

# RECORD OF PROCEEDINGS

Minutes of COUNCIL OF THE CITY OF NORTH CANTON REGULAR

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held

Monday, March 25, 7:00 p.m.

2002

(YEAR)

## CALL TO ORDER:

1. The council meeting was called to order by President of Council Jon Snyder.
2. The opening prayer was delivered by Rev. Angus McIntosh, St. Columba Evangelical Episcopal Church.

Mr. Snyder: Thank you Reverend.

3. All present recited the Pledge of Allegiance.

Mr. Snyder: Madam Clerk please call the roll.

## ROLL CALL:

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

Mr. Snyder: Would - seek a motion for the consideration of the minutes of council meeting of 3/11/02...

Mr. McLaughlin: Mr. President, sir, may I interrupt for just a second?

Mr. Snyder: Please.

Mr. McLaughlin: We have a motion to excuse our council member, Ward 2 council member...

Mr. Snyder: Oh, yes.

Mr. Osborne: Lindower.

Mr. McLaughlin: Mr. Lindower.

Mr. Snyder: Mr. Lindower. Yes, I apologize.

Mr. Foltz: Second.

Mrs. Kiesling: Two weeks in a row.

Mr. Osborne: I could see you searching there.

Mr. McLaughlin: He's been gone for two weeks and I forget his name already, look at that.

Mr. Foltz: Hey, Rick I'll turn this around...inaudible...alright.

Mr. McLaughlin: Two weeks vacation and I forget him already.

Mr. Snyder: On that empty chair. That's fine.

Mr. Foltz: At least you made the motion Rick.

Mr. Osborne: I'll second.

All members present voting:

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

No: 0

5. Consideration

Consideration of Minutes of Council Meeting: 3/11/02

Consideration of Minutes of Special Council Meeting: 3/18/02

Consideration of Financial Statement: February, 2002

Consideration of Mayor's Court Receipts: February, 2002

Mr. Osborne moved and Mr. Foltz seconded to approve the minutes of the council meeting, minutes of the special council meeting, financial statement and mayor's court receipts as presented. All members present voting:

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

No: 0

6. Committee Reports

**Finance & Property Committee:** Refer to the minutes on file in the Council Office of the Finance & Property Committee meeting held March 18, 2002.

**Park & Recreation Committee:** Refer to the minutes on file in the Council Office of the Park & Recreation Committee meeting held March 18, 2002.

**Street & Alley Committee:** Refer to the minutes on file in the Council Office of the Street & Alley Committee meeting held March 18, 2002.

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**Water, Sewer & Rubbish Committee:** Refer to the minutes on file in the Council Office of the Water, Sewer & Rubbish Committee meeting held March 18, 2002.

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

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

No: 0

7. Recognition of Visitors

Mr. Snyder: Thank you. At this particular time Mr. Mayor I believe you have some guests in the audience.

Mayor Rice: Yes sir.

Mr. Snyder: Would you ask Marcia and Rick to sign those please? Pass them back.

Mayor Rice: We are honored here this evening to have with us as our visitors and honored guests tonight the coaching staff and the members of the 2002 Lady Viking Division I State Championship Team. I would ask at this time if all members of that team would please come forward. Coaches also - Coach Wackerly, the head coach and his assistant coaches, come on up here. A week ago Saturday, as everybody knows, this outstanding collection of ladies from our high school went to Columbus and accomplished something never before accomplished by a girl's basketball team in the history of the North Canton High School. And not only are they great athletics and great competitors and a great team; from everything I hear they're great students too. What's their collective average Coach?

Coach Wackerly: About 3.8.

Mayor Rice: About 3.8 collectively, between all the members on the team. So we wanted to take this opportunity tonight and thank you all for coming to visit us here at City Hall. But publicly acknowledge your fantastic accomplishment. Very few people in their high school career get an opportunity to play on a championship - state championship team in any sport. I know I would of paid big money to be on a - to do that in my high school career. We never got close man. But what a thrill and I'm sure you guys are loving it now. But you'll appreciate even more as the years go on at what a great accomplishment that is and how difficult that is to do. But I did write up a Proclamation that I want to present to the head coach here. And I'll read it to everybody here this evening to recognize your accomplishment. As Mayor of the City of North Canton, Ohio, I hereby thank Coach Paul Wackerly for his leadership and coaching of the North Canton Hoover High School Girl's Basketball Team; and Whereas: Coach Wackerly began coaching the North Canton Hoover High School Girl's Basketball Team in 1995, and has shown a strong dedication to the North Canton Hoover High School Girl's Basketball program along with assistant coaches, Scott Snyder, Leyla Arndt, Pat Renner, and Terry Moore; and Whereas: The Lady Vikings have achieved a 26-1 record this season by emphasizing a "total team" approach led by their Captains, Anne DeSantis, Abbey Moore, Amanda Knaus, and Nikki Budgake; and Whereas: The team members of Maria - and I hope I'm not butchering these names ladies, I'm sorry - Maria D'Aurelio, Kelly Ann Staudinger, Jessica DiRusso, Kristin Higy, Jennifer Miday, Katie Glaws, Amber Robinson, Alicia Johnson, Natasha Holloway, and Catherine Portyrata

Ms. Portyrata: Close enough.

Mayor Rice: Close enough. Thanks, thanks. I knew I was going to have trouble with that one. All contributed to the great success of this team; and - We thank and congratulate the North Canton Hoover High School Girl's Basketball Team, coaches, parents, managers, and fans on winning the State of Ohio Division I Basketball Championship. Now, therefore, I Thomas E. Rice, Mayor of the City of North Canton, do hereby proclaim Monday, March 25, 2002 as "Hoover Lady Vikings Basketball Champions Day" in the City of North Canton and ask all to join with me in extending appreciation to Coach Wackerly and his team for all their hard work. Congratulations ladies on a great job. Coach...inaudible...do you want to say anything? Inaudible... Thanks for coming. Ladies you're free to go, unless you want to...inaudible...congratulations.

Mrs. Kiesling: He's too cute...inaudible...too funny.

Mr. McLaughlin: Congratulations.

Mr. Snyder: Coach congratulations.

Coach Wackerly: Thank you very much.

Mrs. Kiesling: How awesome.

Mr. McLaughlin: Congratulations.

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Mrs. Kiesling: Congratulations.

Mr. McLaughlin: Thank you guys. Do it again next year.

Mrs. Kiesling: Definitely.

Mr. McLaughlin: Come on we're a Duke dynasty now. Duke dynasty - we're a Duke dynasty.

Mr. Held: Inaudible...collective grade point average is 3.8? My god...

Mr. Foltz: Okay Paul.

Mayor Rice: By the way, I forgot, I should acknowledge Abbey Moore here, Stark County Player of the Year this year.

Coach Wackerly: Have a good meeting.

Mrs. Herr: Thanks.

Mr. Snyder: Thank you Mr. Mayor that was quite a nice thing you did. And it's indeed a pleasure to see those young ladies, the future representation of the City. At this particular time we will recognize anyone in the audience wishing to speak before the council this evening. If you have something to say please step forward, state your name and address for the record. Yes sir.

Rich Kuntz: Good evening. My name is Rich Kuntz. 615 Briar Avenue NE. That's K-u-n-t-z for the lady over here. Should I start now or you want to go down the line or...

Mr. Snyder: No sir, you can go right ahead. You can say whatever you - do you have something - please do..

Mr. Kuntz: Okay, yea. Thank you. The only thing that I want to bring up is I'm going to just say a few things on the water increase which I spoke about two weeks ago. My purpose of being here is not to try to run this down into the ground or anything like that. I feel that we need an increase, I feel that we need to update the water treatment plant to expand it, but I also feel that we can do it without raising it 75 cents all at one time. And the reason I say that is with the 25 cent increments over the next three years I feel that if we would be short of our objective or goal for the finances, that I still feel that the excess dollars of the 18. whatever still in the excess fund, which is drawing interest day by day, we could take some of that and use it for this. And now that we're not hooking into the waterline that was supposed to go out to the ballfield - I guess everything is alright now from what I understand, this week anyway, the \$800,000 that was left we're going to use to hook into the Canton City line for the water for in case of drought and so forth. Which I'm sure the 800,000 is not going to be sufficient to pay for the expense. So I'm sure we're going to have to dip in somewhere. The - my feeling on - or I personally feel and my own theory is, on - the ten people and I'm not going to mention any names because I just kind of did this at random on my own, but I surveyed ten people in the last two weeks. Out of the ten people that I surveyed and I knew none of these but one when I talked to them about what they thought of the water increase. Two of them are on social security and they really - their opinion was they felt that the 25 cent increment was sufficient. Three of them were on fixed income and they really couldn't afford it. One of them was on financial aid either through United Way or social services. And two of them didn't care one way or the other because they didn't want to take the time to either come up here to speak or so be it. The one person a friend of mine informed me of was the elderly lady. Her husband just - when he retired he no retirement fund; as a lot of us don't have depending on the business we were in. So consequently if we saved enough to retire then we have something that we can live on besides social security. Well when her husband passed away she gets between 6, I think, and \$700 a month. And she gives up a lot and she just feels this will be a terrific burden on her if she has to pay another \$2.75 or what have you. I just feel that we have the money there to use and I would hate to think that down the road - because I know I live on Briar and we went through this on vacating the streets that as soon as the allotment is started in Bob-O-Link with whatever is going in there, they will annex that into the city and I would hate to think that any of the money, whether it's 25 cents or 50 cents or whatever you folks decide that's going to be and pass the law, will not be spent on any part of new building or annexation for that allotment. I would - I don't think it would be fair and I feel that - I feel that everyone of you tonight here before you say yes or no would bear and think and mind the fact that - think of the people that are in the needing, there's a lot of them. This is only ten out of several thousand and if I would of had more time I'd liked to done a little more research. But there's more people on fixed incomes and disability that I wasn't aware of. And this really digs in and hurts them. And I just hope that you can see that our 25 cent increment would far be enough and if it isn't we can dip into the fund. It was - it's there and we wouldn't spend as much that we collected on interest for one year as it would be to add on to the extension of the water to the City of Canton. And until I hear any other comments that I might want to react to that's my comment. Thank you very much.

Mr. Snyder: Thank you sir. Anyone - yes sir.

Jim Fleming: Inaudible...one second. My name is Jim Fleming. I live at 429 Werstler Avenue NW. I'm here also to back Mr. Kuntz's opinions. I think you people are starting to take advantage of the senior citizens in this area. There's too many people in this area that are now on fixed incomes. And in the next few years there will be a lot more of us. Remember gentlemen, we don't forget. Thank you.

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Mr. Snyder: Anyone else wishing to speak? Sir.

John Broemsen: Hi, I'm John Broemsen, 506 Everhard Road, North Canton, SW. And I'm here tonight to speak about one thing. I heard the city is making some changes to the zoning regulations in the city. And they've had several public meetings, which I did not know about. So I came here tonight to address one of the areas in the zoning regulations, which is the erecting of fences between properties in a residential area. I've had several experiences with this situation. And had the existing regulation on fences been more specific, it could of been a little more pleasant when the fence was put up. So what I'd like to do tonight is to offer some suggestions that might help resolve some future problems that could occur between neighbors as a fence is put up on one property and the other person on the other side or adjacent properties or adjoining properties have to, you know, take a look at that fence every day that they live there. So I have nine little pieces here that I'd like to take a look at.

Mr. Snyder: Thank you.

Mr. Broemsen: When it comes time to vote or discuss some of the zoning regulations concerning fences or walls or any other type of structure that's placed up between properties, I hope you would consider looking at some of these that on this paper. That as the zoning rules and regulations are made, that you take into consideration, you know, some of the specifics that are there. Particularly when a fence is put up I think the existing regulation now is you can place the fence on the property line. But that is kind of contradictory because it has to be serviced from both sides. Which means the person who puts the fence up has to, you know, come on the other side, the other person's property and has to, you know, paint, mow it, trim it, whatever they have to do with it. I think Plain Township has a 3 foot variance. But I'd just put in 2 feet just, you know, just to put it in there. Also the idea of putting up a fence on the property line, in most cases an existing property line does not - is not there. A surveyor sometimes needs to establish where the property line is. It the person who puts the fence up does not worry about it, just puts the fence where he or she thinks the line is, then it's up to the person who is next door to get a surveyor and make it right if it's on the wrong side. All that could avoided if the regulations in the new zoning rules would, you know, specifically spell out what is to be done before a fence is placed. So again I hope you would consider, you know, at least some of those ideas I have on that paper, you know, when it comes time to, you know, vote on the new rules. I appreciate it. Thanks a lot.

Mrs. Kiesling: Thank you.

Mrs. Magel: Sir, could I ask...

Mr. Broemsen: Excuse me.

Mrs. Magel: a question?

Mr. Broemsen: Yes.

Mrs. Magel: First of all you put a lot of thought into this.

Mr. Broemsen: Yes I have.

Mrs. Magel: I happened to have worked on that committee for some time, so I appreciate this. But one question is No. 5 - any permit given for the above structure shall be valid for a period of six months. What were you thinking? What's your thought process?

Mr. Broemsen: Well I - from what I gathered through my experiences once a permit is given, it has no end. Whereas you can keep it as long as you want and keep adding and adding and adding or whatever.

Mrs. Magel: Okay.

Mr. Broemsen: In my case a person put a fence up, chain link fence on the property line and then 2 feet inside that placed up another stockade fence on, you know, within another foot or so, of 2 feet of the fence that was already there and on the same permit.

Mrs. Magel: I see.

Mr. Broemsen: So it seems to me that if you want the fence that's fine. Put it up within a reasonable amount of time, then have the permit expire and then reapply again for another fence. And that way the city can take a look at what is going to be done, you know, why another permit is needed. Okay. I...

Mr. Snyder: Inaudible...two fences up on the same permit?

Mrs. Magel: Okay, that might need further...

Mr. Broemsen: Yea, because that's - that's a very odd situation that I experienced with this double fence on...

Mrs. Magel: Right.

Mr. Broemsen: between my property. I do have some more copies if you want some. One second.

Mr. Osborne: Mr. Broemsen...

Mr. Broemsen: Yes.

Mr. Osborne: I also concur with what you have here. I assisted an elderly gentleman here last fall with this same kind of situation. A neighbor just put down fence with no accurate idea as to where the line was. And this poor gentleman, he's 86, he was so concerned that he foot bill for the survey...

Mr. Broemsen: Right - over \$1,000.

Mr. Osborne: And a - but it's just common sense to - people need to know exactly where the line is.

Mr. Broemsen: If you get along with your neighbors there's nothing wrong. You need to say this - well place it here, that's fine. But when the neighbor moves and somebody else moves into the home and they decide to change something, then that's where you have the problems. And I think ,maybe you know, that those kinds of situations can, you know, flare up and cause all kinds of problems between people who are even friends at sometimes. So...

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Mr. Osborne: And property lines or markers get moved.

Mr. Broemsen: Right. So I just, again, hope you consider taking a look at some of those ideas I've placed in there. I'd appreciate it.

Mr. Osborne: It's really a form of harassment the way some of these situations turn into. So this would certainly clarify it and make it easier for everybody.

Mr. Broemsen: Thank you very much.

Mr. Snyder: Thank you Mr. Broemsen.

Mayor Rice: I just need one Jon, if you've got one.

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

## OLD BUSINESS:

8. Mr. McLaughlin moved and Mr. Osborne seconded to **read by title only, third reading of Ordinance No. 30-02**. All members present voting:  
Yes: McLaughlin, Osborne, Snyder and Kiesling.  
No: Foltz and Magel.

### **Ordinance No. 30-02 - Third Reading**

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

Mr. Snyder: Chairman McLaughlin.

Mr. McLaughlin: I think we're still at the same point we were at three months ago. That those that are for it are for it, those against are against it. One thing I do want to make comment - was the gentleman that just spoke, Mr. Kuntz, there is a form here and - the Homestead Exemption Application for Senior Citizens and Disabled Persons. You said a lot of people are on disability and fixed incomes. You can fill this out and send it down Janet Creighton's office. It gives you a discount or whatever you want to call it off your water bills and everything else - your sewers and everything else like that.

Mr. Batista: Right.

Mr. McLaughlin: Gladly give you a stack of them if you want. Or, you know, give the name of those people that are on fixed incomes. I'd be glad to go out and have them fill out and send it in to them and see if they qualify. If you want to...

Mr. Kuntz: I'm - well, I'm aware of the Homestead Act. Some of them probably would qualify and some of them probably would not.

Mr. McLaughlin: When I - I've noticed - I've handed out two so far. I've walked the dog - I walk my dog every night and every morning. And when I run into people and I explain the water situation they understand. But I've had one or two that said they're on fixed incomes and given this and they've filled it out. And I'm sure - the one gentleman was kind of hesitant filling it out because he said he's going to move anyway to a retirement home up in Cleveland. And the other gentleman I know filled it out. I know he's - he'll probably get it from his income and everything else like that. But that's what it's there for. And I'll gladly make you some copies of it afterwards.

Mr. Kuntz: The - again, the only thing I wanted to say is the fact one way or the other we're going to have an increase. I've no objection to that. It's the amount of the increase is the only thing I'm against. And that we have the money for the excess that should be used for that and that - to tax one of us when we have it there. And I just can't buy the fact that none of you will say that's it's there to use for that. Or better yet, I mean, we can go out and get enough signatures to put it on the ballot if we wanted to also.

Mr. McLaughlin: You have the right to do that.

Mr. Kuntz: So, you know, I mean it's one way or the other. But I mean there's a lot of people that can't afford it and to a lot of people it's peanuts. But there's more people than you're aware of - I think everyone of you sitting here and you get out to see the people more than I do, but I've taken a great interest in this in just in the last month or six weeks and there's more than meets the eye. And I just can't see your reasoning for not taking some of the excess money to spend on the 25 cents. That - I just can't buy it.

Mr. McLaughlin: We've been over that before and one of the things we said was 25 cents is not going to do it, it doesn't reduce the debt. Number two is again, that \$18,000,000 is not a realistic figure.

Mrs. Kiesling: It is not a rainy day fund.

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Mr. McLaughlin: The 18 million is not a realistic figure. It's - there's two and a half million's of that is encumbered for this year's project, first of all. Second of all is, you're not getting the interest we used to get. Third of all, you're not getting the city income tax from the Hoover Company because we owe them \$380,000 every...

Mrs. Herr: 359...

Mr. Osborne: Each of the next two years I believe.

Mr. McLaughlin: Each of the next couple years.

Mr. Snyder: Three.

Mr. McLaughlin: And also if you've watched the news in the last couple days Parma, Medina, the State of Ohio are not recognizing the revenues for city incomes or taxes as...

Mr. Osborne: Lorain, Alliance.

Mr. McLaughlin: And, you know, like I say we've been through this before and I'm sorry but I'm not going to - I'm not going to do that - I'm not going to - I'm not going to tie the hands of this council or the future councils on taking dollars out of that when I think it's - for a \$3.00 a month or \$4.00 a month increase, depending on how much you use. An average, if you use a 5,000 - if you're an average small user, it's going to cost you \$2.50 or in through there.

Mrs. Herr: \$2.75.

Mr. McLaughlin: \$2.75 and...

Mr. Kuntz: What's the 18 million going - what's it there for? Is it to...

Mr. McLaughlin: Well, let me ask you a question. If you - do you have a reserve in your checking account where if you have a problem with your home don't you have something in reserve that if you've got a minor catastrophe with a roof, with a fire or something, you've got money to go to.

Mr. Kuntz: I don't have 18 million, no.

Mr. McLaughlin: No, I'm not saying you do. But I think everybody - everybody - it should be taught in schools that you've got to at least have six months of your revenue in reserve

Mr. Kuntz: Okay.

Mr. McLaughlin: for cases of emergency that have sprung up

Mr. Kuntz: We have some but...

Mr. McLaughlin: that you've got to take care of it.

Mr. Kuntz: Is, is - out of the 18 million is any part of that used for any other thing in the city except for emergency fund?

Mr. McLaughlin: No, it's not an emergency fund.

Mr. Kuntz: No, alright, would it be used for anything else but - give me an example.

Mr. McLaughlin: It could be used for...

Mrs. Herr: We are...

Mr. Osborne: Julie can explain all that very well, I think.

Mrs. Kiesling: Julie, please...

Mr. McLaughlin: Go ahead.

Mrs. Kiesling: Let her.

Mrs. Herr: The 18 million, which is where we stood at the beginning of the year, again that also includes money that's been encumbered - meaning its already been set aside. It hasn't been spent yet, but it's been set aside and reserved for various projects that are still ongoing. But in my calculations for this year and it's probably going to reflect for the next few years, our income tax levels are going to be down, some of our other intergovernmental revenues are going to be down, our state revenues are going to be down. That 18 million, by the end of the year, worst case scenario it could go down to 11 million. So in other words we're using that 18 million to fund our operations of the city - our fire services, our streets, our engineering, our parks and recreation, that money, some of that money is being used fund just the current year operations for those city services.

Mr. Kuntz: Well, I didn't think...

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Mrs. Herr: And again, I've said before, you know, the whole purpose of this is not only to fund for this upcoming improvement, but also to get our rates up to what it costs us to produce it. We can't just keep giving away water and having people not pay for the full cost of it. We have not only the water plant improvements, but we've got other waterline projects down the road, other water development things like that, that we have to account for. So some of this money is going to be used for that. But again, it's easier for us - you guys as a council to raise water rates than it is for us to go out and have the voters elect to increase our income tax. Which very well might happen sometime down the road.

Mr. Kuntz: The other...

Mrs. Herr: But if we start dipping into that 18 million, you know, in addition to what we're going to use this year to fund our operations, to set aside for this project, it just means that day is going to be here sooner than, than we would like.

Mr. Kuntz: But none of this money that you're talking about is going to be spent out for let's say EMS, fire, police or any of that. They got their own budget. Am I correct?

Mr. Snyder: That's part of their budget.

Mrs. Herr: No, that includes all of that.

Mr. Snyder: That's where their budget comes from.

Mrs. Herr: That 18 million includes all of the entire city's services. It includes our fire, our EMS, our police, our streets, our water...

Mr. Kuntz: We don't have a separate budget?

Mrs. Herr: our sewer, our garbage, everything.

Mr. Kuntz: Excuse me. We don't have a separate budget for that?

Mrs. Herr: We have a separate budget. It's in a separate fund.

Mr. Kuntz: Right.

Mrs. Herr: But that 18 million is inclusive of all of those.

Mr. Kuntz: Okay, alright... Well I guess I can say the last thing out of seven people then; we have a couple people that care about seniors and disabled and some that don't. And I don't mean that as a derogatory, but again, sometime down the road everybody gets - wants to be reelected so - so be it.

Mr. McLaughlin: Thank you.

Mr. Osborne: Mr. Kuntz, I gave an example to Mr. Fleming here about a week ago. The best analogy I can come up with is, for instance say you have a car payment due every month at \$400 and you know that if you set aside \$100 each week at the end of the month you'll have the money there to pay it.

Mr. Kuntz: If I can set it aside.

Mr. Osborne: If you don't set it aside for those first three weeks, you're going to have to take that full \$400 out of that last week's paycheck. And that's kind of where we are now.

Mr. Kuntz: Well, I appreciate your theory Chuck, but I still think we could make it without the 75 cents; I really do. Thank you.

Mr. Snyder: Thank you.

Mr. Osborne: Thank you.

Mrs. Magel: If I could make one last comment. I did not know Mr. Kuntz and I did not know Mr. Fleming. We have two residents up here telling you the same thing that I've been telling you. We have residents who cannot afford this. Now I believe the vast majority can. And I know there's the Homestead Act. But there's people going to fall through that crack. All I'm asking you is, Council that we have a way where we can take these people and if they absolutely cannot afford this, that we give them some forgiveness.

Mr. Snyder: Mrs. Magel if your memory serves you right you will notice that I think in the last, in 2000, in the year 2000 we did pass a rate increase, which time we established what we called a Water Board. And that board is comprised of the Director of Administration, Finance Director and the Law Director. Which is designed for the purpose of considering either indigent

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people or people who have a problem with their water bill, either by paying it or dispute of the water bill. And they can apply to that board in privacy and if there's a problem that they do not quality for the Homestead exemption or there's some type of financial situation, without making it public they can consult those three people and that can be done. That is in place. And a...

Mrs. Magel: That's all I'm asking for.

Mr. Snyder: Yea, that is in place. And I don't - I say that respectfully.

Mrs. Magel: Then I would ask that the - that somehow for our first increase there's a note that we inform them that we do have a water board.

Mrs. Kiesling: It can go in your newsletter.

Unidentified: That's exactly what I was just thinking.

Mr. McLaughlin: And also in the newsletter I'd...inaudible...

Mrs. Herr: I think the whole purpose of the Water Board though is to - is for the dispute of charges for something that - like for instance the moral claim that we had.

Mr. Snyder: Moral claim, yea.

Mrs. Herr: That you guys authorized that we credited back. We're probably going to have more of those situations now. And that is ideally where the Water Board should come into a place. It really shouldn't of come all the way to you guys. But it did and the matter's done. But that's what that type of thing is for. If there's a special circumstance or a special situation that's one thing, but I don't think that the Water Board was meant to give price breaks to people on a consistent basis. You know, we have the Homestead discount already in place. I don't have any authority to give any other kind of a discount other than that. I mean I have no authority from you guys to do that. And again, I think the Water Board is more of a special circumstance, look at it as it comes up and not some that should be looked as, as a mechanism for someone to, you know, each month have some sort of a break on their water bill. That's my interruption of what the Water Board is.

Mr. McLaughlin: Okay.

Mr. Foltz: Right.

Mrs. Magel: Okay, so the Water Board's not going to do this then? Then I would ask that somehow we put some mechanism in place for people who fall through the cracks.

Mrs. Herr: That's - that's up to you guys. That's up to you.

Mrs. Magel: I would ask that we put something in this for people who fall through cracks and there are. There are people who can't afford this.

Mrs. Herr: Again, who's going to monitor, you know, as far as who qualifies for that? Who is going to monitor that? You know, are we just going to, you know, someone just apply for it, we're automatically going to give it? Is there anyone that's going to be monitoring to see if they actually qualify, if there's justification for giving them a price break?

Mrs. Magel: This is something we'll have to...

Mrs. Herr: I'm just...

Mrs. Magel: We should. If not it's criminal - this is criminal.

Mr. Foltz: If we say it's available we should try to...

Mrs. Herr: I wouldn't say it's criminal. I mean if you take conjunction...

Mrs. Magel: To some of the people...

Mrs. Herr: what our water rate is compared to what our sewer rates and our garbage rates are, compared to other communities around here, I think our city services are very economical. I mean look at as a whole.

Mrs. Magel: It's the jump we're - it's the burden we're putting on them.

Mrs. Herr: For \$2.75 a month?

Mrs. Magel: No, you don't know that. Some people might have 10,000.

Mrs. Herr: Well for a minimum user.

Mrs. Magel: I'm not saying it's a minimum user. I'm saying people fall through the cracks and they cannot afford this. I'm say it, he's saying it - it's true. We need to just be sensitive.

Mr. Foltz: Council President, I just have a couple statements. And I know we're rehashing things we've been doing for the last couple months. But since we started it...

Mrs. Kiesling: Doggone it, you're going to keep going.



# RECORD OF PROCEEDINGS

Minutes of COUNCIL OF THE CITY OF NORTH CANTON REGULAR

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

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

Mr. Foltz: I'm not - I'm going to get my - my say also.  
Mrs. Kiesling: You're going to go - come on.

Mr. Foltz: So - well I can't finish it but - first of all Mr. Kuntz brought this up and I'm glad he did. The 18 million dollars in this treasury fund account is roughly three times what we bring in here in income tax. So if I had three times the amount of money to buy a car in my savings account I'd probably just pay cash for it. Why would I pay interest for it? It does make money. It made over \$750,000 last year for net revenue and we chose to use that money to put in waterlines and other things. And Jon's alluded to that too some earlier meetings and that's true. But it does make us money. And I believe, I did these figures a couple weeks ago, but I think when you add the inside rate structure with the outside rate structure, which is two - two and a half times the inside rate, I think through production costs, I think we've sold somewhere around 990 million gallons. And if I'm not exactly right I apologize on this. I think we generate \$3.21 per 1,000 gallons. That's what we generate now before we increase the tax - the water rates. And that's all I have to say. It's been out in the open. I responded to a letter that was written about me in the newspaper and it was printed last week. It summarized everything I had to say. And I think we're just going to vote this thing out.

Mr. Osborne: I'd like to make one comment. Mr. Mayor, I guess you know how they're going to vote on the Canton connection. Because obviously you can't vote yes for that if you're going to vote no to raise the money for it. It takes money to do all this stuff. How we going to come up with 800 or a million dollars if you don't want to help generate the funds?

Mr. Foltz: Chuck, we've gone over that. I've showed you my plans - nothing new. I believe in it. I stand behind it.

Mr. Osborne: Thank you. That's all I have.

Mr. Snyder: Any other comments?

Mr. McLaughlin: Let's call the roll.

Mr. Snyder: Alright.

Mr. McLaughlin moved and Mr. Osborne seconded to **adopt the third reading** of Ordinance No. 30-02. All members present voting:  
Yes: Osborne, Snyder, Kiesling and McLaughlin.  
No: Foltz and Magel.

Mr. Snyder: Okay. Prior to the calling of the reading of the Ordinance 36-02, I will make note of the fact that you were all given in your packet on Friday a letter from the fiscal office of the City of North Canton, certifying that the funds are available to retire that. So please if you've not read it, please make note of that.

## NEW BUSINESS:

9. Mr. McLaughlin moved and Mr. Osborne seconded to **read by title only, first reading** of Ordinance No. 36-02. All members present voting:  
Yes: Snyder, Foltz, Kiesling, Magel, McLaughlin and Osborne.  
No: 0

### **Ordinance No. 36-02 - First Reading**

An ordinance providing for the issuance and sale of \$1,250,000 notes, in anticipation of the issuance of bonds, for the purpose of paying costs of improving and expanding the municipal waterworks system by constructing and installing water lines, together with all necessary appurtenances thereto, and repealing Ordinance No. 33-02, and declaring an emergency.

Mr. Snyder: We originally had a special meeting on 33-02. Unfortunately, we did not follow - we had a little snafu so we had to resubmit it under 36-02. And if there's no questions on that. Is - everybody understanding what we've done there?

Mr. Osborne: Yes, I do.

Mr. Snyder: And thank you. And with that...

**RECORD OF PROCEEDINGS**

Minutes of

COUNCIL OF THE CITY OF NORTH CANTON

REGULAR

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

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

Mr. McLaughlin moved and Mr. Osborne seconded to **adopt the first reading** of Ordinance No. 36-02. All members present voting:  
Yes: Foltz, Kiesling, Magel, McLaughlin, Osborne and Snyder.  
No: 0

Mr. McLaughlin moved and Mr. Osborne seconded to **suspend the rules** for Ordinance No. 36-02. All members present voting:  
Yes: Kiesling, Magel, McLaughlin, Osborne, Snyder and Foltz.  
No: 0

Mr. McLaughlin moved and Mrs. Magel seconded to **adopt under suspension of the rules** Ordinance No. 36-02. All members present voting:  
Yes: Magel, McLaughlin, Osborne, Snyder, Foltz and Kiesling.  
No: 0

Mr. Snyder: Thank you all for that. I appreciate it.

- 10. Mr. McLaughlin moved and Mr. Osborne seconded to **read by title only, first reading** of Ordinance No. 37-02. All members present voting:  
Yes: McLaughlin, Osborne, Snyder, Foltz, Kiesling and Magel.  
No: 0

**Ordinance No. 37-02 - First Reading**

Ordinance No. 37-02 authorizing the Mayor of the City of North Canton, through the Board of Control, to enter into an Agreement by and between the City of North Canton (City) and the Board of Stark County Commissioners (County) to improve the South Main Street/Everhard Road Intersection and declaring the same to be an emergency.

Mr. Snyder: Chairman Magel.

Mrs. Magel: Yes, last Monday we discussed all the phases and all the costs of the entire project. But tonight we'll just discuss what this particular ordinance is. And this particular ordinance requires no money; it's asking that we enter into the contract. However, it's estimated in - approximately in April, the City Engineer (Jim) may be coming to us for an estimated \$60,000 initially. That would be part of our 50 percent. We would have to pay an additional 40,000 and then be reimbursed in February, 2003 for the 50 percent back. It's kind of complicated and that's why I went over it - the entire project last Monday. But for now all we're doing - no funds for this, this is just for permission to enter into the contract.

Mr. Snyder: Okay.

Mrs. Magel: Questions?

Mr. Snyder: Thank you.

Mr. McLaughlin moved and Mr. Osborne seconded to **adopt the first reading** of Ordinance No. 37-02. All members present voting:  
Yes: Osborne, Snyder, Foltz, Kiesling, Magel and McLaughlin.  
No: 0

Mr. McLaughlin moved and Mr. Osborne seconded to **suspend the rules** for Ordinance No. 37-02. All members present voting:  
Yes: Osborne, Snyder, Foltz, Kiesling, Magel and McLaughlin.  
No: 0

Mr. McLaughlin moved and Mr. Osborne seconded to **adopt under suspension of the rules** Ordinance No. 37-02. All members present voting:  
Yes: Snyder, Foltz, Kiesling, Magel, McLaughlin and Osborne.  
No: 0

- 11. Mr. McLaughlin moved and Mrs. Magel seconded to **read by title only, first reading** of Ordinance No. 38-02.

Mr. Osborne: Are we going to discuss this?

Mr. McLaughlin: Yes.

Mr. Osborne: Before we...

# RECORD OF PROCEEDINGS

Minutes of COUNCIL OF THE CITY OF NORTH CANTON REGULAR

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held

Monday, March 25, 7:00 p.m.

2002

(YEAR)

All members present voting:

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

No: 0

## Ordinance No. 38-02 - First Reading

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

Mr. McLaughlin: This is what we talked about earlier - we talked about last week. Still some questions. We're going to open it up to just to one or two questions; I know somebody had on it. I think Chuck has a couple questions on it. But pretty much it's the pipeline. It's the agreement to the use the railroad up to...

Mrs. Magel: Everhard.

Mr. McLaughlin: Everhard. And last week we all got a map of where the proposal is and how it's going to go and see what there is. Are there any questions? Go ahead.

Mr. Osborne: Inaudible... Okay, I passed out a memo to everybody, including the Mayor and the Director of Administration and I'm sorry Jim, I guess I didn't get one over to you.

Mr. Benekos: I got a copy. Thank you.

Mr. Osborne: I have three areas of concern. The proposed route of the line. I just have some concerns of the expense that it's going to incur crossing the Zimber Ditch. I propose putting the line just on the other side. There's only two and possibly three owners that you got to deal with. That way you save the expense of crossing the Zimber Ditch. And it would have no impact on whatever future improvements or design are planned for Zimber Ditch. Secondly, the contract which was discussed a little bit earlier, there's no cap on the fees what so ever, they go into infinity. Certainly you could work out some kind of cap - say payments for ten, fifteen years. But to just pledge that you're going to make payments forever doesn't strike me as looking out for the city's interest. There's a clause in there stating that if you're late on your bills they want to charge you 18 percent. Again, I think that's exorbitant. As far as the Mayor's or the Administration's comments that as a general rule they will forget the annual fees. I talked with a gentleman at Metro Regional Transit Authority and he thought that was rather amusing. And if you stop and think of it, it doesn't make good business sense. But even if they did, I mean it's a liability. If they came back in ten years and say whoops, we forget to bill you. It's a liability that you owe. There's a clause in there allowing the Metro Regional Transit Authority to immediately revoke the contract and the privileges and powers conveyed. I don't think that's looking out for the city. I believe you did remove the one that required removal of the pipeline. Is that right Jim?

Mr. Benekos: That's correct.

Mr. Osborne: Just a couple of those clauses just tell me - paint a big picture of how that whole contract is written up. It's - there's no protections for the City of Canton what so ever.

Mrs. Magel: What city?

Mr. Osborne: North Canton. I'm sorry. And then finally, you know, when the East Maple Well Field becomes viable, whether it's mid year, late year, we're going to have to come up with another million dollars or so. Where is it going to come from?

Mr. Snyder: Mr. Mayor, one privileged question if I may. Did I understand you correctly that you were encouraged by the EPA to construct this line no matter what as a redundant line? For fear that something could either possibly happen or something no matter what to one of our well fields, including would be East Maple, that we would have sufficient source of water just to meet our needs? Was I correct in my understanding of that?

Mayor Rice: Yes Jon, I don't certainly want to speak for the Ohio EPA. But I can relate the fact that Jim, Rich and I, shortly after I took over the Office of Mayor last year, we went to Twinsburg to meet with EPA Groundwater officials and spoke at length about the situation at East Maple and the city's situation in general. And my impression, let me put it that way, coming out of that meeting, was that the EPA was very much in favor of the City of North Canton partnering up with our neighbor in the City of Canton to make an arrangement like we're proposing here to hook into their water system. Like I said, that certainly was my impression. Rich and Jim can give you their's. But they indicated to me that they were very, very strong in their encouragement that we move in this direction.

# RECORD OF PROCEEDINGS

Minutes of

COUNCIL OF THE CITY OF NORTH CANTON

REGULAR

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held

Monday, March 25,

7:00 p.m.

2002

(YEAR)

Mr. Snyder: Well the - the other thing I might say. And Mr. McLaughlin I'm not trying to take your thunder, but I know it's been proffered that last year or the year before when we used alternative water sources, be it City of Canton or Consumers, and unfortunately the Canton connection is through Mr. McLaughlin's ward and I don't want to sit through another council meeting with the people from the southeast end coming over here with orange sweatshirts and bottles of orange water and so - cause we did, we ruined their dishwashers and I'm sure a few nights of your sleep. So that's not a really a practical or...

Mr. McLaughlin: No...

Mr. Snyder: viable way of getting an alternative source.

Mr. McLaughlin: I appreciate that. Because that was - that was a major problem. We aren't in the orange water business and the orange clothes business or whatever.

Mr. Snyder: Well we...

Mr. McLaughlin: It was - it was a major - it was a need that we needed at that time. Just like this is. It's going to be on an emergency. If we need it we can turn it on, we can turn it off. I think that with what they're predicting - the weather people are predicting for the summer, that are wells aren't recharging as fast as they like them to recharge. That the eastern seaboard will be looking at a drought. Some of that area continuing over to eastern PA or eastern Ohio and western PA. I think this is smart and smart effort on the administration of going ahead and doing this. This was one thing that was proposed to the administrator - the mayor before, but never acted upon. Council was never informed...

Mayor Rice: The previous mayor, not this mayor.

Mr. McLaughlin: Previous mayor, excuse me.

Mayor Rice: Thanks.

Mr. McLaughlin: And council was not privileged to that discussion. But I think if we - would of looked at it back then, the cost would of been a little less to the city than it is right now. But I...

Mr. Snyder: Another thing that I don't think - from a fiscal standpoint and I've preached that and as you know for the rate increase. But from a fiscal standpoint, you possibly could produce between two and three million gallons per day. And at our present rate, without the increase, for every million gallon of water that we produce for outside sales, it brings a gross figure of \$5,000 to the city per day. And 5 - an investment of between 260 to \$300,000 you're talking roughly less than three or four years to pay for a major capital investment. So it will not go to waste. It will be paid for by the users, whether it be inside or outside. And it does represent good fiscal responsibility. I mean and the people, even though Mr. Kuntz probably doesn't believe that I have the best interest. And I say that respectfully sir. That I'm not trying to be flippant. That I do care about the water system. And it does represent a good investment. Put that line in there and provide a guarantee of some two to three million gallons a day.

Mrs. Magel: That orange clothing was also Ward 2. We had it too. Actually I though it was a pep rally for Hoover. It was orange and black clothes coming out of my washing machine. But Ward 2 also had that problem. And Rick I know maybe your's even did worse. We were back washing that in the wrong direction.

Mr. McLaughlin Yea, we were hooked into the 3rd Ward and it was going backwards. And yes, it put a lot of sediment into washing machines. It - a washer and dryer to a refrigerator water connections and a...

Mrs. Magel: Inaudible...the ice cubes and...

Mr. McLaughlin: Right. And the dishwashers. Some of the dishwashers come out with a grit

Mr. Foltz: Inaudible...

Mr. McLaughlin: that they still - it took what six to eight months in order for that to wash out. No, I do not want that ever to happen again.

Mr. Foltz: Well that pressure too. We couldn't regulate the pressures coming off that tank off of Schneider Road. That pressure there is immense from that water tank there. I mean...

Mr. McLaughlin: We were getting backwash like you wouldn't believe.

Mr. Foltz: Jon, I think another point is that we have another line to come into our water treatment plant.

Mrs. Kiesling: That's the biggest...

Mr. Foltz: Because right now...

Mr. McLaughlin: Yes...

Mr. Foltz: It all has to circulate down through the Dressler Well Field and then over to the plant. Now we can come and use Well 7, Well 4 and tie that into it and I think come into the plant another way. If we never the - obviously we're going that direction, we can feed our water treatment plant through two pipes, not just one. So it makes total sense...

# RECORD OF PROCEEDINGS

Minutes of COUNCIL OF THE CITY OF NORTH CANTON REGULAR

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held

Monday, March 25,

7:00 p.m.

2002

(YEAR)

Mr. Osborne: I think that phase 2 line was planned when there was a free right-of-way down the railroad tracks and that has since changed. I'm not against connecting to Canton. It's just the haste and the circumstances under which we're doing it.

Mr. Benekos: It was never a free line.

Mr. Osborne: It never was?

Mr. Benekos: No. It initially from Dressler to the plant, was \$1,500 and we increased it to Everhard and it - excuse me, the amount remained the same, \$1,500. But it - the length increased, but the price stayed the same.

Mr. McLaughlin: I think...

Mr. Osborne: The thing that concerns me, like I say, it's the dealings with the transit authority, they think we're a captive audience. There are other options. And...

Mr. Foltz: Just to follow up. It's their land. You know, we want to put something on it. It's their right to charge us a minimal fee. I think \$1,500 is a minimal fee for what we're going to get out of the project. For us to have peace of mind if we have a drought this summer that we can get potable water into our plant and to our people. It's that simple.

Mr. Osborne: Well we're basically spending - I'm looking probably half a million dollars just to get by for eight weeks this summer. Granted it's always going to be a backup there. But the pressing need is these eight weeks this summer. And we're spending half a million dollars just to get by for a couple week. And that's the urgency; is that not correct?

Mr. McLaughlin: I think - I think it's well spent. It's well worth it for years to come as backup source and everything else. As Jon stated, you can have that thing paid off by using it and paying it off in three years, first of all. Second of all is, I don't know why - I don't why we're even looking over the contract. We have an excellent director of law that has looked this over and he has given us his opinion for it saying that there's nothing wrong. It's - everything is in order. Everything is up to snuff. I'm not a major in law. So I - like I say, I'd like to say that Roy does an excellent job of going through the contracts and giving us his expert opinion.

Mr. Osborne: Well you gave us some pretty good scrutiny last week.

Mr. McLaughlin: Well I just - I'm not - I'm not a lawyer. I've served with this man for 12 years and I trust him with my first born. I mean I - reading a contract and doing his thing.

Mr. Batista: You don't have a first born.

Mr. Snyder: That's why he trusts...inaudible...

Mrs. Kiesling: There you have it.

Mr. Osborne: How about his dog?

Mr. Foltz: The truth - the truth comes out.

Mr. McLaughlin: Just remember, I'm a politician. But I just - I just want to say that I think that we've got to do this. I think, you know, talk is cheap. We need to get this thing started. We need to get this thing going. We need to get it in time for July, before the season sets in.

Unidentified: Mr...

Mr. Batista: Okay, one thing I want to point out to Council. This ordinance does have an emergency clause in it, which requires six votes. And if you anticipate that there are not six votes here tonight for it, I think the - before we call for an adoption of the first reading, there should be an amendment to delete the emergency clause. Because I think the emergency clause really isn't that critical. Because we're going to have that 30 day hiatus where EPA has got to look at it anyhow.

Mr. McLaughlin: Okay.

Mr. Batista: So if there are not six votes here, I would recommend that you delete. If you want to pass it...

Mayor Rice: Can it be...

Mr. Batista: On two separate readings.

Mayor Rice: Can it be passed at a later time with the emergency...inaudible...

# RECORD OF PROCEEDINGS

Minutes of

COUNCIL OF THE CITY OF NORTH CANTON

REGULAR Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held

Monday, March 25,

7:00 p.m.

2002

(YEAR)

Mr. Batista: Oh yea, we can put the emergency back in.

Mayor Rice: back in. Right?

Mr. Batista: Yep.

Mr. Foltz: We can do that at any time.

Mrs. Kiesling: You mean when Lindower comes back?

Mr. McLaughlin: We can - Yea, yes, go ahead.

Mayor Rice: If I could. The comments been made. I don't want to look at this in a narrow minded fashion. We're not asking to do this simply for two, three months this summer. This gives us from now - forever. If we're paying the fee we're going to always have the backup as long as we want it then and can maintain that with the City of Canton. A backup supply of water in the quantity of 2 to 3 million gallons a day. It's not just for the hot months this summer. We're getting ready next week to start digging at Dressler. I'm not trying to scare anybody, but you got to play every scenario. We don't anticipate a problem there. But what happens if you lose a week or you lose a well field? It's not just for drought conditions. It's for a backup - it's an insurance policy,

Mr. McLaughlin: Right.

Mayor Rice: for all of your residents in the City of North Canton. And for us to sit here and ignore the fact that we have what 8,000 customers on water system in and outside the city? Julie, roughly? You got 8,000 entities out there relying on when they go turn the spigot on that they've got good, clean water and they've got water coming through the spigot. For us to sit here and ignore the fact that we don't have a backup if some - in any occasion. You lose a field, you lose a well, you have drought conditions, any number of things can happen. Right now as sits today if those things happen today you don't have anywhere to get your customers water. We're sitting here - debated for months about a water rate increase. Well, you just raised the rates and you're not going to have a product sell. You'd better have a product to come out of the faucet. We're trying to assure the fact that you got a product to come out of the faucet. We want to get it so the first opportunity for a drought type situation is this summer. That's why we're moving to get it done now. I believe it should of been done a couple years ago. We've been moving as fast as we can to make it happen since I've been here. We want to move it on and get it done now. Because we believe a potential for an emergency exists out there for the water to our customers. So it isn't just for two, three months this year. It's for this year, it's for this next coming winter, it's for next year, in any occasion did you have a need for additional water, for whatever purpose. We've got it there. And it should give our customers, as well as everybody here, some peace of mind to know that we've got a backup plan. We got somewhere to go if something happens. That's the purpose of this whole thing.

Mrs. Kiesling: Let's read it.

Mayor Rice: And, you know, for that you're talking about spending, you know we all buy insurance. You're talking about spending a little over \$100 a month for this insurance policy. You know, if you're talking that \$1,500 a year, it's a whopping \$100 - slightly over \$100 a month. That's what it's going to cost you. I don't think that's much to pay for that kind of an insurance policy. You got the money. The money's there from the waterline that was canceled out last year; East Maple. We're not coming back to this council asking you for money for East Maple waterline this year. We're going to continue testing that. We're going to take it slow and easy. We're going to make sure we've got a good solid basis of information before we come back and suggest to this council to continue developing that field. So we're not going to need another million dollars this year for a waterline. The earliest that will happen will be next year. We have not plans to ask for that money this year. We're going to do testing out there. We're going to continue to look and try to develop that field. So we think it's imperative that you get your extra supply that's guaranteed. There's only three manufacturers of water in the area - that us.

Unidentified: Consumers.

Mayor Rice: We need the supply that's why we're out there finding another source. Many other sources hopefully. Consumers does not have any surplus to sell ladies and gentlemen. They tried to buy water from us last summer. Okay. The only one in the area that has surplus water available is the City of Canton. And they've been very cooperative. And I appreciate their help and cooperation in working with their neighbor. And I think we need to take advantage of that good working relationship. They've been very good and very willing to help out the City of North Canton; as we're always willing to help them out in a time of need.

Mr. McLaughlin: One last comment that I'll make and then I'll make a motion. That water goes into our system and we process it and it comes out the same as any other water we have processed through that plant.

Mayor Rice: Absolutely. Unlike the situation you dealt with Rick before.

Mr. McLaughlin: Right.

Mayor Rice: And it just points out why you got to be careful and where you put into your system. There it was brought in at a point in the system that based on the lines in that area, as you guys all know, caused all kinds of flushing out of rust and sediments in the pipeline. That cause your customers to get a bad quality product as far as dirt and that. This water will go - it's going to go straight up the railroad track, to the water treatment plant, will go into the water treatment plant like any other of our raw water supply does. Canton has an excellent product. But we want to make sure all of our customers get the same product - all of customers. There's continuity in our product so we will run and treat it through our plant like our product does today. So everything to every customer will be the same product. There won't be any difference.

# RECORD OF PROCEEDINGS

Minutes of COUNCIL OF THE CITY OF NORTH CANTON REGULAR

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

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

Mr. Osborne: My only comment is, it's a good direction to go in. It's just the fact that this is seemingly rushed and we're taking the quickest, easiest route down the railroad tracks. I think they're taking advantage of us. I think we could go up the west side of Zimber. Eliminate the expense of having to engineer a crossing across the Zimber Ditch. And protect our investment and not have to pay fees well into the future. That's my only concern. The goal here - we all have the same goal. It's the process I guess that concerns me. That's all I have.

Mr. McLaughlin: Mr. President, I'd like to make a motion that we accept the first reading of Ordinance No. 38-02 without the emergency clause.

Mr. Batista: First...

Mr. Snyder: No, you have to amend it.

Mr. McLaughlin: Amend it. Okay.

Mr. Batista: Amend to delete the emergency clause.

Mr. McLaughlin moved and Mr. Foltz seconded to **amend Ordinance No. 38-02, to delete the emergency clause.**

Mr. Snyder: Now we can - we need a roll call or can we...

Mr. Batista: Yea.

Mr. McLaughlin: Yea.

Mr. Snyder: Okay.

All members present voting:

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

Abstained: Osborne.

No: 0

Mr. Snyder: And now to..

Mr. Batista: Adopt the first reading.

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

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

Abstained: Osborne.

No: 0

Mr. Snyder: Okay.

12. Mr. McLaughlin moved and Mrs. Magel seconded to **read by title only, first reading of Ordinance No. 39-02.** All members present voting:

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

Abstained: Osborne.

No: 0

## **Ordinance No. 39-02 - First Reading**

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

Mr. Snyder: Chairman McLaughlin.

Mr. McLaughlin: This is the contract with we have with the City of Canton to provide us with the water off of their daily chart or off their daily rates.

Mr. McLaughlin moved and Mrs. Magel seconded to **amend Ordinance No. 39-02 to delete the emergency clause.** All members present voting:

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

Abstained: Osborne.

No: 0

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

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

Abstained: Osborne.

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, March 25, 7:00 p.m.

2002

(YEAR)

13. Mr. McLaughlin moved and Mrs. Magel seconded to read by title only, first reading of Ordinance No. 40-02. All members present voting:  
Yes: Foltz, Kiesling, Magel, McLaughlin, Osborne and Snyder.  
No: 0

### Ordinance No. 40-02 - First Reading

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

Mr. Snyder: Chairman Magel.

Mrs. Magel: Yes, first of all I'd like to explain that there was a typographical error. And in your mailboxes you should of had a correction. It was a mere problem with the numbering of the ordinance. It's nothing that changes it. But it's been corrected. So that they both read 40-02. So the ordinance has been corrected with its typographical error on that numbering system. Okay. Again, now this one is the agreement between the City, Stark County and Plain Township for the widening of Applegrove, for the continuation of the first project and this would be now phase 2 to continue on to Market Street. We have \$100,000 put aside for this project. And this is merely for the engineering. It is to be equally 1/3, 1/3, 1/3, between the three parties for the engineering of the project. And again, we have already set aside - appropriated money for this. Any questions?

Mr. Batista: I'd like to make a comment. The contract that was proposed committed us to do two additional things besides the engineering. That was one, acquire right-of-way. And number two to actually participate in the construction. I did get together with Jim Benekos and we have made an amendment to the agreement to provide that we only participate in the construction to the extent that we appropriated the necessary funds. Otherwise you've got an open ended appropriation, which

Mrs. Magel: Right.

Mr. Batista: this lady can't live with. Now the other thing I want to point out to you however, is I did not make that change to the right-of-way acquisition. And I asked Jim to kind of - based on what our experience was on the previous Applegrove, to kind of give us a little handle on if we sign the agreement in its present form, what we're committing ourselves to on right-of-way acquisition. And were you able to drive the project and get a handle on that?

Mr. Benekos: Yes, it could be on the order of 150,000.

Mr. Batista: Alright.

Mr. Benekos: If...

Mr. Batista: So if you don't want to go that direction I should make the same change to the contract that we're doing right-of-way only if we appropriate the necessary funds. The way the contract stands right now, you're committed to do the engineering and the right-of-way acquisition.

Mrs. Magel: And we have 100 percent of the cost of the right-of-way?

Mr. Batista: Inside the city. Inside the city.

Mrs. Magel: Inside the city?

Mr. Batista: Yea, there'll be a lot more outside the city. But anything inside the city under the contract is ours.

Mrs. Magel: Right. And you're confident 150,000 is...

Mr. Benekos: No. On the magnitude of 100.

Mr. Snyder: Well it depends what the appraise is at. Each property appraises at a different value.

Mr. Benekos: Right.

Mr. Batista: Yea.

Mr. Snyder: Plus they have the right of litigation.

Mrs. Magel: That's what I know...

Mr. Batista: What I asked Jim to do was just to drive the project, see if there were any - was anything on the project that was unique that would cause more than the normal damage to the residue. For instance, the BP station at the corner of Applegrove and Main on the first phase was very expensive, for the simple reason we really disrupted that gas station. Inaudible...buildings and what have you, but I don't think we're going to run into anything of the magnitude of...

Mr. Benekos: I didn't notice anything



# RECORD OF PROCEEDINGS

Minutes of COUNCIL OF THE CITY OF NORTH CANTON REGULAR

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

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

Mr. Batista: So I, you know, what I did is I just told them hey, you know how big the first phase was. You know how big the second phase is. Just give me a ball park pro rata.

Mrs. Magel: And right now we're committing to both phases tonight?

Mr. Benekos: We're responsible for acquiring the right-of-way within the city limits.

Mrs. Magel: Right. And the...

Reached end of tape 1...

Beginning of tape 2...

Mrs. Magel: All three tonight?

Mrs. Herr: There nothing appropriated.

Mr. Batista: There's - nothing is appropriated. All we've appropriated is engineering...

Mrs. Magel: Right. But as far as the contract tonight we're...inaudible...

Mr. Batista: Yea, and I'll tell you quite frankly, I would be very, very surprised to see right-of-way acquisition occur in 2002. In fact I think it would be - might be a stretch for 2003. If it is 2003, it will be the later part of the year.

Mr. Benekos: Well they're anticipated schedule is to have the plans completed in 2002 for construction 2003, the first phase. The first phase will go from where the previous project ended to Marquardt - would include the intersection of Marquardt with the traffic signal and then the...

Mrs. Magel: Right.

Mr. Batista: You weren't around here for phase one.

Mr. Snyder: It was 20 years.

Mr. Benekos: Well...

Mr. Batista: It didn't go in two years, believe me.

Mr. Benekos: I know.

Mrs. Magel: This is phase one of phase two.

Mr. Benekos: Well the difference with that was, it was federal funds.

Mr. Batista: Yea.

Mr. Benekos: And under the old federal funds the process did take forever. This - they're going to apply for issue two funds and no federal funds.

Mr. Batista: Oh, okay.

Mr. Benekos: So this project they can get done in that time - time frame.

Mr. Batista: I think that's overly optimistic. But I think 2004 is more realistic.

Mayor Rice: Always are aren't they?

Mr. Batista: Although 2003 would probably be right-of-way acquisition.

Mr. Benekos: Yea.

Mr. Snyder: Cause you not knowing where our monies are in three years out, it would be most incumbent on us to say...

Mrs. Kiesling: Yes.

Mr. Snyder: if what we choose to appropriate. You get into right-of-way litigation with somebody - do we pass St. Luke's or the opposite side of the street where...those people aren't going to give you their land for a song. I would say that I would think we'd better put that in there just in case that...

Mrs. Magel: Well then do you want to table it for two weeks and put it in?

Mr. Snyder: If you wouldn't mind.

Mr. Batista: Oh no, that's not a problem. I think - hasn't the Township and the County indicated that...

Mr. Benekos: Right.

# RECORD OF PROCEEDINGS

Minutes of

COUNCIL OF THE CITY OF NORTH CANTON

REGULAR

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held

Monday, March 25,

7:00 p.m.

2002

(YEAR)

Mr. Batista: if we need to make changes to the contract we can. I think really what they're interested in at this point is let's get the engineering moving.

Mr. Benekos: Right.

Mr. Batista: So I think if I made the modification that we're only going to do right-of-way to the extent that we have funds appropriated for, I don't think we're going to get any resistance from the county or the township on that.

Mr. Snyder: Well we could...

Mr. Batista: If you want me to make that change I will.

Mr. Snyder: We could amend this ordinance to include that?

Mr. Batista: That ordinance - this ordinance just says...

Mr. Snyder: Only gives engineering.

Mr. Batista: This ordinance says to adopt the contract. And what I'm saying to you is I'll amend the contract.

Mr. Snyder: Okay.

Mr. Benekos: And that contract has to go through Board of Control before it's finally signed. So that will be...be revised at that...

Mr. McLaughlin: That will make a big difference.

Mrs. Magel: Jim, is there any reason why we need this on an emergency tonight? Can we wait two weeks while we get this all cleared up?

Mr. Benekos: If you like. Yea, that's fine.

Mrs. Magel: I'd be more comfortable.

Mr. Benekos: Okay.

Mrs. Kiesling: So would I.

Mr. McLaughlin: I think everybody would.

Mrs. Magel: Okay.

Mr. Snyder: Are you going to adopt the first reading and exclude the emergency? Is that what you want to do Mrs. Magel? Or do you want to table that for two weeks?

Mr. Batista: Let's just give the first reading and then I'll have the contract reworded by then.

Mr. Snyder: And then amend it to remove the emergency off of that.

Mrs. Magel: Alright we'll take the emergency out. Let's get our first reading, then we'll go. Then we'll know two weeks from now - in a better situation. We'll have things nailed down.

Mr. Batista: Okay.

Mr. Snyder: Okay. Is there a second?

Mrs. Magel: Is that fine?

Mr. McLaughlin: Second. That's fine.

Mr. Snyder: Okay.

Mr. Batista: You're amending the ordinance to delete the emergency?

Mrs. Magel: Yes.

Mr. McLaughlin: Yes, right.

All members present voting:

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

No: 0

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

Yes: Kiesling, 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, March 25, 7:00 p.m. 2002  
(YEAR)

Mr. Snyder: Thank you.

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

#### **Ordinance No. 41-02 - First Reading**

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

Mr. Snyder: Chairman McLaughlin.

Mr. McLaughlin: This is just what it says. We're using the money that we were going to finish up the line going into the East Maple route. Using that to fund pipeline up the railroad tracks. So we can get our emergency pipeline in hopefully by July.

Mr. Snyder: Thank you. May I have a motion...

Mrs. Magel: Inaudible...can I...

Mr. Snyder: Excuse me. Please...

Mrs. Magel: Just for record, if it's item no. 7229. Not to extend \$802,000. Thank you.

Mr. Snyder: You're welcome.

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

Mr. Snyder: Thank you.

15. Mr. McLaughlin moved and Mrs. Kiesling seconded to **read by title only, first reading** of Ordinance No. 42-02. All members present voting:  
Yes: Osborne, Snyder, Foltz, Kiesling, Magel and McLaughlin.  
No: 0

#### **Ordinance No. 42-02 - First Reading**

An ordinance authorizing the Mayor of the City of North Canton, through the Board of Control, to enter into an agreement for the purchase of two (2) LifePak 12 Monophasic Defibrillator/Monitor units for use by the Emergency Medical Services Department and the purchase of an upgrade for an existing unit, within the purview of the Ohio Cooperative Purchase Act, or, in the alternative, authorizing the Board of Control, through the Director of Administration, to advertise and receive bids according to specifications now on file in the office of the Director of Administration and the Mayor to enter into a contract for the purchase of two (2) LifePak 12 Monophasic Defibrillator/Monitor units and the purchase of an upgrade for an existing unit for use by the Emergency Medical Services Department and declaring the same to be an emergency.

Mr. Snyder: Thank you. As we talked about last week, these go on our life support. They're used with practically 75 percent of the runs with EMS. There has been grant applied for and I believe accepted. There's a trade in of the existing ones. And that's about it. Any questions on that? Mrs. Magel.

Mrs. Magel: For the record, it's item no. 3615, for no more than \$25,000.

Mr. Snyder: Thank you. Anyone else? Thank you.

Mr. McLaughlin moved and Mr. Osborne seconded to **adopt the first reading** of Ordinance No. 42-02. All members present voting:  
Yes: Osborne, Snyder, Foltz, Kiesling, Magel and McLaughlin.  
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, March 25, 7:00 p.m., 2002  
(YEAR)

Mr. Snyder: Thank you.

Mr. McLaughlin moved and Mr. Osborne seconded to **suspend the rules** for Ordinance No. 42-02. All members present voting:  
Yes: Snyder, Foltz, Kiesling, Magel, McLaughlin and Osborne.  
No: 0

Mr. McLaughlin moved and Mrs. Kiesling seconded to **adopt under suspension of the rules** Ordinance No. 42-02. All members present voting:  
Yes: Foltz, Kiesling, Magel, McLaughlin, Osborne and Snyder.  
No: 0

16. Mr. McLaughlin moved and Mrs. Magel seconded to **read by title only, first reading** of Ordinance No. 43-02. All members present voting:  
Yes: Kiesling, Magel, McLaughlin, Osborne, Snyder and Foltz.  
No: 0

**Ordinance No. 43-02 - First Reading**

An ordinance authorizing the Board of Control of the City of North Canton, through the Director of Administration, to advertise and receive bids according to specifications now on file in the office of the Director of Administration and the Mayor to enter into a contract for Asphalt Mixes for use by the Street Department of the City of North Canton and declaring the same to be an emergency.

Mr. Snyder: As we talked about last week, this our yearly purchase of asphalt mixes to do different repairs on the infrastructure in the city. And if there are no questions on that or additions I will ask for...

Mrs. Kiesling: Let's do it.

Mr. Snyder: Excuse me... Okay...

Mr. McLaughlin moved and Mrs. Kiesling seconded to **adopt the first reading** of Ordinance No. 43-02. All members present voting:  
Yes: McLaughlin, Osborne, Snyder, Foltz, Kiesling and Magel.  
No: 0

Mr. McLaughlin moved and Mrs. Kiesling seconded to **suspend the rules** for Ordinance No. 43-02. All members present voting:  
Yes: Osborne, Snyder, Foltz, Kiesling, Magel and McLaughlin.  
No: 0

Mr. McLaughlin moved and Mrs. Kiesling seconded to **adopt under suspension of the rules** Ordinance No. 43-02. All members present voting:  
Yes: Snyder, Foltz, Kiesling, Magel, McLaughlin and Osborne.  
No: 0

17. Mr. McLaughlin moved and Mrs. Kiesling seconded to **read by title only, first reading** of Ordinance No. 44-02. All members present voting:  
Yes: Foltz, Kiesling, Magel, McLaughlin, Osborne and Snyder.  
No: 0

**Ordinance No. 44-02 - First Reading**

An ordinance authorizing the Board of Control of the City of North Canton, through the Director of Administration, to advertise and receive bids according to specifications now on file in the office of the Director of Administration and the Mayor to enter into a contract for the purchase of Gasoline and Diesel Fuel for use by all city departments and declaring the same to be an emergency.

Mr. Snyder: Again, we talked about at the Council of the Whole. That's our purchase - I think that's due to expire the first part of June. And that's what drives the vehicles of the city. Any questions on that? If not...

Mr. McLaughlin moved and Mrs. Magel seconded to **adopt the first reading** of Ordinance No. 44-02. All members present voting:  
Yes: Kiesling, Magel, McLaughlin, Osborne, Snyder and Foltz.  
No: 0

Mr. McLaughlin moved and Mrs. Magel seconded to **suspend the rules** for Ordinance No. 44-02. All members present voting:  
Yes: 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, March 25, 7:00 p.m. 2002  
(YEAR)

Mr. McLaughlin moved and Mrs. Kiesling seconded to **adopt under suspension of the rules** Ordinance No. 44-02. All members present voting:  
Yes: McLaughlin, Osborne, Snyder, Foltz, Kiesling and Magel.  
No: 0

18. Mr. McLaughlin moved and Mrs. Magel seconded to **read by title only, first reading** of Ordinance 45-02. All members present voting:  
Yes: Osborne, Snyder, Foltz, Kiesling, Magel and McLaughlin.  
No: 0

### Ordinance No. 45-02 - First Reading

An ordinance authorizing the Mayor of the City of North Canton to enter into a 2002 Recycling Program Grant Agreement by and between the City of North Canton and the Stark-Tuscarawas-Wayne Joint Solid Waste Management District for the purpose of accepting a Grant in an amount not exceeding \$40,000.00 to provide funding for portions of the recycling program and declaring the same to be an emergency.

Mr. Snyder: Again, this is the second grant we've received under the mayor's recycling program that he's implemented. And we did get 20 now we have 40. And as he told you, I believe 20, 29 or so percent of the city residents use that recycling.

Mayor Rice: I was going to say, Jon if I could. Yea, when we first started, last time I reported to you it was about 23 percent. I just an e-mail late last week from Republic Waste that indicated we are now participating are roughly 30 percent. So the usage is going up. The program's...

Mr. Snyder: That's phenomenal.

Mayor Rice: When they - they told me when I - before we started they said if you get 25 percent participation you've got a fabulous program. We're already in about 6 months - I think less than 6 months, whatever its been...

Mr. Held: 30 percent.

Mrs. Kiesling: November it started.

Mayor Rice: We're, according to their figures, as of late last week, hovering around 30 percent right now. So it's a very successful program.

Mr. Snyder: That's good. Okay, any other questions on that? If not...

Mr. McLaughlin moved and Mrs. Kiesling seconded to **adopt the first reading** of Ordinance No. 45-02. All members present voting:  
Yes: Snyder, Foltz, Kiesling, Magel, McLaughlin and Osborne.  
No: 0

Mr. McLaughlin moved and Mrs. Kiesling seconded to **suspend the rules** for Ordinance No. 45-02. All members present voting:  
Yes: Foltz, Kiesling, Magel, McLaughlin, Osborne and Snyder.  
No: 0

Mr. McLaughlin moved and Mrs. Kiesling seconded to **adopt under suspension of the rules** Ordinance No. 45-02. All members present voting:  
Yes: Kiesling, Magel, McLaughlin, Osborne, Snyder and Foltz.  
No: 0

### REPORTS:

Mr. Snyder: Director of Law, any report?

Mr. Batista: No report.

Mr. Snyder: Director of Finance.

Mrs. Herr: No report.

Mr. Snyder: Director of Administration.

Mr. Held: Ah yes, I'd like to recognize all of our city workers and the department heads for the great job they did today when the snow was coming down. It was - there was a tremendous amount of snow coming down and just as quick as we could plow it off, there was more back on the street. But they did a great job of keeping up with it. And it was an inter departmental effort because we had the police out there that were escorting the series of snow plow trucks that were coming through cleaning off Main Street. And they did a fantastic job. Got the blades on in time. So I'd like to thank all of the department heads.

RECORD OF PROCEEDINGS

Minutes of

COUNCIL OF THE CITY OF NORTH CANTON

REGULAR

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

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

Mr. Snyder: Well we do appreciate your efforts, because it was done in record time. It was just like a summer day out there.

Mr. Batista: Yea.

Mr. Snyder: The streets were dry. Mr. Mayor.

Mayor Rice: Yea, just an update for Council on the two items in regard to our water situation. As I indicated earlier, we had our meeting with Larry Antonelli of the Ohio EPA on Friday in regard to the test results at East Maple. They did a series of 32 tests back about a month ago - a little over a month ago; it was about the February 11th, 12th, something like that. Combination of stagnant water tests and purged water tests on our monitoring wells out there, GEO probes around a couple of the monitoring wells out there in question. And the long and the short of it to just to briefly summarize, not for everybody with details, all the tests that they took, all 32 of them, the results fell within acceptable EPA standards. Which was very good news at this point in time. As I indicated, our next step - now this will revert over to the Ground Water Division of EPA. We're going to be meeting with them in the near future and mapping out a plan and strategy for where we go from here. Part of that will be determined on what EPA tells us they want us to do. So we'll keep you updated on that as we find out more information. But so far the news has been very good and very encouraging at East Maple. On Dressler, met today, had a pre-work meeting today in regard to the Dressler Well Field situation. The test pit digging that has been planned out there, that Council appropriated funds for, is scheduled to start, if we don't have another Monday like this, next Monday, April the 1st. Again, under the supervision of the...

Mrs. Magel: April Fool's Day for Dressler?

Mayor Rice: Yea. Great day to start that, huh? But...

Mrs. Kiesling: It's my birthday, so don't make fun.

Mayor Rice: Oh well, come on down we'll...

Mrs. Kiesling: It's just another day.

Mayor Rice: never mind I won't say that. But...

Mrs. Magel: Inaudible...

Mrs. Kiesling: Inaudible...

Mayor Rice: We - crews, weather permitting, I mean they can work in bad weather, but if you get - we have a torrential downpour or a day like today, it will probably be delayed a day or two. Cause it's going to be messy enough digging down there. But they are scheduled to be in. Of course Malcolm Pirnie is coordinating the operation, our engineering firm. Larry Antonelli from Ohio EPA will be there at the site as will a the work crews from Sun Pro, which is the company that's actually going to be conducting the digging. And Rich - I think Rich...inaudible...Rich will be down there from our staff also monitoring that. So Council knows, later this week there will be a security fence erected around the perimeter of the Dressler Well Field in preparation of the equipment coming in there and the staging of that equipment for the digging to begin next week. Based on the Health and Safety Act, I think of the federal government I believe it is, Rich, there are requirements just so council members know that no one is permitted other than the authorized personnel from the engineering firm and the EPA, etc. No one is permitted inside. This security will just be an orange snow fence. So don't anybody go down there trying to breach security, you're liable to get shot. But - just kidding, just kidding. But, don't go try to go in. You're - there's no one permitted in public, etc., are not going to be permitted inside that snow fence. But if you see - that should be going up later this week. Rich is actually going to be erecting the fence. We're going to be doing that work in house. There'll be other fences set up within that to secure other areas of work being done, that type of thing. For security purposes I have asked the Police Chief to provide a 24, 7 police protection of the area down there during the digging process. Obviously they'll be digging some during the day time. There will be open holes there probably, you know, they won't all be closed back up at the end of every day. And just to be on the safe side, we don't want anybody getting any funny ideas, go out there and throw stuff in open holes at the well field. So we will be securing the area with police protection during the entire dig. As long as there's holes open, we'll have police officers out there protecting the area also.

Mr. Osborne: So no supervised visits at all?

Mayor Rice: Outside the fence; anybody's welcome to come. But stay outside the orange fence.

Mr. Osborne: Even if we're personally escorted and observed?

Mayor Rice: That's correct. That's correct. In fact there's areas - an internal fence inside that you have to have some 40 hour training...

Mr. Steinhebel: OSHA training.

Mayor Rice: I forget what it's called.

Mr. Steinhebel: 40 hour certification.

# RECORD OF PROCEEDINGS

Minutes of COUNCIL OF THE CITY OF NORTH CANTON

REGULAR

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held

Monday, March 25,

7:00 p.m.

2002

(YEAR)

Mayor Rice: OSHA. So there's regulations. We're trying to keep it simple and clean. You'll be able to see whatever you want to see from the perimeter. That's not that far inside, it's not like you're looking three miles away. It's going to be sitting right in front of you. So if you want to watch, feel free to watch, but stay outside the orange snow fence. What else I say? I was talking about the security. The police will down there during that time to secure any open pits during the nighttime hours and all during the day. Make sure there's no problems with people. So we'd appreciate everyone's cooperation. And look forward to getting this issue resolved. They're going to find out what's going on and get it taken care of. But that's the schedule as we know it right now. That's all.

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

Mr. Benekos: No report.

Mr. Snyder: Madam Clerk.

Mrs. Bittle: No report.

## REPORTS - COUNCIL:

Mr. Snyder: Mr. Foltz.

Mr. Foltz: Yea one thing. Dave, maybe you can check into this. The parking lot for the ball fields off of East Maple, there's a drop off from the existing pavement that was just done to the limestone base - whatever base we have. Is there anyway we can kind of...

Mr. Held: Balance it out.

Mr. Foltz: Balance it so some - practice is starting. You know, if someone drove off there now with the snow they'd - they wouldn't...

Mr. Held: Right, it's pretty high.

Mr. Foltz: wouldn't do a good job on their muffler.

Mr. Held: Yea, we can do that.

Mr. Foltz: So I know we're going to get it done before opening day hopefully. But if there's something - some kind of fill we can put in the meantime, it would be great.

Mr. Held: Just up until that time. Yea, that's not a problem.

Mr. Foltz: Thank you. That's it.

Mr. Snyder: Mr. McLaughlin.

Mr. McLaughlin: No report.

Mr. Snyder: Mrs. Kiesling.

Mrs. Kiesling: No report.

Mr. Snyder: Mrs. Magel.

Mrs. Magel: Yea, I'd just, for the record, like to say I read the Fire, Police and EMS annual reports. They were extremely informative. I see that the Fire Department heads are here tonight and I have called them and spoke with them personally. I found their's particularly to be extremely professional. And found out it was done in house. All three were very - excellent reports. And reading it, it helps. You know, it's very informative. And lets a council person know the full picture of what's going on. And I would just personally like to thank the Fire Department for their report - excellent job. Actually in all three. And I thank administration for providing that. Thank you.

Mr. Osborne: Rick, have you heard anything about the stop sign request down there on Foster? They were going to study it and...

Mr. McLaughlin: They come back and said no. I've got the...inaudible...and I'm going to drop them off for the people. They're not going to do it. They - it doesn't meet the requirements. And there's a - in what that gave me, what David did, was the requirements and everything else and I'm going to drop them off for those people.

# RECORD OF PROCEEDINGS

Minutes of

COUNCIL OF THE CITY OF NORTH CANTON

REGULAR

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held

Monday, March 25,

7:00 p.m.

2002

(YEAR)

Mr. Osborne: Okay. And you're working on 555 Church to resolve that growth area?

Mr. Held: Yes, that's the one, right. Obsoletely. I'm - I was going to talk with Roy after that. Because I understand you're also in a position right now working on that or...

Mr. Batista: Well I was ready to file suit on it and I was told by Council just to back off. I did not get authority to go and serve it.

Mr. Snyder: We did instruct him. We felt it was a little bit too heavy handed to - just to raze that home off the foundation and level the home. Although we did have incident to that. I had conversations with Arthur Zadinsky, the son. And he's not kept his word very well. So I believe my conversation with Administrator Held tonight, Gene Hemminger has requested permission, through you, he might not of given you that - to possibly hire outside people to clean that property, put it on a tax duplicate. But they'll let the Administration handle that the best they can. Because Mr. Zadinsky lives in Washington. And of course I don't know if his father's passed or what's happened, but the property is a little too nice just to raze it I think.

Mr. Foltz: Definitely Jon.

Mr. Snyder: So we'll try to work within the lines of, you know, more a nuisance than the exterior portion of it. Anything you can do for that neighborhood would be appreciated.

Mr. Held: Okay.

Mr. Snyder: Okay. Inaudible...

Mr. Osborne: Yea, it's just the overgrowth of trees and them bushes are overgrown. And we would actually be doing them a favor, enhancing the property so when they do sell it...

Mr. Snyder: Okay.

Mr. Held: I have one question. Roy, from a legal prospective, is that the best route to go what the President recommended?

Mr. Batista: I'm going to have to check on it, because I don't know. There is statues and ordinances that permit putting weed cutting and that type of thing on the tax duplicate. I'm not sure we're going to be able to go quite as extensive as that. I think some of that stuff, if we do it, we're probably going to do it on our own nickel. We won't be able short of - I think we can probably file litigation to have those items charged against the property. But under the present statutory scheme I don't think - I think all we can do is cut weeds.

Mr. Osborne: Well what leverage does a city have in these kind of situations? None it sounds like.

Mr. Batista: Well fortunately we don't run into too many of them. No, there is not too much leverage cause we do not have legislation in place. What we would probably have to do is something as the President indicated. Tear down is a little too heavy handed. Perhaps file litigation to compel the specified clean up of the property and if it's not done, give the city the authority to do it and with a court order that we can assess the cost against the property.

Mr. Osborne: Yea if you can do that.

Mr. Snyder: Thank you. One thing I'm going to request that after the Council of the Whole meeting next Monday night that we hold a special meeting to consider those three pieces of legislation relative to the waterline from Everhard to Glenwood to continue through to the - to expedite that. And so I will put you on notice tonight that I will be requesting that. And the police will deliver your packet rather than you pick it up. And we'll inform...

Mrs. Bittle: Mr. President...

Mr. Snyder: Yea.

Mrs. Bittle: could we have a roll call vote for that?

Mr. Snyder: Yes mam, we may. May I have motion to consider that special - I can call the meeting, that's right, I of authority to call meeting. So all I need is a roll call.

All members present voting:

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

No: 0

Mr. Snyder: Thank you Madam Chairman.

Mrs. Bittle: Thank you.

Mr. Snyder: Thank you Council, I appreciate your concern.



**RECORD OF PROCEEDINGS**

Minutes of COUNCIL OF THE CITY OF NORTH CANTON REGULAR

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

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

**FINAL CALL FOR NEW BUSINESS:**

Mr. Snyder: Final call for business. Anybody in the audience wishing to speak? If not, I'll entertain a motion to adjourn.

**ADJOURN:**

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

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

No: 0

The meeting ended at 8:35 p.m.

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PRESIDENT OF COUNCIL

**ATTEST:**

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CLERK OF COUNCIL