

RECORD OF PROCEEDINGS

Minutes of COUNCIL OF THE CITY OF NORTH CANTON REGULAR

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Tuesday, May 28, 7:00 p.m. 2002
(YEAR)

CALL TO ORDER:

1. The meeting was called to order at 7:00 p.m. by President of Council Jon Snyder.
2. The opening prayer was delivered by Rev. Eli Klingensmith, Zion United Church of Christ.
3. All present recited the Pledge of Allegiance.

ROLL CALL:

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

Consideration of Minutes of Council Meeting: 5/13/02
Consideration of Mayor's Court Receipts: April, 2002

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

6. Committee Reports

Community & Economic Development Committee: Refer to the minutes on file in the Council Office of the Community & Economic Development Committee meetings held May 13 and May 20, 2002.

Finance & Property Committee: Refer to the minutes on file in the Council Office of the Finance & Property Committee meeting held May 20, 2002.

Personnel & Safety Committee: Refer to the minutes on file in the Council Office of the Personnel & Safety Committee meeting held May 20, 2002.

Street & Alley Committee: Refer to the minutes on file in the Council Office of the Street & Alley Committee meeting held May 20, 2002.

Water, Sewer & Rubbish Committee: Refer to the minutes on file in the Council Office of the Water, Sewer & Rubbish Committee meeting held May 20, 2002.

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

7. Recognition of Visitors

Mr. Snyder: Thank you. Mayor you have something you'd like to say?
Mayor Rice: I'm sorry.
Mr. Snyder: Prior to the or after...
Mayor Rice: Oh, you at recognition of visitors?
Mr. Snyder: Yes sir I am.

Mayor Rice: Okay. Thank you Jon. I would - I'm very pleased tonight to a - to announce that the City of North Canton has an exciting new business, couple of them coming to the City of North Canton. Number one, a new Swenson's restaurant is going to be locating in the City of North Canton. Last year as many of you recall the J Group was working with the City on economic development activities. One opportunity that presented itself last year was that we learned that the Swenson's restaurant organization was looking for another location in Stark County. The J Group made contact with the people from Swenson's and discussed a variety of opportunities in the City of North Canton. The J Group took - took the people with Swenson's and toured the City looking for possible locations that would be appropriate. I don't think I'm exaggerating when I - when I say Swenson's fell in love with the City of North Canton and in particular a site up on North Main Street and Wilbur Avenue on the southeast corner. The J Group and I worked beyond that to coordinate meetings both between the Swenson's organization and the property owner who is a North Canton resident, Alex Bourlas. The parties worked out an agreement over many many months, that has just recently been finalized I'm told

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that will bring Swenson's here to our community. Swenson's will hopefully open I think later this year, in the Fall on the corner of North Main and Wilbur Avenue on that southeast corner. And then therefore on the behalf of the City of North Canton I certainly welcome Swenson's to the City of North Canton. And like to introduce tonight to everyone a couple of principals with Swenson's that I've invited here this evening to maybe make a couple comments and that is Mr. Tom DeFelice and his wife Barb is here. Tom raise your hand there will you? That's Tom. And then Gary McAfee and Linda over here next to them. Tom, Gary, you guys want to make any comments at this point about your organization and coming to the city?

Tom DeFelice: Sure, thanks. Our company is named Westward Corporation. We have the franchise from corporate for the only franchise locations in Stark County. We're the - we are the only franchisee at this point. I'd really like to thank - excuse me - Mayor Rice and his staff for really rolling out the red carpet for us. We really appreciate all the work they've done in helping us move this thing forward. It's been six months in the making now and we're finally rounding the corner making our way up to North Main and Wilbur as the Mayor mentioned. Presently there are six locations (Swenson's locations), five are corporate. Our franchise only location now is Wales in Jackson Township. This will be our second franchise location here. We're really really excited about becoming a part of City of North Canton's business community. We feel with the combination of the city's commitment to economic growth and our excellent location and the long history of Maxie's which has been an icon here for many many years, we feel that North Canton makes an excellent excellent ideal location for Westward franchise. We're on a very aggressive building schedule as far as commercial construction goes. We hope to be open by September 1st and operating. And that's - and that's moving very quickly in the fact that we don't want to wait too long to get the - into the winter months. Hopefully we can meet those goals and I'm sure with your help it will help facilitate that. We'll be looking to hire approximately 35 to 40 employees - young men and women high school and college age. My wife Barb will be basically traveling between the two stores as the operating partner. And as we know it the operating partner is a fancy name for the person that does all the work. And basically all I want to say is we hope everybody here in North Canton is looking forward to enjoying the best cheeseburger in America.

Mr. Foltz: Okay.

Mrs. Kiesling: Definitely.

Mr. Snyder: They have the best potato stuffed with that cheese though that - they're as good...

Mr. DeFelice: Oh there's there's there's 17 different sandwiches. We have a - I think there's 85, 85 different items on the menu.

Mr. Snyder: Can we put our order in tonight so we...

Mr. DeFelice: I mean every everything that we've seen here - we've had an eye - we've had our eye North Canton for a good two years now and we were interested in a site originally down the street a ways where the Friendly's was located and Gary McAfee for some reason didn't make the move fast enough to get that one. So we blame it on him. But we're real happy with what transpired since then and the fact that it looks like our new location might even be a better spot with the growth heading out that way and you know the city's commitment to the future growth out there, it's it's we're real excited. And we think the demographics are perfect. And we're looking forward to a long long relationship with the City of North Canton. Any questions?

Mr. Osborne: I'd like to just welcome you to North Canton. I've heard many good things about Swenson's. I know you have a big following. And I'll have to get my order in as well.

Mr. DeFelice: Yea well we'll a - just the - just the fact that Maxie's had been here for so long. Everybody - you kind of have to get conditioned to the drive-in sort of thing. And people our age and older are used to it. They they they're familiar with the drive-in concept, but it's a new concept to a lot of people and they have to be indoctrinated to it. And and it's not a - it's not a normal way to to enjoy a meal. And it's - we like the idea of you know being outside and privacy of your own vehicle and that type thing. It's almost like a new concept that's being reinvented. But a it's it's been a successful situation. So with Maxie's history it it should continue on.

Mr. Osborne: It'll be a good fit for North Canton. Welcome.

Mrs. Kiesling: Definitely.

Mr. DeFelice: Yea. As far as the structure goes, I don't know if you're all familiar our Jackson location, but we will be building the exact same structure with some slight improvements that we've learned with with the present location. We're going to increase the apron out in front of

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the building so we can seat more tables - picnic tables. And so there's going to be quite a bit more room as far as allowing people...inaudible...to - customers to sit out and relax out in fresh air. So...

Mayor Rice: And you are open year around right?

Mr. DeFelice: Correct.

Mayor Rice: So everybody knows it's not a seasonal operation. They are open 12 months a year. And we'll have a nice outdoor picnic type area for eating if people want to get out of their car. I mean it's very appropriate I was - I was sharing with Tom I just saw a flyer this week hanging around the schools and then how they're having a Maxie's revisited or relived type fund raiser up at the school. So people haven't forgotten. I think we'll - people will flock to a Swenson's here because of they do have history with the the Maxie's that was here for many many years an extremely popular spot.

Mr. DeFelice: I hope I don't steal their thunder for next year.

Mayor Rice: Yea, yea they've - might ruin their fund raiser for next year.

Mr. DeFelice: Yea.

Mayor Rice: Exactly.

Mayor Rice: Thank you Tom.

Mr. Foltz: Inaudible... It's like the old days.

Mayor Rice: we appreciate - welcome to the City.

Mr. DeFelice: Thank you.

Mr. Foltz: Right.

Mr. DeFelice: And yea we're we're we're very excited. We it's it's been a long time coming. Mayor Rice and his staff have been working with us for going on six months now I believe.

Mayor Rice: Yea well...

Mr. DeFelice: So we've finally...

Mayor Rice: seems like 16, but we got there.

Mr. DeFelice: Yea, I know. Thanks again.

Mr. Held: Good luck to you.

Mayor Rice: In addition to that if I - Gary, did you want to say anything or no?

Gary McAfee: I was going to sing the logo...inaudible...

Mayor Rice: Oh that's right. Gary said he'd sing the Swenson song. But - if you want to hear it.

Mr. McAfee: Inaudible...

Mayor Rice: Alright - that's alright - sorry. But we're really excited to have them - it's one of those things we've been working on and kept thinking oh it's going to happen next week - it's going to happen next week and it drug out for months. But we're glad it's finally there. The other thing I want to - and Mr. President if I could mention - I mentioned earlier in comments the property they're going to on the east side of Main Street there, that southeast corner was owned by Alex Bourlas, who's a City of North Canton resident. Alex was very instrumental in making this whole thing happen. Cause obviously he he owned the site that they're going into and they made a deal to sell that property. But also you might of noticed on the west side across the street there's been a lot of activity in that property that's just new coming to the city. Alex owns that property also on the west side and he's one that's doing the development over there that we've been working with him kind of the same length of time or longer in anticipation of that property coming into the city. He's constructing a new office building that will house his construction, business, as well as some other professional businesses. And certainly want to thank Alex for his cooperation working with the City and Tom and Gary to make both sides of the street some really nice new improvements. And I know Alex has brought with him I think a rendering of what that side's going to look like. We thought Council might be interested in seeing that. So Alex why don't you share that with us?

Mr. Bourlas: Start over here I suppose...inaudible...or I can...

Mayor Rice: Okay. Yea, start over there we've seen it. That's fine.

Mr. Foltz: Inaudible...thank you.

Mr. Bourlas: Good evening gentlemen and ladies. My name is Alex Bourlas as the Mayor said. And a lot of people are talking about the Maxie's been here for so many years. I think the Swenson's they - the Swenson's going to be ten times better than Maxie's and I I and I would do the best on part what I'm saying is to to see that. They have some great food and they're they're they're good people. The - I've

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been a resident since '79 of the great City of North Canton. And this deal with the - with the Swenson's group came about through the Mayor actually and the J Group. That was an absolute - the J Group was just an phenomenal type of people that that they they they put up the they brought two good people together what I'm saying...some business into North Canton. The City of North Canton does need people like that so we can we can grow. We've been stagnant for too long. And as a long resident of North Canton I'd like to see this this town really grow. We have a few business coming in like the Swenson's group - what I'm say is and of course my office complex and whatever else is going to go. And we need to continue that. The - so I would - I would encourage the council, what I'm saying is if we can - I understand the J Group is not with us anymore. And I would encourage and I will be very supportive of getting the J Group back what I'm saying is and let's get this this this town going. The other thing that I like to mention on as far as the city goes of - the other day I noticed that one of our council members was was picketing the city. That is - that is very unprofessional. I don't like to see that in this city. It just reminds like my secretary would picket my office and that's that's very unprofessional. So as far as that goes the rest - the other thing that I wanted to say is is that the mayor's been great, the council's been great and the people that the Mayor works with they helped us quite a bit what I'm saying is to put this all this deals together and I'm proud to be a citizen of North Canton. Thank you.

Mr. Snyder: Thank you sir.

Mayor Rice: Thank you Alex.

Mr. McLaughlin: Alex, I'd like to say - the one comment I'd like to make is you're you're absolutely right, the J Group is a pleasure to work with. They're an asset to the City of North Canton. And I do hope someday they reconsider to coming back because I think they're - with the Mayor - with the talent that the Mayor has and the J Group it's just a - it's a it's a win win situation for the City of North Canton.

Mr. Bourlas: I agree, I agree. I mean they were fantastic...inaudible... they were there when I needed them. They always answered their phone calls. They put us together it just - it was like a puzzle boom, boom, boom and it was done.

Mr. McLaughlin: I agree.

Mr. Bourlas: So it was great. I can't say enough of them. Anything else.

Mrs. Magel: Well I would just like to say for the record I would also like to see the J Group come back. And I'm very excited to have both businesses on North Main Street. And I also say welcome to you both.

Mr. Bourlas: Thank you very much.

Mrs. Magel: Very nice drawing you had.

Mr. Bourlas: Mayor did a great job and the J Group. Thank you.

Mr. Foltz: Jon, just to echo some of those sentiments. I want to thank the J Group, Mr. Johnson, for all your hard work here. And as you know you had six council members support you to come back and who knows what the future might hold. So job well done. Thank you from our citizens.

Mr. Osborne: Well I guess I ought to get my comments in here as well. Welcome to North Canton as I said, Swenson's. We have a mayor and I feel that is his job to facilitate and seek out business. And I listed my concerns back earlier this year. I think everybody is well acquainted with them. And that's what we pay a mayor for. Thank you.

Mr. Snyder: Thank you. Is there anyone in the audience wishing to speak to the Council this evening? Yes mam please step forward and state your name and address for the record.

Rita Palmer: Hello. My name is Rita Palmer Osborne for those of you who don't know that. Dear members of council I come to council tonight as a resident of North Canton concerned about the proposed pipeline. I would like to ask a few questions. I've tried to get answers to these from talking to council members individually, but I'm really not satisfied. My first question. What were the reasons given to the administration of North Canton as to why the city must rent rather than purchase a right of way from the railroad? The cost savings would seem to be tenfold. If the answer is to ask the railroad, whom should I contact? Second, why did the city not choose to use its existing right of way for the new pipeline? The second line could run parallel to the present line on the current right of way. This would negate the need for a contract with the railroad if you went from Everhard to Dressler on the west side of the tracks on private property and then continued on presently owned right of way to the water treatment plant. Third, as an alternative, why doesn't the city continue the pipeline that was abandoned on East Bachtel and follow through with it to the East Maple well site and then to a Canton connection on Market Avenue? This would save the abandoned pipeline, valued in excess of \$350,000, prepare the city to hook up to the East Maple well site when it becomes viable and accomplish a Canton hookup for the future droughts. The time line you are reaching for may not be accomplished but your ultimate purpose would be, at a major savings for taxpayers of millions of dollars. Further, remember your emergency time line is based on possible dry conditions that are not guaranteed to be realized. It isn't too late to reconsider these plans since the EPA approval, as I understand it, has not yet been received in writing and no pipe has been put in the ground. Thank you for any answers you might be able to supply.

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

Mrs. Kiesling: Inaudible...anybody...questions? Answer any questions?

OLD BUSINESS:

- 8, Mr. McLaughlin moved and Mr. Foltz seconded to **read by title only, second reading** of Ordinance No. 52-02. All members present voting:
Yes: Magel, McLaughlin, Osborne, Snyder, Foltz, Kiesling and Lindower.
No: 0

Ordinance No. 52-02 - Second Reading

Ordinance No. 52-02 establishing the rates of compensation for elected officials of the City of North Canton, Ohio, effective December 1, 2003.

Mr. Snyder: Chairman Lindower.

Mr. Lindower: Yes, this is the increase in the rate of compensation for elected officials in the next term commencing December 1st of 2003. And I would ask that it go ahead and be passed second reading. Any questions from...

Mr. McLaughlin moved and Mr. Foltz seconded to **adopt the second reading** of Ordinance No. 52-02. All members present voting:
Yes: McLaughlin, Snyder, Foltz, Kiesling, Lindower and Magel.
No: Osborne.

Mrs. Kiesling: One question. Chuck, can explain to us why you're voting no?

Mr. Osborne: Well I think I attempted to explain that earlier. The issue was not thoroughly discussed. It's not based on any reasoning that was explained to me. I provided the committee with information based on election costs, what people spend to run for these offices. Number two, if you figure just a cost of living increase this is not going to become effective for another year and half and the pay scale continues to fall behind the rate of inflation. So...

Mrs. Kiesling: So you'd like higher?

Mr. Osborne: Yes. I was looking for a little higher...

Mrs. Kiesling: Okay.

Mr. Osborne: You know when people spend in excess of \$5,000 and there's an individual in this room that spent in excess of \$5,000 four years ago. And I know there's some council - people on this council who spent a good 30, 35 hours a week they've told me. The position should should pay a little more.

Mrs. Kiesling: Thanks.

Mr. Snyder: Okay...

9. Mr. McLaughlin moved and Mrs. Magel seconded to **read by title only, second reading** of Resolution No. 55-02. All members present voting:
Yes: Osborne, Snyder, Foltz, Kiesling, Lindower, Magel and McLaughlin.
No: 0

Resolution No. 55-02 - Second Reading

WHEREAS, U.S. Communities is a nonprofit instrumentality of government formed under U.S. Code, Title 26, Internal Revenue Code, Section 115; and

WHEREAS, U.S. Communities is incorporated in California under the Nonprofit Public Benefit Corporation Law for charitable and public purposes and the State Seal of Incorporation was affixed May 26, 1999; and

WHEREAS, U.S. Communities Government Purchasing Alliance (GPA) has established a national structure for local government agencies to make sure of their collective purchasing power and to improve the overall effectiveness of their purchasing processes.

Mr. Snyder: Two things. One, we've at the suggestion of the Law Director we've read - we'll read this three times because it is setting policy. So normally resolutions are adopted on a single reading, that's why it's being put forth. And this is - basically allow the Finance Director to purchase similar to the state purchasing we do today for vehicles and heavy equipment and so forth - smaller items, be it office equipment and so forth. And as a collective and to be able to compare it to other established bidding. So if there's no questions...

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Mr. McLaughlin moved and Mr. Osborne seconded to **adopt the second reading** of Ordinance No. 55-02. All members present voting:
Yes: Snyder, Foltz, Kiesling, Lindower, Magel, McLaughlin and Osborne.
No: 0

NEW BUSINESS:

10. Mr. McLaughlin moved and Mr. Osborne seconded to **read by title only, first reading** of Ordinance No. 61-02. All members present voting:
Yes: Foltz, Kiesling, Lindower, Magel, McLaughlin, Osborne and Snyder.
No: 0

Ordinance No. 61-02 - First Reading

Ordinance No. 61-02 authorizing the Mayor of the City of North Canton, through the Board of Control, to enter into an amended agreement (change order) to include additional work for the Sheraton Drive NW Improvement Project, namely; replacing the existing 12" waterline on Portage Avenue at a cost not to exceed \$50,000.00, said contract authorized by Ordinance No. 23-02, and declaring the same to be an emergency.

Mr. Snyder: Chairman Magel.

Mrs. Magel: Yes I'd like you to understand that this is a change order for 50,000. In our package it has Ordinance 61-02. The entire project was for \$611,000. This particular one we needed a change order for \$50,000. because we were going to include replacing a 12 inch waterline on Portage. We thought it was more prudent to do it sooner rather than later - do it while the roads are being dug up rather than a second time when they do Portage have to dig it up again. And any questions? This will be on an emergency.

Mr. McLaughlin moved and Mr. Osborne seconded to **adopt the first reading** of Ordinance No. 61-02. All members present voting:
Yes: Kiesling, Lindower, Magel, McLaughlin, Osborne, Snyder and Foltz.
No: 0

Mr. McLaughlin moved and Mrs. Magel seconded to **suspend the rules** for Ordinance No. 61-02. All members present voting:
Yes: Lindower, Magel, McLaughlin, Osborne, Snyder, Foltz and Kiesling.
No: 0

Mr. McLaughlin moved and Mrs. Magel seconded to **adopt under suspension of the rules** Ordinance No. 61-02. All members present voting:
Yes: Magel, McLaughlin, Osborne, Snyder, Foltz, Kiesling and Lindower.
No: 0

11. Mr. McLaughlin moved and Mrs. Magel seconded to **read by title only, first reading** of Ordinance No. 62-02. All members present voting:
Yes: McLaughlin, Osborne, Snyder, Foltz, Kiesling, Lindower and Magel.
No: 0

Ordinance No. 62-02 - 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 Willoway Ave. Sanitary Sewer Replacement project and declaring the same to be an emergency.

Mr. Snyder: Chairman McLaughlin.

Mr. McLaughlin: Budgeted for this year is under 70 - 7951 for \$65,000. This will take from Mississippi down to the Nimishillen Creek. Okay.

Mr. Snyder: Okay.

Mr. McLaughlin moved and Mr. Osborne seconded to **adopt the first reading** of Ordinance No. 62-02. All members present voting:
Yes: Osborne, Snyder, Foltz, Kiesling, Lindower, Magel and McLaughlin.
No: 0

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Mr. McLaughlin moved and Mrs. Magel seconded to **suspend the rules** for Ordinance No. 62-02. All members present voting:
Yes: Snyder, Foltz, Kiesling, Lindower, Magel, McLaughlin and Osborne.
No: 0

Mr. McLaughlin moved and Mr. Foltz seconded to **adopt under suspension of the rules** Ordinance No. 62-02. All members present voting:
Yes: Foltz, Kiesling, Lindower, Magel, McLaughlin, Osborne and Snyder.
No: 0

12. Mr. McLaughlin moved and Mrs. Kiesling seconded to **read by title only, first reading** of Ordinance No. 63-02. All members present voting:
Yes: Kiesling, Lindower, Magel, McLaughlin, Osborne, Snyder and Foltz.
No: 0

Ordinance No. 63-02 - 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 Viking Street Sanitary Sewer Replacement project and declaring the same to be an emergency.

Mr. Snyder: Chairman McLaughlin.

Mr. McLaughlin: This is also budgeted in for this year in the northeast end out of fund 7951 for \$75,000.

Mr. McLaughlin moved and Mrs. Kiesling seconded to **adopt the first reading** of Ordinance No. 63-02. All members present voting:
Yes: Kiesling, Lindower, Magel, McLaughlin, Osborne, Snyder and Foltz.
No: 0

Mr. McLaughlin moved and Mrs. Magel seconded to **suspend the rules** for Ordinance No. 63-02. All members present voting:
Yes: Lindower, Magel, McLaughlin, Osborne, Snyder, Foltz and Kiesling.
No: 0

Mr. McLaughlin moved and Mrs. Kiesling seconded to **adopt under suspension of the rules** Ordinance No. 63-02. All members present voting:
Yes: Magel, McLaughlin, Osborne, Snyder, Foltz, Kiesling and Lindower.
No: 0

REPORTS:

Mr. Snyder: Inaudible...reports. Director of Law.

Mr. Batista: Couple of things. Number one, Mary Louise discovered when we were doing some - I think it was this community purchasing business, that at the time we published the charter pamphlet it did not accurately reflect the charter amendment in regard to contracts and purchasing. The green books that you all have that that version of the Charter is correct and that was the automatic inflation pursuant to the section of the Ohio Revised Code that permits purchasing without bidding. Mary Louise is in the process of getting inserts to put in these pamphlets so that it will up to date. Number two, I was called to my attention by the Engineering Department within the last day or two that with this Oakshire annexation coming through the pipes I think it's going to be effective the middle of next month that we are going to have the anomaly of having a Cleveland Avenue and a Main Street in the City of North Canton. And I think Council should - and the annexation does not automatically rename the street. It will remain North Cleveland Avenue. And I think Council should give some consideration to the possibility of renaming that street when Oakshire gets into the city. That's all I have.

Mr. Snyder: Okay. Director of Finance.

Mrs. Herr: No report.

Mr. Snyder: Director of Administration.

Mr. Held: No report.

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Mr. Snyder: Mr. Mayor.

Mayor Rice: No report other than once again welcome to Swenson's. We're thrilled to have you guys in town. Alex, appreciate your development out there too and helping the city prosper. And also the J Group, David thanks for your help last year and helping pull this all together for us. That's all.

Mr. Snyder: Mr. Engineer.

Mr. Benekos: I just want to say the waterline to connect Canton to North Canton they started laying pipe today. They put in approximately 350 to 400 feet of pipe - they had about 350 in when I left about 3:00 and they were going to put some more in. So we're progressing nicely at this point.

Mr. Snyder: Okay. Madam Clerk.

Mrs. Bittle: No report.

REPORTS - COUNCIL:

Mr. Snyder: Member Foltz.

Mr. Foltz: Yea I wanted to address one thing Jon if I may. Julie, is that the Rule of 72 or the Rule of 78 when you take a set sum and divide it by an interest rate into that number that will tell you how many years you'll double your money. You familiar with that?

Mrs. Herr: I'm not sure.

Mr. Snyder: Rule of 78.

Mr. Foltz: It's a rule of 78. Okay. I knew it was 72 or 78. But I just want to address one thing, Councilman Osborne's five page memo and I think Mrs. Palmer Osborne also brought it to our attention here through a recent letter she addressed earlier in the council meeting. A big deal is being made how we're going to spend 1.1 million dollars over a 100 years on existing right of way based on consumer price index rates on an annual \$1500. fee adjusted every year. I'd just like to say, just doing a littler figuring here. If we took say \$100,000. that it would cost us to buy a permanent right of way and this is kind of imperfect because I'm not going to reduce this by the \$1500. the additional 99 years as been discussed through these other memos, if that makes sense to everybody. If I took that \$100,000. and I used the Rule of 78 at a 5 percent interest rate and this isn't perfect like I said, just doing it longhand here, 5 percent into 80, just to give us an example, would be 16 years. So every 16 years our money would double basically. So if I took that \$100,000. that we're not spending and double it every 16 years, after the end of 16 years we'd have 200,000, end of 32 years we'd have 400,000, end of 48 years we'd have 800,000, end of 64 years we'd have 1.6 million, end of 80 years we'd have 3.2 million, end of 96 years we'd have 6.4 million and I just threw in 105 years, we'd have 12.8 million dollars. If we took the million dollars and subtracted it that Councilman Osborne says we're wasting, we're saving the tax payers about 11 million dollars by not spending the 100,000 up front. So hopefully I just wanted to bring that across to everybody that I think we're doing the right thing. I'm not going to just sit here and individually address every question or issue. I think - as far as I know we have six solid votes towards this pipeline. Has anybody changed here as far as your vote? I just think it's it's borderline ridiculous that we have to keep addressing these issues. We'll well on our way to putting 400 feet of pipe in as Jim Benekos our City Engineer just discussed. And we're doing the proactive thing through the Mayor and the Administration's suggestions to have something in place in case we do have a drought situation. Obviously I'd prefer this versus a fireman hose running across Market Street that I was very familiar with three years ago and Rick I think you were familiar...

Mr. McLaughlin: Yea.

Mr. Foltz: with a lot of the problems in your ward concerning extreme pressure backflowing those lines. So I'd just like to get past it this. Member Osborne, it's okay to have a different opinion, I think we know what it is. But we're well on our way in doing the right thing here. I respect your opinion. We have different opinions on this. I'd just like to move forward with this. And I applaud the administration and the contractor for getting the work done in a timely fashion. Hopefully things will go accordingly. Thank you.

Mr. Snyder: Thank you. Member Lindower.

Mr. Lindower: Well the only thing I'd like to add in reference to Mrs. Osborne's letter and some of the questions that she posed this evening. Many of the points that she is trying to bring out or trying to have the council make statements on are engineering problems. In other words that project was engineered by some people who apparently have a lot more engineering smarts than what the seven of us here have. And I think that if in fact that there's a question on why this and why that a lot of

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that engineering should be directed to the people that engineered the project. That's - it's - I think it's rather silly to hold the council responsible for some of those questions. I feel like Member Foltz does, I think that we're doing exactly the right thing that we need to do with this project. I want to see it get started and move along as soon as possible so that we do have the backup system that we may require to have provided we have drought this year or next year or the year after. That's all I have.

Mr. Snyder: Thank you. Member McLaughlin.

Mr. McLaughlin: I'd like to reiterate what my colleagues are saying too. I agree with them 100 percent. I think Mayor Rice has been very good to this city. He's been proactive on a lot of the stands. And I think Council's been giving the 6-0 vote - 6 to 1 vote on most of the things that he's wanted. One point I - one thing I want to bring out is you'll be taking a \$1500. lease divided by 365 days out of the year - we're talking about \$4.10 a day compared to what we make profit on our water. I mean in 30 years half of us and maybe 70 percent of us aren't even going to be here so what difference to me it really makes I don't know.

Mr. Snyder: Excuse me, how many years did you say?

Mr. McLaughlin: Thirty years. I'm 50, I'll be 80, I'll probably be long gone but...

Mr. Snyder: I thought you said 300. I...

Mr. McLaughlin: Thirty years from now, but most of us will be out of here.

Mr. Snyder: He must have a crystal ball.

Mrs. Magel: Speak for yourself.

Mrs. Kiesling: Yea.

Mr. McLaughlin: But I you know, I just think it's you know, you're - you're looking at the wrong things here, I really do. But I you know, I'm with Doug about the fact is that I wouldn't want a water hose leading over the road again and having that pressure going the opposite direction. All the problems we had with the white soot and the sediment that we had for the last time. So I'm glad this happening. I'm glad - I just you know, I'm glad it's going to be done here sometime in July and I think we did the right move. Six of us stood together. I don't think anybody else is questioning the move. I did hear the comment on TV when they interviewed Chuck that he was taking his stand and some other council members were in doubt. I don't know of any one of us six that I know of that have any doubts in their minds. Speak now or forever hold your piece. But very happy with what we're doing.

Mr. Snyder: Member Kiesling.

Mrs. Kiesling: Yea I just need to comment on the - we talked about last week in the committee about the free tree and trying to educate the public. I spoke with Pam Feagler from the Free Tree Program today and Drew Todd our state arborist is thrilled beyond belief that we are even considering educating and getting some forms going together and hopefully leads up to other things in the city. So hopefully next - not next week but in two weeks they're going to come to public speaks and talk about education and what we can do to go forward. And they'll be at our side from here on out.

Mr. Snyder: Thank you. Member Magel.

Mrs. Magel: I know I'm good at taking notes, but Doug I wrote this down as fast as I can. The Rule of 78 if you take \$100,000. that we would of put towards cash towards the pipe...

Mr. Foltz: Right. Invested at 5 percent...

Mrs. Magel: Invested at 5 percent and we're going to do this parallel 100 year thing.

Mr. Foltz: Right.

Mrs. Magel: Okay. And the same rational.

Mr. Foltz: So 5 percent divided into 78 and I'm going to round up to 80 years, is basically 6 - every 16 years.

Mrs. Magel: That's when you double your money.

Mr. Foltz: Right.

Mrs. Magel: So a little over 100 years we would have 12.8 million dollars?

Mr. Foltz: 12.8 million dollars from that initial \$100,000 vestment. And that's why I brought that up Member Magel because I think we're being accused of wasting a million dollars - we're actually saving 11 million if I want to look at it that way you know.

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Mrs. Magel: We're just doing parallel reason - reasoning over 100 years.

Mr. Foltz: Right. Definitely, definitely.

Mrs. Magel: We're taking \$1500. at 3 percent - 3.6...

Mr. Foltz: Whatever the consumer price index reflects.

Mrs. Magel: Over 100 years was over a million we were going to spend. But in essence had we - what we're doing is we're saving 11 million. I think we're doing the right thing, just off the cuff. But that's all.

Mr. Snyder: Member Osborne.

Mr. Osborne: Thank you. In the last six months this council has heard reports from Julie concerning the investments in the city that they're - the return is quite small. If everybody could make this kind money the whole world would be doing it. Why aren't we financing all of our projects this way? Why doesn't every municipality finance their projects? They'd be making big money. Those are not sound calculations, not in the least. Sounds like if they if they were sound everybody - we could get these projects financed for free. As far as Mr. McLaughlin not being around in 30 years I'm sorry to hear that, but North Canton will be and we're saddling North Canton with this debt for years and years and years. I have talked to a contractor in the area, they've calculated the time for construction, they've told me about 65 working days, 98 calendar days - preferably they said I'd figure 120 days to complete this project. Now I'm not trying to talk - attack any individuals here, I'm just trying to stay with the facts. I find out now they're going to be double crewing the project and working seven days a week and now just here before the meeting I find out they might even be triple crewing the project. What kind of expense is this just to satisfy a deadline here? That was the only criteria for this project - we have to get this done by a deadline. Any decision is in a balance of several constraints. To just have one constraint that we have to get this done by July 1st is not good business. The season doesn't look like it's going to be as dry as feared - we didn't have a dry season last year. We're not going to make the construction completion date of July 1st. And we have East Maple. Now that idea of resuming East Maple pipeline and continuing on out East Maple and connecting to Market was not even my suggestion and I won't even say who gave it to me. But the minute I heard it I said that's great. You'd be satisfying two goals with one pipeline. You could bring on East Maple when you're ready by running just a few hundred feet of pipe and also you're just adding a few - maybe a 1,000 feet of pipe to get on out to Market. That way you're saving 1.2 million to put in this other pipeline down the railroad and you're saving the expense of paying year after year after year. Now I brought into council here I guess a week or two ago, cause I spent a hundred dollars of my own money, took that information to a CPA here at Belden Village and had them verify my figures. And he actually came up with slightly greater than the million dollars I had calculated, cause I had figured a CPI of 3.2 percent and he checked the Internet which I feel stupid I didn't do and came up 3.26 percent, which is the historical inflation rate. So I stand by my research. And I think it would be an excellent decision on the on the behalf of the Mayor if he would regroup and rethink this whole decision. I know as a pilot when I was flying jet airplanes you're constantly reevaluating the situation - taking in information, rebalancing it, taking in information, rebalancing it. Now as far as pipe being in the ground I'm kind of dumb founded. I talked to the EPA just last week and was told by the gentleman who is reviewing the plans, whose grandmother lives three doors down from me here in North Canton, that they could not put any pipe in the ground until they had written approval. And he told me he did not expect that for another 10 days. So I'm kind of stunned by the revelation. And Mayor Rice I'm just trying to help you out and give you the best expertise I can.

Mayor Rice: Yea, sure.

Mr. Osborne: When I go to a bank and they give me my money at a teller machine do you not count your money? When you get change back at the register do you not count your money or do you just have total faith in the world? So that it is my honest evaluation of the situation. I've had to go to a lot of efforts because some of these avenues of information are being blocked off. And as...inaudible...as I put out in my newsletter here in the last six weeks I'm trying to stay with the issues, I wish we could all stay with the issues and work toward the best goal for North Canton and that's what I'm trying to do. Thank you.

Mr. Snyder: Okay. One privileged question. That...inaudible...there's no additional costs they're in the parameters of a contract for that, correct? They could have 20 crews and it would cost the city no additional funding.

Mr. Benekos: Correct.

Mr. Snyder: Other than if there would be a change order relative to gravel or pipe or something, they are committed to their original labor agreement.

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Mayor Rice: I believe Council approved a contract not to exceed 1.2 million dollars.

Mr. Snyder: Well I mean that's up to Mr. Wenger how he gets it done and how fast he gets it done, correct? Thank you...inaudible...excuse me.

Mr. Osborne: Mr. President, could I add one more thing? Also I have talked to four attorneys in the - in the area and all four attorneys have unanimously said this contract should of been - been rebid. It's a totally different project - I put that in my memo. To qualify as a change order under Ohio revised statutes, the information I've come up with in 735.05, I believe that's the statute, a change order has to be the lessor of 5 percent of the initial contract or \$100,000, which is less. And this change order was 400, well \$397,000. As I said earlier the goal to just rush, North Canton is paying through the nose for this and will continue to pay on into the future. And I just - well I guess Mayor I have to ask you. Why wouldn't you consider resuming the East Maple Street pipe line, continuing on out to Market and have that one pipe line serve two needs?

Mayor Rice: I hesitate to keep answering these questions because obviously people aren't listening or it's not registering. Number one, Mr. Osborne, many of your facts that you keep repeating and the facts of your wife has spoken tonight are false and misleading.

Mr. Osborne: Check them out.

Mayor Rice: I have. No, Mr. Osborne, I think you need to check out what we've presented to the City Council. I think it has been presented just one simple example. Numerous times it has been discussed in this chamber that this pipe line from the Dressler Road well site to the Water Treatment Plant has been planned for several years. It was planned for, I think Phase II or Phase B, actually under a former administration, to do what but hook up a waterline to East Maple. This waterline to hookup to Canton is not a waterline that will only serve the residents of this city for six weeks as Mr. Osborne continues to falsely state. This is a waterline ladies and gentlemen. Once again, the portion going from Dressler north to the Water Treatment Plant is still going to get built even if and when East Maple is hooked up. So this waterline is going to serve East Maple in the future, if we're fortunate enough to continue to use that. I have stated that numerous times. I don't know how much clearer I can make it Mr. Osborne. But you are...

Mr. Osborne: Why don't we use our existing right of way?

Mayor Rice: I have the floor sir.

Mr. Snyder: There's no...inaudible...

Mayor Rice: Please learn Roberts Rules.

Mr. Osborne: Sorry.

Mayor Rice: I have explained this fact numerous times. We presented a map to City Council with different colors on it to make it easier to follow so you could see that the waterline was going to be a redundant supply. Those folks that were here in the last term remember that - Jon, Kathy, Rick, Doug, I'm sure you folks can verify we can go back and look in the record how long that's been on the books. The only new portion really that was required to hook into Canton is the section from basically Dressler south to the Canton line, which is not even all the way to Everhard Road. That's in essence ladies and gentlemen the only new part of this project. So when people - we've said all along we continued - we planned to continue to test and hopefully develop East Maple in a year or two down the road. And guess what, if and when we're so fortunate that we can use that water field that line will be continued from Main Street and Bachtel out to East Maple Street and it will go to Price Park now, that will be extended to Dressler and guess what it will hook into this waterline. So it will service not only - it will serve to transport not only the water from Canton, it will be capable of also transporting the water from the Dressler Road water field and the Price Park water field. It will be used, at least a large portion of it will be used probably on a daily basis for many, many, many years to come serving all three water fields. It is not a six week bandaid solution. The solution we did look at as Mr. Benekos and Mr. Steinhebel can attest to, we did look at the situation of going out and continuing to West - out to North Market. That was looked at and it was evaluated. Two problems with it. Number one, it's going to take a lot longer to compete. Number two, it was going to be even more costly for the construction of that line. Those were looked at. This was determined to be overall the best solution to our immediate needs for a additional water supply. I, as Mayor of this City, refuse to gamble with the water supply of our residents and the customers we have on our water system. Some people may be willing to wait a year or two crossing our fingers hoping we don't have a crisis. I am not willing to make that gamble on my watch. Therefore, and as - and I appreciate the six members of City Council that have understood the facts, have listened to the facts as they've been sent to you. That you have not distorted and mislead people with inaccurate pieces

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of information and understand and support this project. It's critical to our residents. It's our duty and responsibility to protect the health, safety and welfare of these residents. I will do that as long I'm Mayor or sat on City Council. That's our duty, we will continue to do so.

Mr. Osborne: I'd like to respond. Mayor, I asked you when you brought this presentation to Council what other options you had evaluated. And as I recall you told me you had higher priorities and you didn't have time to give me what homework you had done. And the information I presented I have information to back it up. The plan two years ago to use the railroad line to provide a backup was also done in haste. Why don't we use it on our existing right of way back to the Water Treatment Plant and stay off that railroad?

Mr. Steinhebel (speaking from audience): Can I answer that? I explained it to you in a phone conversation. Okay.

Mr. Osborne: You told me you didn't know that...

Mr. Steinhebel: There's another 24 inch line next to that line if that line blows you've blow off both lines. You have no longer a redundant line system. Okay. The easements, cause that's commercial, would cost the city a lot more money to run a line down there. The line, which I explained to you, through the railroad tracks - least resistance C Factor we get the most for the money. And I'll stand by that all the way.

Mr. Snyder: I think I'd like to say something since I've not spoken and I don't want to go without saying something. But since I...

Mr. Foltz: That'd be unlike you Jon.

Mr. Snyder: No it would be like me not to say something. But since I was one of the 6-0 votes, I would something perfectly understood. I do not what page in the Charter it is, I think it's 13 or 14, but it does exist that under state law we do operate as a charter form of government. We have unilateral power. No matter what the change order would be if a daily emergency exists in the city to the health, welfare and well being of the people, at that particular time whatever our treasury holds we are permitted to spend whatever the Director of Finance will certify to the county we can spend. It was an emergency vote of 6-0. It is a valid contract. The contract is in the administration's hands. It will not be heard as long - because I will not permit to come back to the agenda. So let's kindly move on to something a little more productive in the future to help the people that vote us into office and move forward. Thank you. But on a lighter note Mr. Mayor I'd like say I appreciate your efforts - you and your administration of bringing this type of company you're bringing to Main Street. There's no question of what runs the wheels of fine our safety forces, be it fire, police or EMS is income tax. And as the Director of Finance will tell you it's been - we're eroding away. And your efforts to bring business to our city, good paying jobs, professional office buildings is very much commendable and we appreciate it from the Council because it does give us money to spend on the people who do elect us and that's what makes grease, makes the wheel go around. And you know how I feel about that. But that's all I have to say.

FINAL CALL FOR NEW BUSINESS:

Mr. Snyder: Is there anyone else in the audience wishing to speak to the council this evening? If not I'll entertain a motion to adjourn.

ADJOURN:

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

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

No: 0

The meeting ended at 8:00 p.m.

PRESIDENT OF COUNCIL

ATTEST:

CLERK OF COUNCIL