved and Mr. Foltz seconded to **adopt under suspension of the rules** Ordinance No. 83-02. All members present voting:

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

No: 0

Mr. Snyder: Tom can I amend this - both at the same time?

Mr. Treadon: Yea you want to amend the...

Mr. Snyder: The rules of council to accept...

Mr. Treadon: The rules of council with regard to committee and secondly you got to add the...

Mr. Snyder: So that's two separate votes correct? Or I can do it in one?

Mr. Treadon: I think you can do it in one.

Mr. Snyder: For expedience - thank you. May I have a motion to suspend the rules of council for no committee minutes on Resolution 84-02 and for Resolution No. 85-02? Also may I in that motion may you please to move to amend the agenda of July 8th to accept 84-02 Resolution and Resolution 85-02.

RECORD OF PROCEEDINGS

Minutes of

COUNCIL OF THE CITY OF NORTH CANTON

REGULAR

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held

Monday, July 8,

2002

(YEAR)

Mr. McLaughlin moved and Mr. Foltz seconded to **suspend the rules of council** requiring committee minutes and to **amend the agenda** to accept Resolution Nos. 84-02 and 85-02.

Mr. Snyder: Thank you.

All members present voting:

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

No: 0

22. Mr. McLaughlin moved and Mr. Foltz seconded to **read by title only, first reading** of Resolution No. 84-02. All members present voting:

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

No: 0

Resolution No. 84-02 - First Reading

Resolution No. 84-02 authorizing the North Canton Police Department to apply for, accept and utilize State of Ohio funding for the D.A.R.E. Program for the period from August 1, 2002 through June 30, 2003 and declaring the same to be an emergency.

Mr. McLaughlin moved and Mrs. Magel seconded to **adopt the first reading** of Resolution No. 84-02. All members present voting:

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

No: 0

Mr. McLaughlin moved and Mrs. Kiesling seconded to **suspend the rules** for Resolution No. 84-02. 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** Resolution No. 84-02. All members present voting:

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

No: 0

23. Mr. McLaughlin moved and Mr. Foltz seconded to **read by title only, first reading** of Resolution No. 85-02. All members present voting:

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

No: 0

Resolution No. 85-02 - Natureworks Grant

Resolution No. 85-02 authorizing the Mayor of the City of North Canton to enter into a NATUREWORKS LOCAL GRANT PROGRAM STATE/LOCAL PROJECT AGREEMENT with the State of Ohio Department of Natural Resources and accept and utilize a grant in the amount of \$33,476.00 and declaring the same to be an emergency.

Mr. Snyder: Chairman Foltz.

Mr. Foltz: As we discussed earlier in committee, I think we all know the facts on it so I'd like to move forward with it and make a motion we accept this.

Mr. Osborne: Sounds good.

Mr. Snyder: Is there a second?

Mrs. Magel: Second.

All members present voting:

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

No: 0

Mr. McLaughlin: Sorry...

Mrs. Magel: My voice is getting deep...inaudible...

Mr. McLaughlin moved and Mr. Foltz seconded to **suspend the rules** for Resolution No. 85-02. All members present voting:

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

No: 0

RECORD OF PROCEEDINGS

Minutes of

COUNCIL OF THE CITY OF NORTH CANTON

REGULAR Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

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Mr. Snyder: Member McLaughlin.

Mr. McLaughlin: Couple things I have. David I hope that those lists I gave you on those concrete repairs will get done before we get back. Especially on Clearmount - the one on Clearmount and the one over in Gas Light Circle and the other repairs. I know you're working trying to solve those things. I was hoping the one on Bachtel we'd have done this spring, but we're not going to do it now I understand till the fall. But I hope that you will get those done some time. I know those people been - especially that curb replacement on the Gas Light where we did the water in there and everything else like that. I'd appreciate that.

Mr. Held: We've got them on the list.

Mr. McLaughlin: I appreciate it. And again I'd like to say - reiterate what Tom did, Officer Michael Foltz has done an excellent job the - and I'm - like I say I'm one of his biggest supporters and everything else. The only thing I didn't do this year was I give baseball cards or tickets away to the kids at D.A.R.E. and I didn't get to do it this year. I definitely will do it again next year but I was out of town at the time and didn't get back in time to do it. But it is a great program and he's got some wonderful ideas and I'm sure that I'd like to see that program and maybe even expand it a little bit later to couple other schools - upper grades or lower grades or whatever we can do with it.

Mr. Snyder: They had a float in the parade.

Mrs. Kiesling: Yea. Inaudible...the car...inaudible...

Mayor Rice: Unit - a lot of kids.

Mr. McLaughlin: Not now.

Mr. Snyder: Inaudible... Member Kiesling.

Mrs. Kiesling: No report.

Mr. Foltz: Hey, how'd you get tickets to the game man?

Mr. McLaughlin: I've got two behind home plate for every game.

Mr. Snyder: Member Magel.

Mrs. Magel: I would just like to thank Miss Pat Davis for bringing to us the attention the intersection of West Maple and Hillcrest. I guess I'd be - and I had to admit I spent some time today there - that is a problem intersection. And it's one of those until you're there and actually see it and understand the whole thing - I hope we can do something. But it can't stand as it is right now. It needs some attention. And perhaps if we could take into consideration Member Foltz's idea that might have an impact on that intersection. But thank you for the time and coming up and letting Council know of such a problem in the city. Second thing is apologize for the cough. It's just one of those summer colds I just can't shake. So that's all.

Mr. Snyder: We'll note that in the minutes. Member Osborne.

Mrs. Magel: But I do supply Halls...

Mr. Snyder: I appreciate it.

Mrs. Magel: To the President.

Mr. Snyder: Thank you, they're good.

Mr. Osborne: I just have one thing. I have an alley vacation. Jim, I guess you're - it's been brought to the Engineering Department Alley No. 4. It's been kind of ongoing now for a couple months. This is for an elderly couple over on Foster. They'd like to get this vacated so they can make some improvements to their driveway for winter weather. Councilperson Kiesling has seen the situation, President of Council Snyder has seen it, Mr. Held has seen it. I would like to see if we can kind of move that along. We've kind of promised them September now - time frame. I guess I do have a question. Can we vacate just a portion of an alley?

Mr. Benekos: You can vacate a portion of it. The portion that you're requesting that the end of it is not a practical portion to vacate. And what I'd like to do is take it to the Planning Commission the next Planning Commission and informally show them and see if they're inclined to recommend that. And then if they are then we can proceed with preparing the plat and taking it to them formally then bringing it through council. But just the end piece of an alley, even though it's not probable that the rest of the alley would open up, you're creating a dead end street there or dead end alley.

Mr. Osborne: It's actually been dead end ever since it was created. It's never been used

Mr. Benekos: Right.

Mr. Osborne: as an ingress or egress.

RECORD OF PROCEEDINGS

Minutes of COUNCIL OF THE CITY OF NORTH CANTON

REGULAR

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, July 8,

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(YEAR)

Mr. Benekos: Right. But on paper you have that dedicated right of way. But you know if you are going to vacate it it makes sense to vacate it all the way up to where that cross alley is located.
Mr. Osborne: Okay. Well that's fine I - the three people that have bought Mr. & Mrs. Kobelt's property have agreed to donate their portion of that alley to the Kobelts cause it's literally their driveway. I don't know do we need any sign offs ahead of time or can that all be done in one process when it's vacated?

Mr. Benekos: It would be done on the vacation plat and there'd have to be a signature line for them to sign off on it.

Mr. Osborne: Because I've got verbal approval from all three of them. So hopefully we can get that moving along. So they've been waiting about 4 or 5 years. I guess the City Administrator from 4 or 5 years ago promised this and it just never did get done. And they're getting on in age and I'd like to get this done while it's - while it will work for them. Thank you that's all I have.

Mr. Snyder: Thank you. The only thing I have as you know this is our last meeting. And we'll come back in August 19th. However, you're subject to call of the Mayor or myself. So you can count on it you'll be here in probably the next few days. But other than that I don't have anything official to say.

FINAL CALL FOR NEW BUSINESS

Mr. Snyder: Is there anyone in the audience wishing to speak before we adjourn. If not we'll see you probably sooner than later. May I have a motion to adjourn?

ADJOURN

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

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

No: 0

PRESIDENT OF COUNCIL

ATTEST:

CLERK OF COUNCIL