

RECORD OF PROCEEDINGS

Minutes of

COUNCIL OF THE CITY OF NORTH CANTON

REGULAR

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held

Monday, March 11,

7:00 p.m.

2002

(YEAR)

CALL TO ORDER.

- 1. The council meeting was called to order at 7:00 p.m. by President of Council Jon Snyder.
- 2. The opening prayer was delivered by Father Jay Clarke, St. Paul's Catholic Church.
- 3. All present recited the Pledge of Allegiance.

ROLL CALL:

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

Consideration of Minutes of Council Meeting: 2/25/02
 Consideration of Financial Statement: January, 2002
 Consideration of Mayor's Court Receipts: January, 2002

Mr. Osborne moved and Mrs. Kiesling seconded to accept the minutes of the council meeting, financial statement and mayor's court receipts as presented. All members present voting:
 Yes: Kiesling, Lindower, Magel, McLaughlin, Snyder, Osborne and Foltz.
 No: 0

- 6. Committee Reports

Community & Economic Development Committee: Refer to the minutes on file in the Council Office of the Community & Economic Development Committee meeting held March 4, 2002.

Finance & Property Committee: Refer to the minutes on file in the Council Office of the Finance & Property Committee meeting held March 4, 2002.

Personnel & Safety Committee: Refer to the minutes on file in the Council Office of the Personnel & Safety Committee meeting held March 4, 2002.

Mr. McLaughlin moved and Mr. Osborne seconded to accept the committee report minutes as presented. All members present voting:
 Yes: Lindower, McLaughlin, Osborne, Snyder, Foltz and Kiesling.
 No: Magel.

- 7. Recognition of visitors

Mr. Snyder: Thank you. Prior to our next - I would like to welcome all young students in the audience. On behalf of the Council, the Administration and the City of North Canton, we welcome you. We're glad you've attended and seeing government in action. And thank you and please come back again. At this time the Council will recognize any visitors in the audience wishing to speak before the council. Please step forward, state your name and address for the record.

Eric Haines: My name's Eric Haines. I'm a Plain Township resident. I'm also employed by Plain Township. I have some information that I want to forward to this Council. I believe it's pertinent to your current water situation. This issue involves a local company not in North Canton that I have first hand knowledge of improperly disposing of hazardous chemicals behind their facility, which is approximately 1,000 yards north of your Dressler well. This would be downstream of the tributary that runs just directly or adjacent to their facility. An EPA investigator had been contacted in regard to this matter, did go out to the site and spoke with the president of the company; which his name is Bob Annis. His company is Ohio Pools and Spas. They're located at 6815 Whipple NW in North Canton, which is Jackson Township. The EPA inspector, upon his inspection, as he spoke with the president of the company, was not given what I consider to be truthful statements. The allegations were not confirmed nor denied. But the owner of the company states that their current process is that they totally neutralize the product and then dispose of it properly down the sanitary system. I can assure you that is a misleading statement. I know of illegal dumping that had taken place since 1991 through up until the year 2000. I was a former employee up until December the 31st of this past year. I also have several individuals that also concur with my standpoint that have first hand knowledge of the actions that were taken by this company. One of which was given a written statement or a written contract as you

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would call it just this past Saturday offering him a sum money to walk away, say nothing, talk to no one about anything federal, state, local level, file any charge or anything of that nature. He decided against his a - decided against signing the documentation, which I agreed with. I know this is the last thing that North Canton needs right now is another situation to tie into their water. However, I do believe that it is in best interest of North Canton citizens to see to it that this kind of disposal is not continued. I also have some other information in regard to that company. I will not waste the council's time with regard to that other than the fact that the company has taken a - or shall I rephrase that and say they've made several critical errors in judgement over there over the past five to six months here and one of which I know probably has affected certain citizens of North Canton. They had a situation where they had approximately 1,500 gallons of hydrochloric acid - excuse me, sodium hypochloride as - this product only has approximately a three to four month shelf life. They over purchased at the end of the last year and as opposed to disposing of it properly and having it discarded properly, they didn't dump it back where they had dumped all the other product, but they did sell it to their consumers without notifying them of this; which I felt to be misleading. And I know for a fact that we have many, many customers, some that may even be in this room here that reside in North Canton that are employees of that company. I would be willing to provide you with the documentation from the EPA; it has the inspector's name on it. Larry Antonelli is aware of this situation at present. Today I did confirm that with him. But I did think it was appropriate to bring this to the council's attention so that you weren't blind sided with it. And I think a simple question to this company whether they want to confirm or deny the allegations would be appropriate from whatever member of the council, the mayor, what have you. That's all I have.

Mr. Snyder: Eric I appreciate. Maybe, possibly, I think for matters as this you might want to speak to the Mayor and Director of Administration. Give them your name, phone number and they possibly could contact you and go over with you, rather than bring it totally to the public forum. And I apologize unless there's any direct question you want. If you could work with them and of course the Director of Law and they'll handle it and channel any information, hopefully, to the Council that we need. And if there's no directed question, if that's alright with Council and you'd be so kind to do that. And they'll take that information and probably make arrangements to speak to you relative to the documents that you have.

Mr. Haines: I'll do that.

Mr. Snyder: I do commend you and I do appreciate you're interest, especially as a neighboring township. We think highly of the people of Plain. Also share a paramedic which is a very fine organization over there. On behalf of the Council I do appreciate you coming forth. Thank you.

Mr. Haines: Absolutely, thank you...inaudible...

Mr. Foltz: Thank you sir.

Mr. Osborne: Thank you sir.

Mr. Snyder: Is there anybody else wishing to speak to the Council this evening? Yes sir. Please step forward, state your name and address for the record.

Rich Kuntz: Ah yes, my name's Rich Kuntz - K-u-n-t-z. 615 Briar Avenue NE. The only thing I wanted to mention tonight is the water increase rates. I feel that the surplus money that we have in the fund of the 10,000,000 or and I had 10, but I guess - I understand it's 17 surplus, I feel that the people or the seniors on fixed incomes the attention needs to be brought to them. I know our water treatment plant needs updating and we need to move ahead - I realize that. And as far as the water selling to outside the city, I realize we have to also take care of that. But rather than the 75 cent increase all at once, I would like to recommend if they will not for - and I'd like to have the council's reasoning for not wanting to use the money out of the slush fund, if it's there, then I recommend they go in increments of 25 cents a year over the next three years, rather than 75 cents all at once. That's the only issue I wanted to bring up on the water issue. I feel that we have spent money in other areas in the city in the last few years - they're all improvements, it's all for the good. But I'll give you just one example - the tunnel we built out on Easton, which I go out there all the time because I live right out there. We don't have grade school children crossing that street to play soccer, we have adults. And we built this tunnel and it cost quite a bit of money and a lot of that money could of put into the fund of our water increase. I have no objection to improvements, but by the same token there was quite a bit invested in that. And out by the ball fields it's a very nice place to walk, very few people use it. And from Marquardt on out to Washington Square, it didn't cost any of them homeowners a penny for that sidewalks. And there's some other money that could of been spent for the water fund. That's my comment. Thank you.

Mr. Snyder: Yes sir. Is there anybody else wishing to speak before the council? Okay...

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Mr. Osborne: Mr. President, may I address the gentleman's concerns about the water?

Mr. Snyder: Please.

Mr. Osborne: Are you aware of the Homestead Act? I have applications here for it. I don't know whether you would qualify. But I have applications and brochures that explain all about it. For people in North Canton who qualify for Homestead, we only charge one half of their utility rate. So that would be a big savings. And then also did - to address the cost, for minimum 3,000 gallon user, we're looking at \$2.25 increase per month. And unfortunately if it had been addressed over the last 18 years about cost of living increases, we very well could of made small increases over the years. But unfortunately 18 years and only one rate increase we're having to swallow hard and try and catch up. And this is not something this council does very easily. We understand the plight of all the citizens. And a - but we either bite the bullet now or face losing our water system in a couple years. And if that were to happen your water rates would triple - easily. So we feel we're doing the right thing for the citizens, building for the future and ensuring a quality, sound financial basis for the entire water system. Yes sir.

Unidentified: Inaudible.

Mr. Osborne: Sure.

Mr. Kuntz: Excuse me. My only question is - I'd just like this answered. Why can't we use the fund that's there, one? Two, can't we go on 25 cent intervals rather than a 75? That's my only question. Thank you.

Mr. Osborne: I guess I could let the...

Mr. Snyder: Sir to answer your question on the increments of 25 cents. In the proposal to increase the water rates to 75 cents, we anticipate to seek a loan from the EPA or from Water - Water Board of the State of Ohio for 5.6 million dollars to do the initial repair and remodelization of the water treatment plant. In order to secure a loan such as you know when you go to the bank, you must have a mechanism in place to retire the debt. They look our existing debt, they look - which is very minimal for a city the size we have, they look at our reserves and they look at rate structure. At presently at \$2.25 the rate structure is not great enough, nor is it at \$2.50, which would be two increments of 25 cents each. It would be not enough rate to retire the debt. It just - it's actually debt to equity ratio. That's the reason for the 75 cents at one time. And your answer to the question can we use the consolidated fund balance that we have. It presently is about 17 some million dollars, of which two and a half million dollars has already has been incumbered. Unfortunate if we begin to spend that, we have no equity. Presently we are receiving interest - they are interest bearing certificates that pay the city interest weekly, monthly, yearly. And to use your money for long term debt is not - you'll use your liquid assets. It's just, actually against better business judgement. So we've elected to say to the people, we're not going to use the money that we have for capital improvement. But we'll let the actual system - the people who use the system pay for the debt and pay for the use of the water. Approximately 53 percent of our income comes from 25 percent of our users, which are outside the community of North Canton. And if we would raise them - and what we were doing is two and half times the inside rate. Unfortunately it's a diminishing return. We've now exceeded the limit that we can charge those people. Because we have Consumers coming from the north, we have Canton coming from the south. So I mean, it went in. It was long and hard, it was discussed, it was thought up and I assure you it was not a simple thing we said well we'll just continue to raise the rates. As they pointed out, it's the only second rate increase in about 16 1/2 years. Even though it might be difficult financially for some people, to deliver the type of product that we deliver, at the rate we deliver it, we're very proud of it. So I hope that answers your question. I mean I know it's simplified, but it - I hope that does give you the answer you're looking for.

Mr. Foltz: President Snyder.

Mr. Snyder: Please.

Mr. Foltz: I was going to - if I can give a rebuttal...

Mr. Snyder: Sure.

Mr. Foltz: Because we know the vote is not going to be unanimous on this water rate increase. As I've stated at a few other council meetings and committee meetings, I believe we had an ordinance in '71 and again in '84, it stated that the half a percent income tax increase from one to one and a half was allocated to go to water plant improvements. And that's basically what I wanted to do with this portion here, at least spend half of that money and hopefully I'm not confusing anybody. What I'm saying is we had an income tax here of one percent back in 1969. We built the water treatment plant by the voters allowing us to tax them another half a percent to make it one and a half percent for our income tax, which we currently have. But that half a percent went towards building the water treatment plant. But then again in '84 we had debt service that we had to retire, we again used treasury fund money or income tax money to pay that off. So this isn't something new to previous councils or administrations and to the

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citizens that live here; we've done that before. My solution was to take 3,000,000 from this treasury fund that you alluded to sir. Which we currently have and this is through December 31st - \$18,670,000, that's what's invested right now. 3,000,000 isn't going to hurt that fund. We've made over - we've made \$5,000,000 in interest and income tax returns as a surplus the last four years. Cause I quote a figure back from 19 - June of '99 we had 13,705,000 in that account - excuse me, '97. So that account grew by \$5,000,000 in four years - a little over four years. My solution was to raise it 25 cents to keep the cost down for our residents. I'm obviously - we're debating it now in council and we've had a vote on it already and we'll see how it shakes out at the end here. But I think that's the right approach to go through this whole system. I mean why should we charge our residents twice? You've already paid income tax for it. You know, why gouge the rates or make them so high that - we're actually increasing it 72 percent over the last two years. I don't know. I agree with you sir. That's what - I've been a proponent of that for two years. I haven't changed my stance on it and that's the direction I want to go as far as the rate increases.

Mr. Lindower: Mr. President.

Mrs. Herr: When...inaudible...

Mr. Snyder: Unfortunately I will say one thing that Mr. Foltz does not tell you. May 8th, 1984 the electorate of the City of North Canton voted overwhelmingly to allow the city to take that additional half percent that was allocated for the water treatment plant and use it for general revenue money. At that point there was approximately \$1,200,000 debt left on the water treatment plant and it was used at \$400,000 a year income tax money to retire that debt. But the people of North Canton did vote to allow the half a percent income tax to be used for general revenue purposes. Also what he does not tell you, councils before the water fund had an excess of \$5,000,000. And that money was used to fund the infrastructure that the people drive on through the City of North Canton. So we used that money and would - should of money that was left for when the plant was retrofitted after it was 25 years old. There's not been any money placed in there. Although last - over the last two years we've pumped almost \$3,000,000 additionally into the water treatment plant, besides the 5.6. So we've used general revenue fund money also to fund the water treatment plant. Mrs. Herr you have something to say?

Mrs. Herr: Yea, I wanted to make a couple points. First of all the whole purpose of an income tax is to fund those services that are not - that do not receive revenue from a user fee, okay, for our safety services, our parks and recreation, our general government, our engineering services. Those type of services are our streets, our capital projects as far as curb and gutter projects. Those kinds of things inherently do not charge a fee. We don't charge people for, you know, police service or anything like that. The water fee is for the purpose of using water. It's - you shouldn't combine the two. Okay. That's why we charge when we tax, you know, non residents when they come in here to work because they use our services. While they're in our city working they use our streets, they use our safety forces. Okay. That's what the income tax is for. It's not to subsidize our water fund. Our water fund should be self supporting from its own rates. And I don't know specifically, because I don't have the indenture from that issue for the original water treatment plant. But I'm assuming that the reason why they used income tax revenue is because we did not have the water revenue that we do today to fund that. Okay. We have the mechanism now to get those rates, to get that revenue. And to put it in prospective of today, that 3.6 million dollar project was the original bond issue, that in today's dollars equates to almost \$16,000,000. Okay. The other thing I wanted to make a point of was, as far as income tax goes, as I've said before, we've lost a million dollars from last year. From 2000 to 2001 we've lost a \$1,000,000 in income tax revenue. So far year to date our income tax revenues are not up to what they were last year. Okay. I don't foresee a great economic boom right now that will show those rates to rise. So I'm looking at keeping that fund balance there to subsidize for future years. And the budget that we've all - that you guys have all adopted for this year, we're going to use up some of that fund balance to fund those projects and these services. So just in this year that fund balance more than likely will go down. That's all I wanted to say.

Mr. Lindower: Mr. President. I think probably the discussion that we've been having for the last couple weeks has tended to confuse the public a little bit more than anything. I think there's a misunderstanding about exactly what is going on. And if you would indulge me a few minutes here...

Mr. Snyder: Sure.

Mr. Lindower: I would like to ask Mr. Steinhebel if he would come forward so I could ask him a couple of questions and have him respond so that he could make it clear to the public. Rich would you mind coming up for a second?

Mr. Steinhebel: Sure.

Mr. Lindower: What I'm finding in talking to the public is they're apparently not aware of why we're talking about needing \$9,000,000. Correct me as I go down through this if you would Rich. Initially we need an upgrade and improvements to the water treatment plant. Is that correct?

Mr. Steinhebel (Superintendent of Water Treatment Plant): Yes.

Mr. Lindower: And today we're able to pump - or I'm sorry, we're able to process how many millions of gallons of water per day?

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Mr. Steinhebel: We're actually licensed for 6,000,000 gallons a day by the EPA.

Mr. Lindower: Around 6,000,000?

Mr. Steinhebel: Yes.

Mr. Lindower: Okay. And it's costing us what per 1,000?

Mr. Steinhebel: Per 1,000 - actually I'm going to refer to Julie because that has changed a few times.

Mr. Lindower: But somebody uses the figure 225?

Mrs. Kiesling: 2 - it's up to like 280.

Mr. Lindower: Okay.

Mr. Osborne: It's 269 or something.

Mrs. Herr: 269 for last year - 2001.

Mr. Lindower: That's what it's costing us?

Mr. Steinhebel: Okay - because we're...inaudible... We're at 241 and that's why...

Mrs. Herr: Yea, 241 was 2000.

Mr. Steinhebel: Was - exactly.

Mr. Lindower: And I have no - no doubts at all in having worked with the city for the past several years of being aware of the fact that past administration has not kept up the water treatment plant as it should of been and it needs the improvements. Isn't that right?

Mr. Steinhebel: Yes.

Mr. Lindower: We're also talking in addition to that in the future of expanding the water treatment plant. And after that expansion - well let me ask you this first. What is rough - the rough cost, you don't have to give me dollars and cents exactly, the rough cost of improving the water treatment plant?

Mr. Steinhebel: The improvements were like 5.6 million.

Mr. Lindower: 5.6?

Mr. Steinhebel: Yes.

Mr. Lindower: Okay. And then skipping down to the expansion for the treatment plant, roughly what is that project going to cost?

Mr. Steinhebel: You're going to add another roughly 4,000,000 or - no I'm sorry, 3,000,000 on to that. So you're right at 10,200,000 for the whole upgrade and expansion of it.

Mr. Lindower: Okay. And after the expansion we're going to be able to process how much water?

Mr. Steinhebel: At that point we're should be able to process 7.8 million gallons a day. Okay. And with the capability of going up to 12,000,000 gallons a day.

Mr. Lindower: Anywhere from 7.8 to 12,000,000?

Mr. Steinhebel: Right, right. And any - we're rated at 6,000,000 gallons. So any two consecutive days that we actually put out over 6,000,000 gallons, we have to, by EPA standards, move up to the next larger or Class 4 plant at that point.

Mr. Lindower: Okay. The reason why I want to tie these together, excuse me, we're able to process roughly 3 to 5 million right now. Is that correct?

Mr. Steinhebel: We can do actually 6,000,00 if we have the...inaudible...

Mr. Lindower: Okay. Now provided we expand the water treatment plant to where we can process 6.8 to 12 million gallons of water, do we have a source right now that we can process that much water?

Mr. Steinhebel: There are projects right now...

Mr. Lindower: Are there enough wells today as we sit here, right now?

Mr. Steinhebel: Yes, yes. There are plenty. We have - right now we have a capacity of 5.7 million with our wells. Okay. And actually with a little juggling I could do about six three. Not at a long running period. Okay. But...

Mr. Lindower: What I'm asking you though is right now we can actually pump 6.8 to 12 million gallons of water if we had the plant expansion. Is that correct?

Mr. Steinhebel: Exactly.

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Mr. Lindower: Without additional wells?

Mr. Steinhebel: Not - no, no, no.

Mr. Lindower: No, okay then...inaudible...

Mr. Steinhebel: No the system - that's what I'm getting at, the system can supply...

Mr. Lindower: Okay...

Mr. Steinhebel: 5.7...

Mr. Lindower: My point being the expansion right now I think is a little premature. You talk about cost and trying to raise additional funds for that today. I think the key thing that we have to concentrate on right now is the improvements to the water treatment plant so that the water we're processing and selling to the customers today is going to be the best quality it can be. Isn't that true?

Mr. Steinhebel: Yes.

Mr. Lindower: Okay.

Mr. Steinhebel: Well actually the EPA has been sent for the upgrade design work. Okay. It has been sent to them for approval.

Mr. Lindower: Okay.

Mr. Steinhebel: It's strictly the upgrade that's been sent at this time.

Mr. Lindower: So my point being is it the priority right now is to improve the water treatment plant and to get it up to speed so that water is being processed properly.

Mr. Steinhebel: And along with it a raw water source. You got to keep those two together. Okay.

Mr. Lindower: Yea. And we're talking now again \$5,000,000 a little - 5,000,000 plus. Right?

Mr. Steinhebel: Yes.

Mr. Lindower: Julie, is there anyplace in the budget anywhere, other than raising the water rates 75 cents, where the city can cover the expansion? Or not the expansion, just the upgrade of the water treatment plant; short of going 75 cents?

Mrs. Herr: After everything I've just said I don't feel that we should use the fund balance. I'm not denying that there's money in the bank. Okay.

Mr. Lindower: Okay.

Mrs. Herr: But it's my personal belief that we should not use that money to fund this project.

Mr. Lindower: I agree with you as far as the 9,000,000 plus; that, that would be kind of a foolish move. As far as the upgrading of the water treatment plant, along with say a 25 cent per 1,000 gallon increase for the water bills right now, that should keep us pretty well in the ballpark without having to raise the rates 75 cents. Isn't that right?

Mrs. Herr: Well, I believe that part of this issue was to increase the rates to cover what our costs are. By raising it 25 cents is not going to cover that cost. For 2002 the cost to produce per 1,000 gallons is estimated at \$2.84 versus the \$2.69. Okay. If we're raising only to \$2.25, we're still short of what it costs us to produce that water.

Mr. Lindower: Okay.

Mrs. Herr: So we're still working at, you know, we take one step forward, but we're then taking two steps back, because we are not getting ahead.

Mr. Lindower: Not including the expansion and again only talking about the upgrade of the treatment plant. Fifty cents per 1,000 gallons increase would bring us up more realistically to where we need to be. Right?

Mrs. Herr: Well, I was under the impression that Council was for going with the expansion right at the same time as the improvement as far as the plans. Obviously the construction wasn't going to take place until after the improvement was done. But I was under the impression that it was going to be all done right in a row. And what's the...

Mr. Lindower: I heard that conversation as far as doing the projects in two steps. The upgrading and then the expansion. However, in view of the fact the citizens are as concerned as they are about a 75 cent increase on water rates right now, which is probably going to even be raised higher than that in 2004 or 5. That I'm - that's why I say I'm discounting the expansion right now all together. What's the sense in being able to pump 12,000,000 gallons of water a day if in fact we don't have the source? Five years from now maybe - ten years. You were just saying a while ago about the tax income being down - the income tax or our revenue into the city being down. Well what's to say we're going to sell that much more water within the next four to five years. We don't know that. So...

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Mr. Snyder: You know there's one factor that no one has considered - the other part about the 75 cents. In order to borrow the way we want to borrow at the most favorable interest rates, which is approximately what 3.7 percent...inaudible...3.9 from the water fund?

Mrs. Herr: Yea, 3.9.

Mr. Snyder: That's - you must have that money in fund. If we do not, we have to go to the bond market, which we'll have to pledge our money anyway. At that point the city has no ability. If we would get somebody who wanted to develop something in the city or somebody wanted to do something in the city that required infrastructure help, such as these gentlemen alluded to that we did at Washington Square, we have no way of playing for that. That money will have to be pledged as security to secure the loan in the bond market. We'd be no different than an individual private citizen borrowing money to build a house.

Mr. Lindower: Okay, the loan that you're intending to secure Mr. President is \$9,000,000. Right?

Mr. Snyder: No sir, it's 5.6. The 75 cents is predicated originally on 5.6, then going back and obtaining a second note for 3.2, if we decide to do the both. But at that point if you notice, in 2005 even with 75 cent increase, the water fund dips the opposite way again.

Mrs. Herr: Yes.

Mr. Snyder: At 25 or 50 cent - 50 cent raise this year, 2003 the water fund is approximately \$56,000 in the red. I mean first of all you're talking about \$2.71. Now you have to talk about the delivered cost of the water. The actual delivered cost of the water is approximately \$3.29 per 1,000 gallons, when you figure the actual cost of running new waterlines and so forth. That runs the same as a private business. I mean the problem is, I realize you're talking - we're asking for a lot at one time. But unfortunately we don't have much of a choice. I mean you can do it the way that you're thinking of proposing it, but you lock the city up for any ability to borrow. If we need a new safety building or we need to buy something we won't have that money to do it. Am I correct? They'll tie the money up. That's just - they want to be secured.

Mr. McLaughlin: And I think the other thing that you're - we're not taking into consideration is the changes that we had on the plant and the new rules and regulations that come into effect this - what it is July?

Mr. Steinhebel: July 1st we fall under...

Mr. McLaughlin: Right. If we don't commit to do one after the other, we've got to go back and change our plans and everything else. And it's going to cost the city probably close to another million or so for the changes and the updates and everything else. That's why after you got the - we will want to do both of them back to back was get them done because of those changes and everything else like that..

Mr. Snyder: Well the...

Mr. McLaughlin: I think the - I think the other thing that and I want - that Julie was alluding to was with our city income tax money, we've had to pay back - back one of our major - one of our biggest employers in the City of North Canton came back and redid their books. Therefore taking some of our city based income tax away. Which we in turn have to pay them \$359,000; was it every November - for the next three years. So therefore our tax coming in is why - one of the reasons being down. Plus we're putting more taxes out. Our investment - our investments that we had before are not getting what they should be. So therefore off the bat we're losing close to anywhere from 800 to a million dollars a year. Am I right? On what we have between...

Mrs. Herr: Combination of this.

Mr. McLaughlin: between losing the - some of our interest on our investments and our tax things.

Mrs. Herr: Over a million.

Mr. McLaughlin: Our city income tax and everything else like that. I think that's, you know, one of the things we're looking at of not dipping into our rainy day fund. I think that's the major thing. And the third thing is like I say, to sum it up is, you've got to charge what it costs you to produce. I mean we just - we can't keep subsidizing this year, after year, after year, when everything else is going up. I mean everybody gets a raise, your medical goes up, everything else goes up. We've got to keep up with the times. And I've said it's been discussed. It's been rehashed. I mean - I don't know what else to say. I mean it's - the last six weeks I'm just - I didn't even bring my stuff tonight because I didn't think we were going to get into this again. But it's just, you know, it's economics.

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Mr. Foltz: Rick, I just think it's a hard thing for us. Two years ago I was here with it; we had a compromise of 40 cents, knowing we still had a lot of money in the bank at that point. It's just a hard thing I think for the public - some of the public to accept it. When we have \$18,000,000 in treasury fund balance, it's money set aside. And we made and I'm going to say this, last year alone, this isn't counting the debt service on the tank and the waterline we started, when we bring in \$3,200,000 - I'll quote it here, we brought in \$3,317,000 in revenue. Our operating, maintenance and repairs totaled \$2,530,000. We showed a net revenue of profit/capital improvement money of \$787,000 last year -that's a fact.

Mr. Snyder: You used it in the infrastructure though.

Mr. Foltz: Those are the figures that you can pull right up.

Mr. McLaughlin: Right.

Mr. Foltz: And it went right into infrastructure; that's right Jon.

Mr. Snyder: That's right.

Mr. Foltz: And that's what happened throughout the last 14 years. If I went and added up all the infrastructure or small capital improvements that were done to the plant; if I'd go from '84. We wonder why there wasn't a plant - a water rate increase, it was because the debt service was paid out of the income tax for our last major improvement down there. We've also stated that earlier this evening. We've had a net revenue of over \$14,000,000.

Mr. Snyder: The problem being Doug...

Mr. Foltz: That went to infrastructure or distribution lines.

Mr. Snyder: There has been no depreciation set aside. Anybody in business understands when you take one dollar in at least 20 cent of your dollar is put into the bank to repair and replace your equipment and thing that produces your water, which is the water treatment plant. We put - we had \$5,000,000 in there for depreciation to do that, but the Council decided well we're not going to need that. We'll go ahead and put it in infrastructure; which was legal.

Mr. Foltz: Inaudible...

Mr. Snyder: And the other problem, the 40 cents is true. But if you also understand when we compromised at 40 cents it was to borrow an 8 million dollar loan...inaudible...

Mr. Foltz: And it never happened.

Mr. Snyder: And unfortunately we spent, under a different administration, some three and one half million dollars on every Monday we came in here there - and...inaudible...approved. And we spent three and one half million dollars that we don't have a lot - we have something to show for it, but it didn't show good fiscal responsibility. This shows a plan and if you follow the plan accordingly for the next three years we should be in fairly good shape. But that 17 million you're talking about I also believe is only going to be roughly 13 million. Because what 3 or 4 million is already encumbered.

Mrs. Herr: Yea, 2 million.

Mr. Snyder: Two million is encumbered, so that's 15 million. She's already a million short in income tax revenue so that's 14. The year's not half over yet. So we'll probably end up somewhere between 11...

Mr. Foltz: Is it appropriated or encumbered?

Mr. Snyder: It's encumbered. It's encumbered...

Mrs. Herr: Encumbered.

Mr. Snyder: with the auditor. It's got be used for what it's encumbered for. So...

Mr. Foltz: Well we'll see - we'll see at the end of the year I guess.

Mr. Osborne: Okay, I'd just like to sum up some of what's said here. We're charging \$2.00 a 1,000 right now. It costs us out of our pocket \$2.70 per 1,000. That's just for production and distribution. The upgrade of the plant, if we move ahead with it, we will be able to reduce our cost of production. Is that right Rich?

Mr. Steinhebel: Yes. It will reduce by the chemical feed systems that we'll add to it. And also a point I wanted to make, last year we pumped 5.3 million gallons in consecutive days. So we're reaching that 6 million mark - we're coming towards it. Then we will be mandated at that point to expand that plant by EPA standards; we have no choice. So...

Mr. Osborne: Now, somebody has to be making up this 70 cents per 1,000 gallons of water we're losing. The city chose to start selling water outside the city. That's why the rapid expansion of water sales outside the city. And what we made outside was outside consumers pay for our water. But we've expanded just about as far as we're going to right now and we're going to have to bite the bullet. We suddenly start unloading the cost outside the city. Every part of the system, residential inside, business inside, as well as outside users, need to be paying their way. Otherwise somebody is - has to make up the cost. And anything over our \$2.70 cost; it's not like the city is making a profit here. Anything over and above our production and distribution costs stays in that water fund and we turn right around and put in new waterlines for people. The system has to be self-sufficient. And we have to plan for the future. It's too bad. If we had raised the rates over those 18 years like we should of, we would of had 4, 5, 6 million dollars in there like was mentioned earlier. We did have 5 million, they used it to put in new waterlines. So now the fund is practically broke. It just hasn't been good management and planning for

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the future. And in - over and above our 2.70 cost, we have our debt repayment, which Mr. Snyder alluded to is another 60 cents per 1,000 gallons. So our true water costs are upwards around \$3.30, \$3.35 a 1,000. I guess - it's quite obvious the system hasn't gotten the attention that it's needed for many years. And this council is trying to put the water fund on a sound financial basis and it's tough. But for a minimal user, 3,000 gallons, you're talking the increase of \$2.25. And if you're on - if you quality for Homestead, then your costs are half of that, a \$1.12 a month. The average water bill in this state is upwards of a mid 30, 35, 36, 38 dollars. So even with the increase, North Canton residents have a fantastic quality of water and pay a very small price for it.

Mrs. Kiesling: And I would also like to add. As a mother of three young children that I've only used this water for 8 years, but I know a lot of people have used this - well it's been around 25 years. And you've been paying rates lower than what it took to get it to your home. My only hope is in 25 years my kids are still going to be able to drink this water and it's still going to be owned by the City of North Canton citizens. And the only way to do that is take responsibility now. And 75 cents, you know, may sound like a lot, but in 10 years if we don't have that plant all I keep thinking about is what kind water is my children going to drink? I want to know it's safe and good water coming to my home and that's what we're planning for. For 20 some years the residents of North Canton have been drinking this water and not paying for it essentially. Now we need to bite the bullet and we need to help each other. We're asking for your help to improve our plant, to expand the plant and look towards the future to our children who are going to be drinking it for a long time.

Mr. Steinhebel: Could I make one clarification? One the \$3,000,000 okay, we all talked about it, technically the plant has only got about 500,000 of the 3 million. They want to do a storage tank and exploration and all these other areas. So the water plant hasn't received \$3,000,000, okay. So the public understands that. Okay. It's only 500,000 - a little bit over that at the plant itself. So it's - the improvements still are - a major part that have to be done; expansion we're knocking on the door real quick here. But the main thing is the improvements.

Mrs. Magel: Mr. Kuntz, I think you just received every slant that we've had - that we've done for each other for six weeks. We've been doing this for six weeks - exchanging these little barbs, taking half truths here and half truths here. I don't think anybody actually listened to what you initially said. Can't we do this increments? Yea, we could do this in increments. Maybe not even one year at a time, but some increment. Yes we could. And two, what about the seniors who are on fixed incomes? Sir, I have been fighting - I - you live on Briar, I live on Briar. I live on the corner. I'm not quite sure where you live. I didn't catch your address.

Mr. Kuntz: 615.

Mrs. Magel: You have no idea how bad I've been fighting. How bad I understand. I delivered meals on wheels. I know there are people in this town that need relief from this 75 cents. I am doing everything I can. Is there anyone who would deny that I have not been fighting for the people who cannot afford this? Please sir, I'm so glad you came up. Although we're on the same street I do not know you. Will you please tell this council there are people who need relief. 75 cents on top of the 40 cents is 72 percent increase. Now we've been hearing you've not been paying for your - you've been drinking water for 25 years that you haven't been paying for. That's not true. What happen to 20 - what happened to the half a percent Doug's talking about? Your income tax has been paying for that. Now you have not been receiving - you did not receive a rate increase in 16 years. Well isn't that odd? Because in '84 is whenever they changed this to say okay, we're not going to take the entire money for the waterworks from '71. We amended it to say only the debt service was going to be for the water works, the rest could be distributed as council seen fit. That's 1984, add 16 years on to it that's the year 2000. What a coincidence, that's the year we raised the rates. So you see there's a lot - I know you made an innocent question about can we - 75 cents is so much and can we help the senior citizens. And I would hope the answer to both is yea, 75 cents is too much and yes we need to help the senior citizens. Or not - I beg your pardon. I'm not for just senior citizens. I find out there's some people who are disabled much younger than 65. I think I could name you a couple. Sir...

Mr. Kuntz: I'd like just to say one other thing. May I speak from here?

Mr. Snyder: You speak from the microphone sir so it goes on the record.

Mrs. Kiesling: Inaudible...

Mr. Kuntz: I still say that the issue is - I know we need improvement, I know we need an expansion. It's how we're going to do it. I lived on Briar Avenue since 1965. My water stinks, its always stunk. My wife will tell you she can't even wash clothes. I've - we've got this little stuff we put in the water that they gave us, it's still rotten water. I go down to the Monument Park and get water every week. It stinks - I don't drink it. The whites don't come out white in the wash. I wish my wife was here with me. Our water - our well that's out at the ballfield, I just live down the street, when we going to make it operable? I mean

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if it's contaminated let's fix it. If we're going to need all these wells to improve down the road, there's one sitting out there. The percentage of the people in the City of North Canton that are senior citizens, disabled, is over 40 percent. I have children also Marcia, and I want them to drink water. I've got a little grandson, 2 years old, I want him to drink water. I won't even let him drink water at my house. It stinks.

Mrs. Kiesling: I believe that's from your pipes though. Your - underneath the ground.

Mr. Kuntz: No, the house was brand new when I built and it's been like that for 37 years.

Mrs. Kiesling: My water's perfect.

Mr. Kuntz: But we know that we need improvement. We know we need expansion. But without borrowing the money, let's go in the increments to make more people to be able to afford it. Because there's people out there on fixed income that cannot afford it. And what Chuck said, I realize \$2.00 is not a lot. But I have people right now that can't afford to buy prescription drugs, let alone raise the water rate. That's just my comment. Thank you.

Mr. Snyder: Sir, may I ask one question? Where did you get the figure 40 percent of the people in the city are either disabled or seniors?

Mr. Kuntz: I got that from someone up at the library.

Mrs. Kiesling: There's no...

Mr. Snyder: No, that's alright.

Mrs. Kiesling: Half the population is children.

Mrs. Magel: Inaudible...

Mr. Snyder: Pardon me.

Mrs. Magel: I can get that off the Internet.

Mr. Snyder: Okay. Is - yes sir.

Jim Fleming: My name is Jim Fleming. I live at 429 Werstler Avenue NW, North Canton. I want to correct something. Didn't we have a water increase two years ago?

Mr. Snyder: Yes sir.

Mr. Fleming: Okay, I thought the people here said we didn't - hadn't ad one in 17 years.

Mr. Snyder: 16.

Mr. Fleming: 16 years, alright. We just had one two years ago.

Mrs. Kiesling: This will be our second in 18 years.

Mr. Fleming: Ladies - ladies and gentlemen if you will listen to me, I know a way you can get out of this right - not right away, within the next six months. Put your income tax up to 2 percent like Canton has. Right over there, 80 percent of those people that work over there don't even live in North Canton. Now if you're in this financial crunch, what the young lady says we are, do like everything else, go for the 2 percent. I've worked in Canton all my life, I paid 2 percent. I didn't - I didn't complain about it. But let's get with the times, if you need money, where you have it get it. Walsh College, go out there and charge - I know a lot of people work out at Walsh College, they'll help pay for that tunnel the people are hollering what they got for nothing. People out at Washington Square out there help pay for the sidewalk out there that you gave the people in Plain Township. That's all I have to say. Thank you.

Mrs. Magel: Ah sir, I didn't catch your name.

Mrs. Kiesling: Jimmy Fleming.

Mr. Fleming: James J. Fleming.

Mrs. Magel: One thing about having an income tax, it doesn't hit the people who are on disability.

Mr. Snyder: Is there anybody else?

Mrs. Kiesling: Doesn't hit them?

Mrs. Herr: The tax has to be passed by the voters too.

Mrs. Kiesling: Plus it has to be passed.

Mr. Snyder: Yea, anything over 1 percent has to be passed by the voters. Does anybody else wish to speak before - Sir, step forward, state your name and address for the record.

Carl Gooden: My name is Carl Gooden. I live at 233 Sutton NE, North Canton. Mine is on the lighter side. I don't know if you've noticed, but the Dogwood courts and the courts behind the high school all have their nets up. I had a real good workout this afternoon. And all five courts up at the high school were in use. Thanks to, I guess, the Recreation Department they got it done. Thank you.

Mr. Snyder: Thank you sir.

Mrs. Kiesling: Thank you.

Mr. Snyder: Anybody else wishing to speak before the council? Okay...

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OLD BUSINESS:

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

Ordinance No. 30-02 - Second Reading

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

Mr. Snyder: Chairman McLaughlin.

Mr. McLaughlin: We've been over this for six and half weeks. Everybody hasn't changed their positions. In fact I've heard some new fabrications tonight I've never heard. But...

Mrs. Magel: I agree.

Mr. McLaughlin: So I say let's get it on. I mean I just - I'm just flabbergasted with what I keep hearing. The story changes every day. But let's get it on.

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

Yes: McLaughlin, Osborne, Snyder and Kiesling.

No: Foltz, Lindower and Magel.

Mr. Snyder: Okay...

NEW BUSINESS:

- 9. Mr. McLaughlin moved and Mr. Osborne seconded to **read by title only, first reading of Ordinance No. 31-02.** All members present voting:
 Yes: Osborne, Snyder, Foltz, Kiesling, Lindower, Magel and McLaughlin.
 No: 0

Ordinance No. 31-02 - First Reading

An ordinance authorizing the Mayor, Director of Administration and Personnel & Safety Committee of North Canton City Council to enter into a Collective Bargaining Agreement between the City of North Canton and the Ohio Patrolmen's Benevolent Association (Chief Dispatcher) and declaring the same to be an emergency.

Mr. Snyder: Chairman Lindower.

Mr. Lindower: Yes, this is the collective bargaining agreement between the Chief Radio Dispatcher and the Police Department. It's been approved and signed by her and city administration. So I'd like to see this passed on emergency tonight and put it on the books.

Mr. Snyder: Thank you. Any other comment?

Mr. McLaughlin moved and Mr. Osborne seconded to **adopt the first reading of Ordinance No. 31-02.** All members present voting:

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

No: 0

Mr. McLaughlin moved and Mr. Lindower seconded to **suspend the rules for Ordinance No. 31-02.** All members present voting:

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

No: 0

Mr. McLaughlin moved and Mr. Osborne seconded to **adopt under suspension of the rules Ordinance No. 31-02.** All members present voting:

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

No: 0

- 10. Mr. McLaughlin moved and Mr. Lindower seconded to **read by title only, first reading of Ordinance No. 32-02.** All members present voting:

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

No: 0

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Mr. Snyder: Chairman Lindower.

Mr. Lindower: Yes, this is an ordinance to modify the collective bargaining agreement with the North Canton Professional Paramedics Association to add a Medical Technician Captain and establish an hourly rate. I'd like to see that passed on emergency also and get it on the books.

Mr. Snyder: Thank you. May I have a motion to adopt the first reading...

Mrs. Bittle: Excuse me.

Mr. Snyder: of Ordinance 32-02.

Mr. McLaughlin: So moved.

Mr. Batista: You need a first reading.

Mr. Snyder: Oh excuse me, I'm sorry. I'm ready to...

Ordinance No. 32-02 - First Reading

Ordinance No. 32-02 amending ARTICLE 33, WAGES of Ordinance No. 72-2000, as amended Collective Bargaining Agreement between the City of North Canton and the North Canton Professional Paramedics Association (NCPA), IAFF Local 3489, by the addition to Section 1. of the classification of "Emergency Medical Technician Captain" and an hourly rate of compensation for same, and the addition of Section 4. to ARTICLE 33 WAGES, and declaring the same to be an emergency.

Mr. Snyder: Thank you. Now may I have a motion to adopt the first reading?

Mr. McLaughlin moved and Mr. Lindower seconded to **adopt the first reading** of Ordinance No. 32-02. All members present voting:

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

No: 0

Mr. McLaughlin moved and Mr. Foltz seconded to **suspend the rules** for Ordinance No. 32-02. All members present voting:

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

No: 0

Mr. McLaughlin moved and Mrs. Magel seconded to **adopt under suspension of the rules** Ordinance No. 32-02. All members present voting:

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

No: 0

11. Mr. McLaughlin moved and Mr. Osborne seconded to **read by title only, first reading** of Ordinance No. 33-02. All members present voting:

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

No: 0

Ordinance No. 33-02 - 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 declaring an emergency.

Mr. Snyder: As you know, we borrowed that money last Spring. We've used \$350,000 of the original borrowing. It is now due and we do have \$900,000 that we anticipate using for expansion of water exploration. Which is that money we've had left over from the waterline that we've ran up Glenwood. And due to the pollution and the contamination of the East Maple well field, the program was suspended temporarily. So this will allow us to borrow again on a note of \$1,250,000. Which I believe is for a year period. Julie, is that correct?

Mrs. Herr: Yes.

Mr. Snyder: And again, it's anticipatory of us issuing general revenue notes that bear some 6 percent interest. And I would recommend it be passed on emergency as it is due and payment, I think, the 25th of the month.

Mrs. Herr: 28th.

Mr. Snyder: The 28th of the month. So with that I would indulge you to pass it on emergency.

Mr. McLaughlin moved and Mr. Osborne seconded to **adopt the first reading** of Ordinance No. 33-02. All members present voting:

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

No: 0

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Mr. McLaughlin moved and Mrs. Magel seconded to suspend the rules for Ordinance No. 33-02. All members present voting: Yes: Kiesling, Lindower, Magel, McLaughlin, Osborne, Snyder and Foltz. No: 0

Mr. McLaughlin moved and Mrs. Magel seconded to adopt under suspension of the rules Ordinance No. 33-02. All members present voting: Yes: Lindower, Magel, McLaughlin, Osborne, Snyder, Foltz and Kiesling. No: 0

REPORTS:

Mr. Snyder: Thank you. Director of Law.

Mr. Batista: I am advised that procedurally there is Fiscal Officer's Certificate that should be read into the record. I am going to do that now. Mr. Snyder: Alright.

Mr. Batista: "To the Council of the City of North Canton, Ohio: As fiscal officer of the City of North Canton, Ohio, I certify in connection with your proposed issue of \$1,250,000 notes (the Notes), to be issued in anticipation of the issuance of bonds (the 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 (the improvement), that: 1. The estimated life or period of usefulness of the improvement is at least five years. 2. The estimated maximum maturity of the Bonds, calculated in accordance with Section 133.20 of the Revised Code, is 40 years, being my estimate of the life or period of usefulness of that improvement. If notes in anticipation of the Bonds are outstanding later than the last day of December of the fifth year following the year of issuance of the original issue of notes, the period in excess of those five years shall be deducted from that maximum maturity of the Bonds. 3. The maximum maturity of the Notes is March 29, 2021.

Mr. Snyder: Thank you. Okay. Reports, Director of Law.

Mr. Batista: No report.

Mr. Snyder: Director of Finance.

Mrs. Herr: No report.

Mr. Snyder: Director of Administration.

Mr. Held: Yes, we have - we have a copy of all the annual reports for the - all the safety services; Police, Fire and EMS. And so I'll hand those out to each one of you after the meeting.

Mr. Snyder: Thank you. Mr. Held: That's all.

Mr. Snyder: Thank you. Mr. Mayor.

Mayor Rice: Just one quick thing. Rich mentioned it during his comments. I don't know if everybody caught it or not, but the actual design document for the Water Treatment Plant upgrade phase has been completed by the engineering firm Burgess and Niple and has been sent now to EPA for their approval. Rich, you got a copy of that don't you?

Mr. Steinhebel: Yes.

Mayor Rice: You might hold it up and show you it's not a small document. So...

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

Mayor Rice: In case you wonder what you spent all that money on, that's the design document for the plant upgrade by itself - just the upgrade. It's going there and we're to get approval on that. I know sometimes they said up to six months it can take to get those approved. But we're hoping to get that approval done in a much shorter time if we can. But it's in EPA's hands now so that process is moving forward.

Mrs. Magel: Which division of EPA and who did you send it to?

Mr. Steinhebel: The Columbus office...inaudible...to the Engineering Department down there.

Mrs. Magel: Okay so it's not Dave or...

Mayor Rice: No, it doesn't go local for this, it has to go to Columbus.

Mr. Steinhebel: Inaudible...Columbus...

Mrs. Magel: Any particular person?

Mr. Steinhebel: Inaudible...EPA...inaudible...

Mrs. Magel: Thank you.

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Mr. Snyder: Mr. Engineer.

Mr. Benekos: Just a few items. The projects that have been awarded by the Board of Control at the ballfields. On that the bids came in \$25,860 and Council authorized 25,000. We're going to ask for additional funding next week at the committee meeting. Sheraton Street has been awarded, expect construction to start early in April. And the Whitewood waterline extension has been awarded by the Board of Control. And construction of that will start early April also.

Mr. Snyder: The ballfield was originally appropriated at 50,000, was it not?

Mr. Benekos: There were funds for 50,000 for that and other items and the legislation to authorize the bidding capped it at 25,000.

Mr. Snyder: So you'll just ask for an addendum to that original...

Mr. Benekos: Correct.

Mr. Snyder: Okay.

Mr. Foltz: Jon, that other money is going to go to landscaping. If you remember, we've discussed it.

Mr. Snyder: Well they'll do that right at their ballfields there?

Mr. Foltz: Yea...

Mr. Snyder: Good.

Mr. Foltz: They'll finish that buffer there off of East Maple with the trees.

Mr. Snyder: Hey, you've done a nice job so far.

Mr. Foltz: You know, so that's where that other money was going to be spent.

Mr. Snyder: Good.

Mr. Foltz: No, Jim you answered my question, so I have nothing else.

Mr. Snyder: Okay. Thank you. Madam Clerk.

Mrs. Bittle: No report.

REPORTS - COUNCIL:

Mr. Snyder: Okay. Member Foltz.

Mr. Foltz: Nothing.

Mr. Snyder: Member Lindower.

Mr. Lindower: I'd just like to make a comment, that I was a little unhappy with the way Mr. Osborne handled his survey in Ward 2. From the time that Mr. Gooden came into Council the first time and expressed his concerns about the tennis courts being taken out and the skate park put it, I still, to this day, as I sit here right now, have not received one call from anybody in Ward 2 opposing that particular change over. I was a little concerned Mr. Osborne took the opportunity to go out and attempt to sway people's opinions whether that skate park should be put there or not. I filed a complaint letter with the President of the Council indicating my - excuse me - my dislike for the way that was handled. And I trust that something will be done with that. Thank you.

Mr. Snyder: Thank you sir. Member McLaughlin.

Mr. McLaughlin: Two things quick. Julie if you would be so kind, for the last ten years, would you - could you update the list of projects we've had in each of the wards? How much we spent on water projects, how much we spent on curb and gutter, per ward. I'd like to see that. You know, just update the list that we had, including this year's projects. Could you do that for us for next week? That's one thing. Second of all is, Mr. Benekos, would you be so kind to drive into an allotment for me and check some things out? Off of Easthill and South Main, off of North field the allotment in through there. I know they're not regulation city streets, but I do have some complaints - some constituents up there on the building process, the way he's putting the dirt all over the place, the streets and causing a mess. Plus check and I guess one of the concerns I have is how close he's putting those houses together up there.

Mr. Benekos: Where is that at?

Mr. Snyder: It's down there off of Main on the south side of the street off 55th.

Mr. McLaughlin: Off of Main Street. I cannot think of the allotment.

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Mr. Snyder: On the top of the hill by the Hoover place?
 Mr. McLaughlin: No, no, no, it's down south - down by Main Street. Main Street and Easthill, the allotment down through there off of Northfield...
 Mr. Snyder: Auburn Knolls.
 Mr. McLaughlin: Auburn Knolls.
 Mr. Snyder: Well that's been plotted.
 Mr. McLaughlin: Right. I just want to check just to check on some of those - those houses seem awful, awful close.

Mr. Snyder: That's under planning and development isn't it?

Mr. McLaughlin: If we could maybe - if you've got some time this week if you - we could take a drive out there and - I mean Mr. Held can come with us and just take a look at some of the landscapes out there and few things. I'm just concerned. I could be all wrong, but I would like somebody to address it. And if you would be so kind.

Mr. Benekos: Yea. That probably went through Planning Commission and was approved at some time before I got here. I'm not that familiar with the plat and the site plan for that, but I can check into it.

Mr. Snyder: That's under condominium subdivision regs I think.
 Mr. Benekos: Yea. If you're not...

Mr. McLaughlin: Some questions I - I just want go over with you...
 Mr. Benekos: Sure.
 Mr. McLaughlin: and with Mr. Held
 Mr. Snyder: Inaudible...lot line don't they?
 Mr. McLaughlin: I'm concerned. I'm just concerned at some things I saw when I was driving through there.
 Mr. Benekos: Okay.
 Mr. McLaughlin: I'd appreciate that. And this - I'll get with you and we can set some time up. But everything else is peachy keen.

Mr. Snyder: Good. Thank you. Member Kiesling.

Mrs. Kiesling: No report.

Mr. Snyder: Member Magel.

Mrs. Magel: Ah yes. This goes with what Councilman Lindower was speaking of. I think what - you wrote a letter of concern with the Rules of Council, Section 115.01., the Code of Ordinance, Rules of Council. And in our - this afternoon I picked up a written - but from Roy Batista, what he felt his interruption of these rules of council are. And I guess I have some questions about that. I have the code right here in front of me. And basically you're saying Section (h), 115.01., it says, "any member of the council wishing to survey his or her constituents must meet the following conditions." And you felt that, that was not a survey, it was a letter.

Mr. Batista: That's correct.

Mrs. Magel: Okay. So then what you're saying is we should all update our books and anywhere it says 1, 2, 3, 4, 5 and 6, which is a subsection of 115.01 (h), where it says, survey/letter, number 1, number 2, survey/letter, number 5, survey/letter, are you saying we should amend these books and white out the word letter.

Mr. Batista: No, what I'm saying to you is it's a very badly drafted ordinance. And if you're planning on trying to discipline a councilman using that language, you're beating your head against the wall. Because the language is very specific. It says if you're going to do a survey, you'll follow these rules.
 Mrs. Magel: Right.
 Mr. Batista: It was very in articularly drawn to give you that survey/letter later.
 Mrs. Magel: Right.
 Mr. Batista: Now if you want letters to be included, I think we should redraft the very - the preamble to the ordinance and say any survey/letter that you want to send to constituents will follow these rules.

Mrs. Magel: Okay. And in the meantime then the other six of us can use any letter at any time and we don't have to tell the rest of Council within 24 hours? And we also can use the letterhead?

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Mr. Batista: That's correct. One of the things I and I'm just reading this into that, I think one of the problems with using the letterhead is if you ever see the bills that we get for city letterhead...

Mrs. Magel: The - excuse me.

Mr. Batista: The bills that we get for city...

Mrs. Magel: Bills.

Mr. Batista: You know the ones that actually have the emboss seal on it, you're talking a lot of money. And I think what Member Osborne did was photocopy those, which drops your paper cost substantially.

Mrs. Magel: Oh, so we can have photocopies of letterhead?

Mr. Batista: You know I've got real problems with that language in that telling a member of council that they cannot correspond with their constituency on city letterhead, at least a facsimile of city letterhead. I can see it saying coming in and not using up incredible amounts of paper stock.

Mrs. Magel: Okay. So clarification is, we should then just write letter - we're allowed to use.

Mr. Batista: No, I think what you do - the ordinance is what it is. I think if you want to include letters you amend the first sentence of that section of the ordinance to state

Mrs. Magel: Okay.

Mr. Batista: no member shall send out a survey/letter without following the following rules.

Mrs. Magel: Right. And until then letters do not fall under that?

Mr. Batista: Not the way it's drafted they don't.

Mrs. Magel: Interesting. So others can do so then?

Mr. Batista: That's correct.

Mrs. Magel: Okay.

Mr. Batista: I don't know why the other six members can't.

Mrs. Magel: Take a look at your ordinance book, 115.01 (h). And maybe you want to reconsider some of the rules of council here. It appears we can use letterhead. And we can write a letter without telling the rest of council within 24 hours. I will amend my book and I suggest...

Mr. Snyder: Well now wait a minute, now you can't arbitrarily or unilaterally amend your book.

Mr. Lindower: The ordinance needs to be changed.

Mr. Snyder: That does require an ordinance passed by four affirmative votes.

Mrs. Magel: Well it's just notation you can put in there.

Mr. Snyder: Now if you want to propose legislation, I would gladly entertain that it be placed on the agenda.

Mrs. Magel: No I think...

Mr. Snyder: You can initiate...

Mrs. Magel: I understand. We can use letterhead and we don't have to - if it's a letter we don't have to notify anyone. That goes for the rest of the six of us. Also, I'm sure you didn't have enough time to look at this, but - because I didn't really have enough time to look at this. But there's a letter in here from Casper and Linda DiFiori. There's a front letter dated March 9, 2002 referring to a second letter that was dated January 24, 2002. And without discussing it right now I think maybe Council should take some time and read it. It should of been in all of your mailboxes. Thank you. That's all.

Mr. Snyder: Thank you. Member Osborne.

Mr. Osborne: Okay, just to follow up Member Magel. The letter I delivered to the city residents in the Dogwood Park area was a public document that was addressed to the Mayor. I did not address residents. And as I - has been stated here, it wasn't a survey. It was just a copy of a public document. Now I'll also follow up that - I guess maybe I guess I should file a complaint myself. Because it seems that anytime someone up here doesn't agree with the majority, the knee-jerk reaction is to file a complaint. Now I'm not real happy with three members who voted against the water increase. So I guess I should file a complaint.

Mrs. Magel: I believe you already did on me.

Mr. Osborne: I did.

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Mr. Foltz: Yea Chuck which way is it? You're talking out of both sides of your mouth.

Mr. Osborne: I don't understand.

Mr. Foltz: I mean, you know, you do this research if something - I've been part of Council for my fourth term everything I've known. You alluded to ...inaudible...that you're the underdog here and you got to push these issues to the point where they're almost obstruction to what we want to do here in the city. And I just don't understand that.

Mr. Osborne: Well.

Mr. Foltz: Even this survey. For you to spend the time and tax payers' money to run 600 copies of this...

Mr. Osborne: That didn't cost the city a cent. I paid for that out of my own pockets.

Mr. Foltz: I guess you paid for it later than sooner from what I've heard.

Mr. Osborne: I paid for it a week ago.

Mr. Foltz: The problem is and Jon you were there, and Rick you were there, Mr. Wernet who was a former councilman had a situation with a survey or sending out something to his residents and you know, excuse - I don't know all - remember all the details, that was a big hot issue here and we something...inaudible...and sent in.

Mr. McLaughlin: That's where...

Mr. Lindower: That's where that ordinance came from.

Mr. Foltz: That's where this came from.

Mr. Snyder: Yea, that's exactly.

Mr. Foltz: And that's the spirit of what we're talking about here, that we all wanted to know what was going on in that sense. Do we agree on that Jon?

Mr. Snyder: That's correct. I and I...

Mr. Foltz: Okay, so it's just a matter of how this is handled.

Mr. Snyder: That's right.

Mr. Foltz: So hopefully this won't happen in the future or it's handled correctly.

Mr. Snyder: Right.

Mr. Osborne: Why has this been explained to me that was a city wide survey that cost upwards to close to \$3,000. I think the intent of this rule...

Mr. Foltz: Chuck the intent of this is you to stop a skateboard facility. And like Dave alluded to earlier, we haven't had anybody else come here and complain or even talk about it.

Mr. Osborne: Doug the only reason I addressed that is it was put through on emergency basis. And I don't why. What was the emergency?

Mr. Foltz: To get it out this year. You didn't have a problem with it when we voted.

Mr. Osborne: I didn't give...

Mr. Foltz: We want to get this done by June 1st.

Mr. Osborne: It didn't give council members time to thoroughly investigate it. It didn't give the public time hear about it, think about it and get involved in the process. Before the public even heard about it, it was a done deal. And all I did was summarize the information I had collected, some arguments that I had heard from the residents around Dogwood Park...

Mr. Foltz: When you went door to door - when you went door to door to receive these things...

Mr. Osborne: I didn't have to twist any arms.

Mr. Foltz: Why aren't they up here Chuck?

Mr. Snyder: Wait gentlemen, let's hear him out as we've heard the five of you out. And then we'll address that if I may because I don't think - it's not fair to any of us to banter back and forth. You finish your comments that you have relative to that, I'll speak and then anybody wants to question him I'll allow a few minutes for that, if that's alright. Because otherwise we'll end up bantering back and forth here.

Mr. Osborne: So I was simply trying to summarize the research I had done over a period of two weeks. Visiting several state parks, doing some Internet research, discussing some aspects of it that weren't addressed at all on council - liability issues, supervision issues, safety issues. And I just simply compiled all that in a letter to the Mayor and asked him to make the right decision. And I kept the people informed who had signed the petition against it. And I've so advised the Director of Administration. The distribution was made to the people who had signed the petition and/or the people in the Dogwood Park area. I gave him the names of the streets. Again, I can go back and say what I said earlier. Just because I'm not happy with your vote on the water issue should I try and drum up some complaints and some - that's not what this is all about up here. That's all I have.

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Mr. Snyder: Thank you. Now since everybody's spoke I'll speak in the position of the President of this Honorable Body. I do serve at your pleasure and I'm grateful and I'm humbled by your support of me in this office. However, over the last couple months it's reaching a point where I served as some of your served with other council members there was a disgrace to show up at this honorable body and serve the people of North Canton. And I'm afraid at this point we're slipping back into that situation. I'm very pleased with the people I serve with here, I think it's one of the finest councils I've had the pleasure of serving with. However, we must understand that we're elected to serve the people of North Canton, not to serve our own agendas, our own wishes. I would ask you as your president and as your fellow councilman going forward from this night, that we cannot learn as adults, which we are, to respect one another's opinion, one another's vote. You have the right and you have the greatest right of all you can either vote yes or no on any issue. That is your mouthpiece. That is what you promised the people of North Canton to do, to represent their vote. I would ask us all to rise above what with this pettiness that we're starting to go into. It isn't good. Ladies and gentlemen when the city people and the people of the electorate see this, they paint with one wide paintbrush. They deem this as child play. That they think none of us and most of us all are at least college graduates, some with secondary and masters degrees. I would only ask you at this point to please leave your ego at the front door. Let's get on with running the city. If you do not agree, we agree to disagree. Respect one another. Let's quit this pettiness of filing this and filing that. Not that no one followed the procedure - I'm not saying. I did what I was asked to do, I asked the Director of Law for an opinion. For us to overthrow what the electorate has done might not be the right thing to do. So I would ask from this day forward that we go forward. If there's communication, please respect the fact that people do live in their home, kindly call before calling, kindly call before stopping in. If it's not convenient or they do not want you at their home, please do not do that. Please use the mailbox at the Council Office to communicate your wishes to fellow members. Otherwise use the forum when meet here every other Monday night. And I again, I'm not - as Roy said, I'm not trying - I have no authority to advise you. The Charter nor the Rules of Council only empower me to correct and discipline the Clerk or the Assistant Clerk. It does not include council members. The State of Ohio under the Sunshine Law does not permit private censure of an elected official. But yet we don't want to use this forum to come here on Monday night and begin to - begin that. That's not healthy and that's not constructive for any of us. So I'll ask you to become incumbent upon yourselves to do what you were elected to do and that's look out for the people that come here and speak and the rest of the city. I'm proud to serve with each and every one of you and I hope that from this day forward we can move on, support the Administration in its efforts and that's do what the people elected us to do, govern the city. Thank you. I appreciate it. Now is there any other comment?

Mrs. Magel: Yea I have one.

Mr. Snyder: Please.

Mrs. Magel: I feel like seven of us got lectured when one of us was wrong.

Mr. Snyder: It wasn't a lecture. It was just my - my personal feelings. It had nothing - that was not as the president of your council. That was my personal...

Mrs. Magel: And to go back to what I had interrupted with.

Mr. Snyder: Sure.

Mrs. Magel: You did come after me. What are you saying you don't like the water rates and so you commit - should you go after us? You went after me personally.

Mr. Osborne: I followed the rules of the State of Ohio and the Ohio Ethics Commission.

Mrs. Magel: So did I.

Mrs. Kiesling: I don't think this is the place.

Mr. McLaughlin: Yea this is not the time nor the place.

Mr. Snyder: Yea, okay.

Mr. McLaughlin: I appreciate your comments and I agree with your comments 100 percent. I think it's time that we end and we...

Mr. Snyder: Any other comments?

Mrs. Magel: It's not going to end.

Mayor Rice: Jon, could I just...

Mr. Snyder: Mr. Mayor, please.

Mayor Rice: With all due respect, the Administration and its departments make requests of legislation of City Council. It certainly is not - the Administration does not vote on emergencies, that's a function of City Council. I'm - I would like - I don't like the cloud over the skate park now it seems to be centered around an emergency vote. I'd ask the Law Director, but I'd assume if it's council's wishes and council wishes to reconsider their vote, the Administration has no problem with that. So if there - I believe it

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would probably it'd probably take four members of City Council Roy. I don't know, but if there's four members of City Council wish to rescind your vote on the skate park, feel free to do that. But once a vote's taken here the Administration takes that as Council's support to move forward and we've done that. We're not a point where we can't stop if Council wishes or a majority of Council wishes to rescind your decision on the skate park, of funding that due to an emergency clause or whatever, we're certainly open to that. And I guess now that we're on the record tonight I'd like to know one way or the other if Council supports the funding of this skate park or not. Because we're getting different vibes here. It was presented in the budget, it was presented earlier in legislation; both times it was voted on 7-0. Now we're getting questions. So I'd guess I'd ask you Jon, with all due respect, if Council has problem, if there's four people I - no hard feelings here. I mean just speak up and say if there's four of you that don't want to do that, just say so and we'll be glad to readjust.

Mr. Snyder: Mr. Mayor, may I allow Mr. Foltz, he's the chairman of Parks and Recreation, address that? I'm sure Mr. Foltz knows and he did - I thought he explained why he needed the emergency.

Mr. Foltz: As far as I'm concerned it's voted. Move forward with it Mayor Rice. You know, unless someone here - you've got four nos to overturn it, feel free to speak now.

Mayor Rice: That's what I'm asking.

Mrs. Kiesling: Poll us - let's poll.

Mayor Rice: If there's people - yea poll the council and let's find out. Are you still supportive of it? I'm - like I said, no hard feelings.

Mr. Foltz: Yea, I'm a yes.

Mayor Rice: We'd just - we'd just like to know.

Mr. McLaughlin: Can I - can I make one comment real quickly?

Mayor Rice: We'd just like to know whether you're...

Mr. McLaughlin: I'm for it. But I just want to say, Mr. Mayor you know as well as I, I've been the longest on this committee, on this council for the last ten years.

Mayor Rice: Right.

Mr. McLaughlin: And I know that we pass things on emergency for the very fact cause we want to get them through and get them over with. I've been on a council where we bogged these meetings down three to four hours because nobody wanted to pass anything on emergency, which is wrong. Little stuff, if you've got six votes, should be passed on emergency. And I'm sure that's going to be the case here. I just say that you know, it's a shame that after the fact that everybody voted, it was a 7-0 vote on emergency, now its got to be an issue again. I'm sorry...

Mayor Rice: And correct me if I'm wrong, I think it only takes two council members to stop an emergency.

Mr. McLaughlin: Exactly right...

Mr. Snyder: That's correct.

Mayor Rice: Inaudible...so it's not like you even need four.

Mr. McLaughlin: But there - but we...inaudible...

Mayor Rice: There's only - any two people can stop an emergency anytime you want. I mean that's your rules.

Mr. McLaughlin: But I...

Mayor Rice: That's council rules. So it doesn't even take a majority of you. If there's just two people that want to stop it that's fine.

Mr. McLaughlin: I say let's put this to bed.

Mayor Rice: All you got to do is say so.

Mr. McLaughlin: Let's just have a roll call again. Let's put it to bed. We're hashing over old news. But I agree with you. Let's call a roll vote.

Mayor Rice: We just want - the Administration just wishes to work with City Council.

Mr. McLaughlin: And we want to work with you.

Mayor Rice: In a cooperative way and...

Mr. McLaughlin: Inaudible...

Mayor Rice: So we're just asking, you know...

Mrs. Kiesling: Let's get it out in the open.

Mr. McLaughlin: Let's just get it over with.

Mayor Rice: That's fine.

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Mr. Osborne: Well the issue was the location of it; not whether to fund. Cause I voted to fund the skateboard park. But there are a lot of issues that I don't think have been thoroughly investigated. And the location - it is denying a good number of citizens, a lot of them older citizens, the enjoyment of a lighted, well enjoyed tennis court. And as I've mentioned before, go down and talk to everybody in Dogwood and 10th; there's just too much activity in that area.

Mrs. Magel: What about Dogwood? We're voting on Dogwood.

Mr. Osborne: But that's just my feedback that I'm getting from the citizens.

Mrs. Kiesling: No, I don't think we are.

Mr. Osborne: That's what I had in letter as my research. It's been funded. It's your call and that's what I stated in the letter.

Mrs. Kiesling: So do you want to know if we want it on an emergency...

Mayor Rice: I would like Council to...

Mrs. Kiesling: or do you want to know who of us want it at Dogwood?

Mr. McLaughlin: I tell you what, I'll make a motion that we keep it at Dogwood, it's funded, let's get on with the project, let's go.

Mrs. Kiesling: I'm with it.

Mr. McLaughlin: That's my motion.

Mrs. Kiesling: Poll us Mary Louise.

Mr. Snyder: Well that's a strong motion. I mean because it is a passed ordinance.

Mr. McLaughlin: I know.

Mr. Snyder: Is an effective ordinance in the city. We've advertised it...

Mrs. Kiesling: We know that.

Mr. Foltz: It's redundant - it's very redundant, but...

Mrs. Kiesling: It's a moot point.

Mr. McLaughlin: It's a moot point.

Mr. Foltz: If we want to discuss it again...

Mrs. Magel: Inaudible...support of it.

Mr. Snyder: I mean it's like a resolution.

Mrs. Kiesling: But the Mayor needs our support. So let's do it.

Mr. McLaughlin: I agree with the Mayor.

Mayor Rice: Just asking for your...

Mr. Snyder: Mary Louise would you call the roll as if it was a resolution to support the position of the skate park at Dogwood and the emergency funding of it? Is that correct Rick? Is that what you...

Mr. McLaughlin: Yes.

Mr. Foltz: Yes, yes.

All members present voting:

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

No: Osborne.

Mr. Lindower: It's done.

Mr. Foltz: Very good.

Mr. McLaughlin: It's over - issue settled.

Mr. Osborne: And that's fine with me.

Mr. Foltz: Nothing's changed - okay.

Mr. Snyder: Any other comment?

Mr. McLaughlin: I'd like to make a motion...inaudible.

FINAL CALL FOR NEW BUSINESS:

Mr. Snyder: Well I must have final call for business. Anybody in the audience wishing to speak before us?

Mrs. Kiesling: We dare you. No...

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Mr. Snyder: Mr. Cooksey.

Mr. Cooksey (from audience): I'd just like to thank Council for their support. Inaudible...as you know...inaudible...in regard to a three year program on this. Thank you for your support.

Mr. McLaughlin: I have one more comment Mr. Cooksey. Mr. Cooksey you're doing an excellent on running our parks, on cleaning them out and doing everything else to help the city grow.

Mr. Cooksey: Thank you.

Mr. Foltz: Well said Rick. Okay.

Mr. Snyder: Anyone else wishing to speak? Any comments? If not I'll entertain a motion to adjourn.

ADJOURN:

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

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

No: 0

The meeting ended at 8:27 p.m.

PRESIDENT OF COUNCIL

ATTEST:

CLERK OF COUNCIL