

RECORD OF PROCEEDINGS

Minutes of

COUNCIL OF THE CITY OF NORTH CANTON

REGULAR

Meeting

DAYTON LEGAL BLANK, INC. FORM NO. 10148

Held

Monday, November 25,

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 Dr. Larry Morrison, Faith United Methodist Church.
3. All present recited the Pledge of Allegiance.

Mr. Snyder: Madam Clerk, please call the roll.

ROLL CALL:

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

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

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

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

No: 0

5. Consideration

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

Consideration of Financial Statement: October, 2002

Consideration of Mayor's Court Receipts: October, 2002

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

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

No: 0

6. Committee Reports

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

Ordinance, Rules & Claims Committee: Refer to the minutes on file in the Council Office of the Ordinance, Rules & Claims Committee meeting held November 18, 2002.

Personnel & Safety Committee: Refer to the minutes on file in the Council Office of the Personnel & Safety Committee meeting held November 18, 2002.

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

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

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

No: 0

7. Recognition of Visitors

Mr. Snyder: On behalf of the council it's very nice to see all our citizens here in attendance tonight - please come back. It's always a pleasure to see people and government at work. Thank you. First thing is recognition of visitors; I'd like to go a little out of order if I may. The Mayor and I had had a meeting with some developers relative to a CEDA, which Representative Schuring is doing some subtle diplomacy on. And he's been kind of enough to come tonight to give the Council, as well as the people now in attendance, a little brief overview of actual CEDA and what it could mean for the City of North Canton. Senator Elect Schuring you - please come up and do that please.

Senator Elect Schuring: Thank you President Snyder, Members of Council. I'm here this evening to offer my assistance as you enter into your negotiations with Plain Township relative to the proposed Cooperative Economic Development Agreement. You might remember I am the sponsor and author of that law. I sponsored that legislation several sessions ago in the General Assembly. And frankly the reason I did so was because as a citizen of Stark County,

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as a legislator from Stark County, I've witnessed too much over the years of townships and cities not working together harmoniously. And it was because of my witnessing that that I thought there would be a better way for townships and cities to work cooperatively - not only good for the township and the city, but for the community as a whole. And I'm very pleased to report to you in case you don't know, that in Stark County there have been at least five of these Cooperative Economic Development Agreements that have been forged. Two in Alliance - two between Alliance and Washington Township, two between the City of Canton and Plain Township, one between the Village of Hartville and Lake Township. And very simply what this particular provision in Ohio law does is it allows for the cities and townships to come together at the negotiating table. The statute really is very loosely framed and it doesn't really get into too much details on the exact way that a CEDA would be formed. But it does give you the authorization to enter into such an agreement with a township. And the power and the details of these agreements are in the contract. So because of that each and every situation can be addressed differently. What you might do with Plain Township for this particular CEDA you might do differently with Plain Township on another endeavor that would also be mutually advantageous. So the thing that is so fundamentally important about this is that you will have the opportunity to work out the details with the township. And the other thing I will say to the audience, one thing that we tried to really make sure that was a part of this new law is that the public will be engaged in the process. I'm a big believer in process and due diligence and deliberation. And under this proposal that you would be operating under not only will you have your regular forms in council where the public can come as they are coming tonight to listen to your deliberations, but also they will be able to come at a special public meeting under the provisions in this law. In addition to that I have as - and I might mention it right now, you have before you a letter from the township trustees in Plain Township where they have asked me to be involved. That they have shown their willingness to work with the City of North Canton on this particular agreement. And I know in talking to Trustee Lou Giavasis that he wants to meet with some of the concerned citizens who want to know how this particular development plan is going to look. And I think it's also deserving of note that the developers have said they're willing to be a part of that process where the community, the concerned citizens, the township trustees and the developers can talk about exactly how that development plan is going to look and possibly there could be adjustments made based upon the input of the citizens. That's good government and I think that's what's so good about this law. It's not just about the two political subdivisions, it's about the public getting involved as well. And I would submit to you and I'm not going to talk much more about it because I'll field your questions, but I would submit to you for anyone who's concerned about uncontrollable economic development and what it does as far as open space is concerned and what it does as far as traffic congestion is concerned and so on and so forth, these are the agreements that will give us the land use planning that we've needed so desperately in this area. Not just North Canton, but all of Stark County, particularly the central and northern corridor of Stark County. Because with these types of plans you can carve out where the residential areas are going to be, where the light industrial areas are going to be, where the retail areas are going to be, where the open spaces are going to be and do what the community wants. I don't think the community is against economic development, but they don't want to sacrifice their bedroom communities, their open spaces, for the sake of economic development. They want to know that there's a plan - a plan that they can be a part of, a plan they can understand and something that will benefit the community and the quality of life for everyone. So I think this is a mechanism for that to occur. I think this will be a great opportunity for Plain and North Canton to get together. Because I would submit to you there's many more opportunities where Plain Township and North Canton can work cooperatively together and this will be the first of many opportunities hopefully in the future where we can see that happen. Thank you, President Snyder. And I will be more than glad to field any questions you might have.

Mr. Snyder: Thank you. Any questions from the council?

Mrs. Kiesling: Yea, I have one. Inaudible...I talked to you Friday about the procedure. And we canceled the public hearing with the Planning Commission with the commissioners. In the end though we will have another public hearing. We're going to grind out the details, make sure everything's the way we want it, Plain Township wants it and then we are going to come back to the public for a public hearing. That's the way this works, correct?

Senator Elect Schuring: Councilperson Kiesling and President Snyder, yes you will have every opportunity to have that public hearing. And not only the public hearing that's prescribed under law, but again the - right now the - it's the intention of the developers and again Mr. Giavasis from Plain Township to have a work session with some of the concerned citizens. I guess he's been working closely with some of the citizens in the general area who have had some questions and he will call the meeting and they will be a part of the planning process.

Mrs. Kiesling: Great.

Mrs. Magel: Senator Elect, I have two questions. Will this go back to our planning and their planning and back to our council and their trustees? Or we're out of it, it's the public and whatever the agreement is?

Senator Elect Schuring: Councilperson Magel, I would submit to you that you will be actively engaged throughout the process. There's a number of readings that you have to follow under your charter. And I will tell you...

Mrs. Magel: Okay.

Senator Elect Schuring: that if in fact you do select to use me as a mediator you can count on me being there for you and answering your questions as we move through the process. You will be informed, you will be included.

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Mrs. Magel: Okay. Second question. There's five proposals, are any of these approved or they're just proposals - they're back and forth proposals?

Senator Elect Schuring: Correct. Councilperson Magel...

Mrs. Magel: This is working...

Senator Elect Schuring: none of them can be approved until you all have the opportunity to see them, understand them and go through the three separate hearings and get to the point where you can approve them. And so...

Mrs. Magel: Okay. I meant approved by the two entities.

Senator Elect Schuring: No, they are not approved as of yet. And again, purposely we didn't come to you with an approved plan because we want you to be a part of the plan and others to be a part of the plan as well. We think we have a good foundation for a plan that a lot of the details have been hammered out. And think we're on the threshold of getting something done. But there possibly could be other details that need to be worked out and I invite you to be a part of it.

Mrs. Magel: Thank you.

Mr. Osborne: Representative Schuring, I'm not aware of any proposals. Have there been some proposals made?

Mrs. Kiesling: Yep, they were...

Mr. Snyder: And were they not put in their...inaudible...

Mrs. Kiesling: Mary Louise put a copy in everybody's bin.

Mr. Osborne: I guess I've overlooked it. I haven't seen it yet.

Mr. Snyder: Yea, they should be in your packet.

Mr. Osborne: Okay.

Mrs. Kiesling: I...

Senator Elect Schuring: And Councilperson Osborne, we're going to have plenty of time. I can tell you that I think this process is going to take some time before we get it to the point where we can say we've got a contract that can be executed. So you and the other people in City Council will have plenty of opportunities to put your two cents in. And again, I'd be more than glad to be a facilitator towards that end.

Mrs. Kiesling: I have another question. In the paper it was reported that they pulled out the petition, they decided not to annex. But in the end the truth is they - what we agreed to, they will be annexed, what ever part they agree to between Plain and us, they will be annexed. We will go through out public hearings for annexation, we will rezone it like we would any normal - and or zone it in our - for our - towards North Canton zoning. It will be a normal annexation, but the beginning part of it is different and that's how this all works. Correct?

Senator Elect Schuring: Councilperson Kiesling, The CEDA agreement can be structured in a number of different ways. One of the ways it can be structured is an agreed to annexation. But under that provision you would follow the outline in Ohio law that is under the CEDA legislation, which includes the public forum that I talked about earlier. But the key to remember when we talk about annexation under this format and the reason it's an agreed to annexation - and by the way all the other CEDA's, the five other CEDA's I referenced, were agreed to annexations. And the reason they work is because the township gets to keep their territory. It's still going to be Plain Township under this proposal, but it also will be North Canton. And the revenues that are generated under this format can be shared between the city and township, services can be shared and that's where the details have to be worked out. But that's what makes these work. Previously it was an all out assault by the city saying okay we want to take this land and the township actually losing the land and the property taxes that go with it. The other thing too to keep in mind and the reason these work is because most times it's done with vacant property. So all the property owners also will go into it knowing that they're in the City of North Canton and they'll be paying income taxes and they also will be in the township of Plain paying property taxes. So everybody is duly informed. No one is caught in the middle and feeling like they were not given ample opportunity to make a decision. And that's what makes these work. We wouldn't have five in Stark County if they didn't make sense. And again, they're not just sweeping all of this county but they're also being executed throughout the State of Ohio. And I can't say right now because I'm not at liberty to do so, but I can tell you I'm also actively engaged in three other CEDA agreements with other political subdivisions in Stark County and political subdivisions that haven't always seen eye to eye in th past. So these types of agreements are being used and they will be used again in the future.

Mr. Snyder: Inaudible...Representative Schuring, thank you very much. Appreciate your taking time to share that with us. And again on behalf of the council and administration, we appreciate your efforts. Senator Elect Schuring: Thank you.

Mr. Snyder: And your subtle diplomacy in this thing, it's well appreciated. Thank you sir.

Senator Elect Schuring: Thank you. And I look forward to working with all of you to make it happen.

Mr. Snyder: Thank you.

Mrs. Kiesling: Thank you.

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Mr. Snyder: At this time we have recognition of visitors. If there's anyone in the audience wishing to speak to the council this evening please step forward at the microphone, state your name and address for the record. Which ever one has the little ball with the number one can start first. We can get this - we can get started.

Mr. McLaughlin: Somebody raise your hand.

Mrs. Kiesling: Anybody...

Mr. Snyder: Sir, please step forward, state your name and address for the record.

Barry Lowry: 315 Gas Light Circle. There's a group of us here to kind of talk about - we just were annexed and we're talking about the sanitary sewers versus septic tank thing that we're on. So we have a few thoughts about that this evening.

Mr. Foltz: Go ahead.

Mr. Snyder: Sure if you have some ideas please go ahead. Anything you have to say...

Mr. Lowry: Well just some of the things we - thanks gang for...

Unidentified: Inaudible...well we had another meeting...

Mr. Lowry: Naw, we're not real organized but we have a common thought about this thing. We received a letter recently, it's going to cost upwards of 92, 9300 bucks, something like that. And it was a big shock because a few years ago before we were annexed, we had an opportunity to get involved in the county system. And at that time I think it was about 30, \$3500.00 and of course that was stymied not because of us but because of our next door neighbors in the Dells. They put up a pretty good fuss with the county. So they just kind of held off and the system had to run through there to get to our place. So I guess our biggest concern is why does it have to. And there was a time when we were getting annexed that got a letter that suggested that you know that the charge was never really passed along and now this time now that's passed and we're annexed and now we're going to have to pay the whole thing. So that's kind of - we're not against paying, but we're just shocked at the amount of money. We were pretty happy a few years ago with the amount. So if we could get some sort of you know in between or something like that.

Mr. Snyder: I would like to clear up one matter if may and the mayor I'm sure will reiterate it. Unfortunately, the zealously of the former administration, not realizing and being a former councilman himself, should of realized, he cannot speak for the council and unfortunately council is the determining factor on money spent and so forth when it comes to that. And somehow that letter got out where he said he would pay for that. But I don't know and I will defer to the Mayor, of any sewer system that was ever put in without assessment in the city was there? Where at least - where the property owner actually paid for it.

Mayor Rice: Not that I'm aware of. Do you know of any?

Mr. Benekos: I've been here two years.

Mayor Rice: I'm not aware of any Jon.

Mr. Snyder: No. And unfortunately the mayor at that time thought that that might of been a nice thought. But really didn't I don't think realize the circumstances. Nor did he check with Mr. McLaughlin who is the - as you know Mr. McLaughlin is your ward councilman.

Mr. Lowry: Right, correct.

Mr. Snyder: At - although now I will defer to the engineer, Mr. Benekos, he can tell you how they determined the price of the sewer and the installation of it. Because...

Mr. Benekos: Right, yea at this point that price is a high estimate. And I'd rather come out with a high estimate at the preliminary so that when the project's done we don't come back and say well it's more than what we estimated.

Mr. Lowry: Right.

Mr. Benekos: The actual cost will be based on bid amounts of the project. So whatever we develop the cost at - that we bid out, whatever those costs come back would be passed on to the residents. You know it's council's prerogative whether to charge the full amount of the project or part of the amount of the project back to the property owners. And whether it's based on a front footage cost or whether it's based on a per usage cost it also can be determined. But, there's the assessment process that would have to be gone through to determine that and there would be several letters that would go out to the property owners and public meetings that would follow. So the initial was to see if there was an interest

Mr. Lowry: Okay.

Mr. Benekos: in the property owners - what the interest level was so council could act accordingly.

Mr. Lowry: I think that in general there's pretty much interest on everybody's part. I think everybody was kind of shocked. And I guess one question I'd have is looking at the old estimate and I know it's been a year since that letter I think was eight years old that I have. But why is it 90 some hundred dollars? Why did it almost triple?

Unidentified (speaking from the audience): Do we pay for the laying? I know we have to pay for ...inaudible... to connect, but do we pay for the laying of the water - or not the waterline, the sewer line?

Mr. Benekos: Right. The assessment process is for the main line sewers.

Unidentified: I didn't realize the property owners...inaudible...

Unidentified: What if you don't want it?

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Mr. Benekos: Well that...
 Unidentified: I'm serious.
 Mr. Benekos: Right...
 Unidentified: What if you don't want it?
 Mr. Benekos: Right and that's...
 Unidentified: You know I didn't want to be annexed. I am annexed. I'm paying income tax. Now I'm going to have to pay a sewer tax.
 Mr. Benekos: Right. That...
 Unidentified: When ...inaudible... going to stop?
 Mr. Benekos: That's part of the assessment process for council to consider whether to go ahead with the project and do the assessment. And I think it would be and I don't want to speak for council, but if the majority of the people want the project...
 Mrs. Kiesling: Inaudible...
 Mr. Foltz: Rick...
 Mr. Benekos: then the project - council would weigh that whether they installed it or not and had the project.
 Mr. Foltz: Rick, didn't we do some improvements on Gas Light ... inaudible...?
 Mr. McLaughlin: What's that?
 Mr. Foltz: We didn't we do some improvements there already on the waterline?
 Mr. Benekos: Right. The project has not been approved yet.
 Mr. Lowry: So the majority does have some say. I mean - and it's not clear...inaudible...
 Mr. Snyder: You mean as far as whether it goes or not?
 Mr. Foltz: We...inaudible...good price...inaudible...
 Mr. McLaughlin: Inaudible...
 Unidentified: I mean I saw the daggers - there were people crying about the one from the Dells eight years ago. It was pretty pathetic. But at any rate they prevented us - I mean they made such a raucous over there that they prevented anybody else. So I guess it's kind of the same thing here.
 Mr. Snyder: Well...
 Unidentified: I mean you take into account everybody's opinion.
 Mr. Snyder: I think if I'm not - I'll defer to the law - I believe if 60 percent of the property owners want it, it goes in. Is that correct?
 Mr. Treadon: I don't know if it's 60 or not.
 Mr. Snyder: It's a percent. Unfortunately...
 Mr. Treadon: I can't tell you.
 Mr. Snyder: Mr. inaudible... under the county health regulations whether you would want the sewer or not, if the sewer passes in front of your house you are required to hook to the sewer.
 Unidentified: Well I've gone through this once before on Briar Avenue.
 Mr. Snyder: Yea, they'll disenfranchise you there. They'll force you to take the sewer.
 Unidentified: When you put - you put a waterline through...
 Mr. Snyder: Yes mam...
 Mr. McLaughlin: Yea.
 Mr. Snyder: No, we subsidized that.
 Unidentified: We already had a waterline and you came and put a waterline through. So was that necessary?
 Unidentified: Yea...
 Mr. Snyder: Well it was for us to get our water to you. Was...
 Unidentified: Well we had your water.
 Unidentified: We had water.
 Unidentified: We had water.
 Unidentified: They replaced all the lines - we had water.
 Mr. Snyder: Well they just...
 Mr. McLaughlin: How old were the lines? Do you - Tom, do you remember?
 Unidentified: They're Plain Township lines so I don't...
 Mr. McLaughlin: I think they were pretty - I thought they were pretty old.
 Unidentified: 30 years - 35 years - 30 years - 35 years.
 Mr. McLaughlin: 5 years?
 Unidentified: 35 years.
 Mr. McLaughlin: 35?
 Mr. Benekos: Inaudible...the ones that had waterlines weren't charged, they were just replaced.
 Mr. McLaughlin: And bring them up to date.
 Mayor Rice: Inaudible...new hookup...inaudible...

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Unidentified: So we didn't pay for laying that line...inaudible...

Mr. Foltz: Rick, why don't you meet with them and just...inaudible...

Mr. McLaughlin: I'm going to. Hey Jon, if they would be okay, after the council meeting tonight we can go in a room and I can - if I could borrow Mr. Benekos for a little bit...

Mr. Snyder: Sure.

Mr. McLaughlin: we can have a small meeting after this and we can sit down and get some of the things - I can get you hopefully some answers from Mr. Benekos. And get some - if you have some questions, whatever, we'll get you some answers. We'll all sit as group cause I know some of you are looking like yes I want it and the other ones are looking like no I don't. And I have a partial list here we can go over and...

Unidentified: Who wants it at 10,000? Who wants it at 10,000?

Mayor Rice: Inaudible...letter...

Mr. McLaughlin: Well we're not sure yet. I mean let's talk about this first to see what - where we're at and everything else like that.

Mr. Osborne: Inaudible...

Mr. McLaughlin: If that's okay with Mr. Benekos.

Mr. Benekos: Sure.

Mr. Osborne: If I could say something at the moment. I've talked ...inaudible... several of you when I was in the neighborhood two weeks ago. And those construction costs, those are direct passed ...inaudible... The city bids this out and tries to get the most competitive bid. And that's just the actual costs of the project, right Jim?

Mr. Benekos: That's correct.

Mr. Osborne: I mean...

Mr. Benekos: We haven't bid it out yet - we haven't designed it yet. So we don't have a final cost, it's just a preliminary estimate.

Unidentified: Am I...

Mr. Osborne: So whatever, you know, whatever the bids come in the city will pick the best bid, the most competitive bid and that's just passed off to the homeowner. Granted, you know, council could take it upon themselves to offset some of that expense. But again, that - you've got seven people up here and I don't know if that's been the policy in past. But we just don't pull a figure out of the air. It is alarming that it's gone up what three times...

Unidentified: Yea, it's about three times.

Mr. Osborne: in eight years or something?

Unidentified: And that's what I think got everybody excited. Yea.

Mr. Osborne: But that's just the construction costs. Till we find out what it costs you know allocate the costs among all the property owners. And it's good that Mr. Benekos does estimate high...

Unidentified: Yes.

Mr. Osborne: I don't know if that could be 30 percent high, 40 percent high...

Mr. Benekos: Usually I estimate it and add about 25 percent contingency this early on. Once we get the design then we'll reduce the contingency amount. But once we do have a design I'll have a better handle on it.

Unidentified: Okay.

Mr. Osborne: If...inaudible...cost - excuse me Mr. McLaughlin...

Mr. McLaughlin: Go ahead.

Mr. Osborne: Is that cost based on frontage foot or is it just allocated evenly among all users?

Mr. Benekos: You can do it either way. Because the area's already developed and the lot's already defined, it would probably be better to go based on a usage or ...

Mr. Osborne: On the number of users or foot - frontage foot?

Mr. Benekos: Correct, the number of users. It'd be better to use the number of users as opposed to front foot.

Mr. Osborne: That way everybody at least shares equally.

Mr. Benekos: Right.

Mr. Osborne: But it's unfortunate there's no inflated figure added to it. We don't make a big profit off of it. We're just trying to offer services to the community. And we'll pick the most competitive bid.

Mr. Snyder: The other thing that - I believe that assessment could be taken over a 20 year period. The assessment does stay with the property. If you convey the property and sell it to someone the assessment transfers with that property. So you will not be paying if you know in 5 - you have intentions in 5 and 6 years to move on, the person you convey the property will inherit the assessment. Cause once it's set onto the property it stays that way without ability to repay it or accelerate the payment. So if you figure over 20 years you're talking roughly you'll owe about \$500.00.

Unidentified: Yea.

Mr. Snyder: About \$500.00 - \$300.00 a year, something like that ...inaudible... \$400.00 a year it cost you for that - for the convenience of a sanitary sewer.

Mr. Osborne: So how does the city go about billing it there?

Mr. Snyder: There's a - well the city actually comes on your county taxes. We set it up and then...

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Mrs. Herr: You can give the opportunity to have someone prepay it...

Mr. Snyder: Yea, at the time you can pay it all.

Mrs. Herr: it's up front so it's not set. Because when they put it on the taxes there's also a...

Mr. Snyder: A little up charge.

Mrs. Herr: There's a charge by the county.

Mr. McLaughlin: If you...

Mr. Osborne: So you just pay it on your tax bill each year?

Mr. Snyder: That's billed on your January tax bill once a year.

Mr. McLaughlin: Julie, if you'd stay a few minutes too just if you could. If tonight you could stay a few minutes? If you can't I understand.

Mrs. Herr: Sure.

Mr. McLaughlin: But hopefully David Held - and if you would we'll just - there's a little meeting room over there we can just go over there we can just go over there and informal meeting and answer some questions and help you out and see what we can do.

Unidentified: Rick, thank you.

Mr. Snyder: You're welcome. Is anyone else in the audience wish to speak to the council? Okay. We'll get one more chance before we adjourn.

OLD BUSINESS:

8. Mr. McLaughlin moved and Mrs. Magel seconded to **read by title only, third reading** of Ordinance No. 111-02. All members present voting:
Yes: Osborne, Snyder, Foltz, Kiesling, Magel and McLaughlin.
No: 0

Ordinance No. 111-02 - Third Reading

An ordinance approving, confirming and accepting a public sanitary sewer easement to the City of North Canton across Out Lot 327 and Out Lot 328 located in the City of North Canton, Township of Plain, County of Stark, State of Ohio and being part of the Southeast Quarter of Section 6 (T-11, R-8).

Mr. Snyder: Chairman McLaughlin.

Mr. McLaughlin: This is a new business that is coming to North Canton and it's - the builder is putting it in at no cost to the city.

Mr. Snyder: Okay...

Mr. McLaughlin moved and Mr. Osborne seconded to **adopt the third reading** of Ordinance No. 111-02. All members present voting:
Yes: Snyder, Foltz, Kiesling, Magel, McLaughlin and Osborne.
No: 0

9. Mr. McLaughlin moved and Mrs. Kiesling seconded to **read by title only, second reading** of Ordinance No. 116-02. All members present voting:
Yes: Foltz, Kiesling, Magel, McLaughlin, Osborne and Snyder.
No: 0

Ordinance No. 116-02 - Second Reading

An ordinance amending Ordinance No. 2940, Zoning Ordinance of the City of North Canton, to change the zoning district of the premises situated on the west side of Pittsburg Avenue NW and known as Lot No. 5019 and house number 719 Pittsburg Avenue NW in the City of North Canton from OB, Office Building district, to R-50, One Family Residential district.

Mr. Snyder: Chairman Kiesling.

Mrs. Kiesling: Yes, this is the Dahlers, who own a piece of property on Pittsburg who need it to be rezoned so they can build a home. They didn't realize it was zoned OB when they started the building or not the building process, but the permit process. It's still contiguous, we're not spot zoning. We're going to rezone it R50 for them.

Mr. Snyder: Thank you.

Mr. Foltz moved and Mr. McLaughlin seconded to **adopt the second reading** of Ordinance No. 116-02. All members present voting:
Yes: Kiesling, Magel, McLaughlin, Osborne, Snyder and Foltz.
No: 0

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Minutes of COUNCIL OF THE CITY OF NORTH CANTON

REGULAR Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held

Monday, November 25,

2002

(YEAR)

Mr. Snyder: May I have a motion to remove from the table Ordinance No. 117-02?

Mr. McLaughlin moved and Mr. Osborne seconded to **remove from the table** Ordinance No. 117-02. All members present voting:

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

No: 0

Mr. Snyder: May I have a motion to amend the amount of the requested moral claim from 456.60, which represents 60 percent, to 7 something...

Mr. Osborne: 731.

Mr. Snyder: 731?

Mr. Osborne: Yes sir.

Mr. Snyder: Even sir?

Mr. Osborne: Even - \$731.00.

Mr. Snyder: 731 even, please?

Mr. Osborne: Yes sir.

Mr. Foltz moved and Mr. McLaughlin seconded to **amend the amount** of the moral claim from \$456.60 to \$731.00. All members present voting:

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

No: 0

Mr. Snyder: Now may I have a motion to read by title only the first reading of Ordinance 117-02, we're going to leave the emergency off.

Mr. Osborne: I might add we're going to take the emergency off.

Mr. Snyder: I just said to him we're going to remove the emergency.

Unidentified: Okay.

Mr. Snyder: And we'll amend that portion of it when we amend it at the end.

Mr. Treadon: Did you say 731 or 761?

Mr. Snyder: 7...

Mr. Osborne: \$731.00.

Unidentified: Yea.

Mrs. Kiesling: You know I think it is 761.

Mr. McLaughlin: No - wait a minute, I do too.

Mr. Osborne: Is it 7...

Mr. Snyder: It's 756.

Mrs. Kiesling: 431 - no we...

Mr. Treadon: Well the ordinance that I'm looking at says 761. I just wanted to...

Mr. Osborne: Inaudible...I don't have the bills right here in front of me.

Mrs. Kiesling: 430 - it is 761, I have the bills in front of me.

Mr. Osborne: 761 - I stand corrected then. It was 431.

Mr. Snyder: Inaudible...change that?

Mr. Treadon: Yes. Why don't you just move...

Mrs. Kiesling: Inaudible...

Mr. Treadon: to amend the 761 and remove the emergency clause.

Mr. Snyder: Alright. May I have a motion to amend Ordinance 117-02 to 761, the amount, which is 100 percent reimbursement and remove the emergency clause?

Mr. McLaughlin moved and Mr. Osborne seconded to **amend the reimbursement amount and remove the emergency clause** for Ordinance No. 117-02. All members present voting:

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

No: 0

Mr. Treadon: Now we've got to read it.

Mr. Snyder: Yea...

10. Mr. McLaughlin moved and Mr. Foltz seconded to **read by title only, first reading, as amended**, of Ordinance No. 117-02. All members present voting:

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

No: 0

Ordinance No. 117-02 - First Reading

An ordinance authorizing the Director of Finance of the City of North Canton to make payment of a moral claim in the amount of \$761.00 to Carol Hill for reimbursement of expenses incurred in sidewalk replacement.

Mr. Snyder: Chairman Osborne.

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Mr. Osborne: Yes, we've discussed this on two different meetings. There was an oversight in the evaluation by the city of the pipeline - waterline leak. Everybody's pretty well on board as to the circumstances for a total expense of 761. And we're going to adopt this under suspension of the rules so it's effective 30 days after the mayor signs it.

Mr. Snyder: Any questions?

Mr. McLaughlin moved and Mr. Osborne seconded to **adopt the first reading** of Ordinance No. 117-02. All members present voting:

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

No: 0

Mr. Snyder: May I motion to suspend the rules for Ordinance 117-02 requiring three readings?

Mr. Osborne moved and Mr. McLaughlin seconded to **suspend the rules** for Ordinance No. 117-02. All members present voting:

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

No: 0

Mr. Snyder: Inaudible...CSPAN...inaudible...

Mr. Treadon: You'd be surprised how much better you do than the people on CSPAN.

Mr. Snyder: May I have a motion to read - the second reading of Ordinance No. 118-02?

Mrs. Bittle: Excuse me.

Mr. McLaughlin: So moved.

Mrs. Bittle: Excuse me we still have one step. We have to adopt under the suspension.

Mr. Snyder: Oh I beg your pardon. Thank you.

Mrs. Kiesling: Inaudible...

Mr. McLaughlin: I thought we did that.

Mr. Osborne: I thought we just did that.

Mr. Foltz: No, we didn't.

Mr. McLaughlin: Okay.

Mr. McLaughlin moved and Mr. Osborne seconded to **adopt under suspension of the rules** Ordinance No. 117-02. All members present voting:

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

No: 0

11. Mr. McLaughlin moved and Mr. Foltz seconded to **read by title only, second reading** of Ordinance No. 118-02. All members present voting:

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

No: 0

Ordinance No. 118-02 - Second Reading

Ordinance No. 118-02 amending Section 1107.03(b) OUTLINE OF PROCEDURE. of TITLE ONE - Subdivision Control, CHAPTER 1107 Subdivision Regulations of the Codified Ordinances of the City of North Canton to authorize the North Canton City Engineer to approve splits by plat.

Mr. Snyder: Chairman Osborne.

Mr. Osborne: As we discussed at the first reading, this will allow the City Engineer to approve splits by plat. And in the process he will keep track of the number of splits and is limited by law to five splits. He will keep track of that over the period of years or decades. And this will just give him a - housekeeping duties basically to approve this without going through the Planning Commission.

Mr. McLaughlin moved and Mr. Foltz seconded to **adopt the second reading** of Ordinance No. 118-02. All members present voting:

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

No: 0

NEW BUSINESS:

12. Mr. McLaughlin moved and Mrs. Kiesling seconded to **read by title only, first reading** of Ordinance No. 121-02. All members present voting:

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

No: 0

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Ordinance No. 121-02 - First Reading

Ordinance No. 121-02 amending Section 20. SALARIES of Ordinance No. 77-2000, as amended, to provide for the addition of the classification of Chief of Fire and EMS and a rate of compensation for same, effective upon appointment by the Mayor, and to provide for the deletion of the Chief of E.M.S. classification effective January 2, 2003 and declaring the same to be an emergency.

Mr. Snyder: Vice Chairman Kiesling are you - could you explain...inaudible...

Mrs. Kiesling: Yes, this is a - we've eliminated the Chief of EMS as of January 1. The Fire Chief will now become the Fire Chief and EMS Chief and we need to rewrite the compensation in the ordinance and this will take care of it. Inaudible...

Mr. McLaughlin moved and Mr. Osborne seconded to **adopt the first reading** of Ordinance No. 121-02.

Mr. Osborne: Good pitch hitting.

All members present voting:

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

No: 0

Mr. McLaughlin moved and Mrs. Kiesling seconded to **suspend the rules** for Ordinance No. 121-02. All members present voting:

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

No: 0

Mr. McLaughlin moved and Mrs. Kiesling seconded to **adopt under suspension of the rules** Ordinance No. 121-02. All members present voting:

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

No: 0

13. Mr. McLaughlin moved and Mrs. Magel seconded to **read by title only, first reading of** Ordinance No. 122-02. All members present voting:

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

No: 0

Ordinance No. 122-02 - First Reading

Ordinance No. 122-02 authorizing the Mayor of the City of North Canton, through the Board of Control, to enter into an agreement by and between the City of North Canton and Central-Allied Enterprises, Inc. for emergency replacement of the waterline in conjunction with the Portage/Whipple Intersection project and repealing Ordinance No. 83-02 and declaring the same to be an emergency.

Mr. Snyder: Chairman McLaughlin.

Mr. McLaughlin: This is a part of the Stark County/Portage deal we had. But the county was limited in the number of changes they could make so we took it back and made our own agreement with Central-Allied. The - we are the chief engineer or chief project person on there. Still coming out of fund 59 or excuse me 5929 for \$65,000.00 for paving, the curb and gutter and a waterline. So we're just going to do it ourselves.

Mr. Snyder: Any questions? If not...

Mr. McLaughlin moved and Mrs. Magel seconded to **adopt the first reading** of Ordinance No. 122-02. All members present voting:

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

No: 0

Mr. McLaughlin moved and Mr. Foltz seconded to **suspend the rules** for Ordinance No. 122-02. All members present voting:

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

No: 0

Mr. McLaughlin moved and Mrs. Kiesling seconded to **adopt under suspension of the rules** Ordinance No. 122-02. All members present voting:

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

No: 0

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14. Mr. McLaughlin moved and Mr. Foltz seconded to **read by title only, first reading** of Ordinance No. 123-02. All members present voting:
 Yes: Magel, McLaughlin, Osborne, Snyder, Foltz and Kiesling.
 No: 0

Ordinance No. 123-02 - First Reading

Ordinance No. 123-02 repealing Ordinance No. 99-02 which authorized the sale of real property owned by the City of North Canton and adopted by the Council of the City of North Canton on October 14, 2002.

Mr. Osborne: Mr. President, may I make some comments?

Mr. Snyder: You sure may.

Mr. Osborne: I may have to go to the microphone.

Mr. Snyder: Okay.

Mrs. Magel: Showboating.

Mr. Osborne: This is a map of the ground water resources for Stark County. This has just come to my attention here in the last week. My focus on the sale of this property has been concerned with the need for open and competitive bidding. But also another issue that was brought up by Councilperson Kiesling early on and Councilman McLaughlin is the issue of the water on the property. And in the looking at this map of the Oster property and it's marked by this push pin right here, it's quite an eye opener for me that if you look in the legend for this purple area, it's described as best ground water areas in Stark County - permeable sand, gravel deposit in deep buried valleys. That's why I think council should slow up on the sale of this property. We can always rescind the legislation anytime in the future between now and the time that the referendum ballot will come up if that situation is deemed appropriate. If you look all over the North Canton area, there are no other ground water areas that approach near the water resources on this property. And if you look, it's kind of hard to read here, but there's a municipal well which would probably be Canton's, just to the east - 132 foot well - I'm going to have to take my glasses off here - through sand and gravel produces 2,000 gallons per minute. And I've met with Ohio Drilling today, this one well field could supply all of North Canton's water needs. He said you could build several - I'll have to look at my minutes and notes here - several three million gallons a day wells are possible on this property. So I - I'd like for council, all six independent minds here tonight, to think about this. We should assess the property very closely. The water volume is there - tremendous volumes of water. But we need to drill new test wells. I guess several years ago there was a question on the quality of the water; there was some low level contamination. But given the high volume of water that you could pull out of there, evidently it's diluted so much that evidently Canton in this case is able to produce water from there. But if you look the other areas up near North Canton in this yellow area, the legend reads ground water obtained from sandstones of the Pottsville group, principle aquifers are the Massillon sandstone upper and the Sharon conglomerate below, wells will produce sustained use of as much as 50 gallons per minute. Now that's a far cry from 2,000 gallons per minute. Up to a 100 gallons per minute may be available for short periods of intermittent pumping. Sharon may be from 150 feet to 300 feet below sand surface or land surface, I'm sorry. With few exceptions the bed rock is covered with less than 75 feet of glacial material. But my question is why would you rush and sell this property when it's our best hope for water in the entire county? I know we're leaning toward East Maple Street here in the future. East Maple maybe will buy us another 5 or 10 years. Cause ...inaudible... location of this property in the best ground water area in the entire county you have to stop and think. So I hope the six independent minds here will slow down with this movement, honestly assess the property with a hydraulic geologist, determine the true pumping capacity of the property. The waterlines to the property are over half way completed. Because we put down a 24 inch pipeline from Everhard Road northward and that's about 60 percent of the distance to our water treatment plant. So I don't think we're looking at 3.7 million is - I think was quoted here a week or so ago to connect this well field. And if that's our best ground water area in the county, I just don't think we should rush to give it up. Thank you.

Mr. Snyder: Thank you. I would like to only qualify a couple of your statements Mr. Osborne. Number one, if you remember sir in the purchase agreement we do maintain the water rights. So how prolific the water field is is irrelevant because we do own the rights to all that water - no matter who we sell it to, how many times it is sold. And to qualify one of your statements last week, if you would ask the Law Director Batista, in the contract we do have the right to spot the wells where we want to spot the wells and we will place the wells. And I do beg to differ with you, Engineer Benekos did an estimate, I believe he told me between 2.7, 3.5 to move a pipe from the existing Oster property to the Everhard connector at the north end of Everhard. Am I correct on that Mr. Benekos? You might not remember, but you gave me that number. As well as each well is an approximate cost of 225 - it's very expensive. And not to get into the actual quality of the water, but we will not lose the actual water rights to that property. When that was negotiated the water rights remain with that property. And more importantly it's not really an issue because the property is not for sale. The property will remain with the City of North Canton until which time the council decides it does want to sell the property. So by removing Ordinance 99-02, we're

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simply doing what the people told us that they did not want the property sold without competitive bid. Rather than subject the City to a referendum vote, we did what we were elected to do. And it's incumbent upon us to remove from the actual process and it will just remain a piece of property for the city. However, I assume if in the future the city or a council, whether it'd be this council or another sitting council, as Senator Elect Schuring said the process, we will follow all the process of the Ohio Revised Code even though it's not required of us to do so. But I'm sure the quality of the water, the pumping capacity, the geology of the water, the bidding process and so forth will probably be followed a "t" to a "t", excuse me. But that's just simply all I'm going to - and anybody else has any comment they're more than welcome to make...

Mr. McLaughlin: The only comment I want to make is really pumping more water is a moot point. Until either number one, improve the water treatment plant that we have or build a new one. Which we are in the process of doing. So until we get that up to snuff and can treat all the water that's coming in it's really a moot point. Second of all is we've got a waterline - emergency waterline which we instituted this summer from Canton to North Canton in case of emergencies. And I think it was a smart move that we did that and that we have a backup source and everything else like that. But again, you get the same points I was just writing down to say that it was a moot point because of the contract the way it was worded we still own the water rights. We had the choice of where to put the wells and everything. It was in part of the contract and they wasn't going to invoke it until everything was going through. So I agree with you 100 percent Mr. Snyder.

Mrs. Kiesling: I have a question that you know I don't that we ever talked about. We talk about how expensive it is to - could be to get the lines from the treatment plant to the property. But the church is going to agree to accept our water so we were going to take lines to the property anyways to give them our water. How much more expensive could it possibly be if we're running lines there anyways to feed them water?

Mr. Snyder: Well our lines currently run north and south of Whipple and they would take our lines. And I don't know the size of that supply line.

Mrs. Kiesling: They do have some lines already in.

Mr. Snyder: I have no idea.

Mr. Foltz: We supply half...

Mr. Snyder: That's a pretty large line that runs...inaudible...

Mr. Foltz: We supply half of Belden Village.

Mrs. Kiesling: Right.

Unidentified: Inaudible...two different lines.

Mayor Rice: You're talking about - you're talking about distribution as opposed to a raw waterline...

Mr. Snyder: Yea.

Mrs. Kiesling: Two different waterlines.

Mr. Snyder: Right.

Mayor Rice: That's two totally different - that's apples and oranges.

Mr. Snyder: Then we'll just come right through that property...

Mayor Rice: We've got distribution lines there very close by. That's why that's inexpensive. But you're talking about creating a well field you need a main raw waterline to take it up there to get it to the plant.

Mrs. Magel: One's finished, one's raw.

Mr. Snyder: Yea.

Mr. Foltz: Right. Whipple's...

Mayor Rice: Pardon me.

Mrs. Magel: Right. One's finished, one's raw...

Unidentified: Right, right...

Mrs. Magel: two different apples oranges.

Mrs. Kiesling: Okay.

Mrs. Magel: Mr. President...

Mr. Snyder: Madam.

Mrs. Magel: You were talking about how we would be meticulous and to the "t". Some of us have been through this with East Maple. We know to check quality, quantity. We've been through the number of - as Rick was trying to say, we know exactly to the "t" how much we use per day, what our maximum peak is. And I think we have room, especially with that emergency line now with Canton. And as you said we still have water rights. So it really has nothing to do with this ordinance.

Mr. Snyder: If my memory serves me right Mrs. Magel, and you have sat here as well as Mr. Foltz and Mr. McLaughlin - Mayor Rice at the time sat on this in the position I'm sitting in, but I remember the former administration swore by that - that Oster was the salvation it was the coming of the second messiah.

Mrs. Magel: And then...

Mr. Snyder: And unfortunately he sat in this room with 250 people and brought a complete hush over them when he told them the water there the quality was worse than it was at East Maple. Am I right in my memory on that? I think I recall that's how it went. I don't remember it. We'll have the records but - so there is a - that's a pretty - there's a lot you know, there's a lot of statements. And I Mr. Osborne, I

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applaud your effort on that. And I assure you sir we're not passing it off gently. Because you know you did bring up a few things there that I didn't know and I appreciate your effort in that. But I think in my personal opinion and I'm one vote, but if we allow this to proceed and when it does come time if it's a choice of - if the majority of the council to sell the property you know we would look at that. Because we don't want to leave any points out there that - where would people think we left a cloud over it. Although I'm not the least bit ashamed of the process prior to this.

Mrs. Kiesling: Can we talk about that process before we decide to repeal. Over the weekend and late last week after I made my statement about I'm not going to repeal it I talked to a lot of people. I came here and got a lot of names and called people who actually signed the petition. And they feel that yes they want it bid, they want it done the right way. They wanted to take it out of our administration's hands because they didn't feel it was done correctly. If we decide to do it correctly, which is bid it and test the water, which I think is fairly important at this point, I would be willing to repeal it because I think that's what they truly want. But I want to be able to talk about that before we decide to repeal it. They want to know if their rights are going to be upheld. They signed the petition to stop the process because they didn't like how we were going through with it. So I guess I'd like to know how the rest of us feel about actually putting it up for bid in January or February or whenever we decide. And do we all agree that we'll test the water on our own time, on our own money and not use the church's tests that they've run?

Mr. Treadon: Mr. President, may I address part of that?

Mr. Snyder: Please.

Mr. Treadon: First of all I don't believe there's any - there is not a requirement that it be bid.

Mrs. Kiesling: Oh I agree.

Mr. Treadon: That's a preference.

Mrs. Kiesling: Obviously.

Mr. Treadon: What was done, Mr. Snyder's completely correct, the way it was done was completely appropriate - that we did not bid it. That is not required - was not required. We got a second opinion on that from another law firm who advised ...inaudible... city and advises many cities. So there was nothing illegal if you will about not bidding that property - number one. Number two, Mr. Snyder's correct, in that there were no - there were no issues with regard to water rights. That wasn't even an issue. I don't even understand why it's an issue tonight, but apparently it is. Because we reserve all our rights to water under that property as well as discretion to place a well where ever we chose to place it. So that was never an issue.

Mrs. Kiesling: But you know how funny that sounds? I'm sorry Tom. We have the discretion to place a well anywhere we like. However, they could have a parking lot and a church already built. I don't...

Unidentified: That's right.

Mrs. Kiesling: I understand what you were saying we have the rights to the water, but if the water are underneath.

Mr. Treadon: That's my understanding of the contract.

Mrs. Kiesling: I - the contract had never been finished honestly. I talked to Roy the week before...

Mr. Treadon: That was the ...inaudible... I know there wasn't a final draft of the contract.

Mrs. Kiesling: Right. So there were no specificities towards the water rights.

Mr. Treadon: Well I understand we're not going - not going to put a well in the middle of the sanctuary.

Mrs. Kiesling: Right. But what if that's where the best water is. I mean...

Mr. Foltz: Well we got - we got the baptismal.

Mr. Treadon: Pardon me.

Mrs. Kiesling: There you go.

Mr. Treadon: In the rectory maybe, but not in the sanctuary.

Mr. McLaughlin: Tom, but I think the comment was made by Roy, that before the church was open to any place that we wanted to put it. That was one of the things that the final negotiating point that they would listen to us and we could determine where those wells were going. That was one of the things that - to be negotiated once everything went through. They weren't...

Mr. Treadon: But there was no question that we were going to retain water rights.

Mr. McLaughlin: Right right.

Mr. Treadon: So I guess I don't understand why water rights is even part of the debate concerning Ordinance No. 123-02. And I don't believe there is anything illegal about the process that you're talking about terminating tonight with this ordinance. I just want to make that clear. This wasn't an...

Mr. Foltz: Right.

Mr. Treadon: illegal venture that we embarked upon.

Mr. Snyder: I think, Assistant Law Director Treadon, I think the problem - the question I can sum up in a couple words here. Their question basically they want to know is this a back door attempt by Mr. Rice and myself to bring this property ...inaudible... and sell it next week. I assure you the Mayor has not had anything to do with it whatsoever. It was my ...inaudible...

Mr. Treadon: Well what you and Mr. Rice do between yourselves and your back doors I...

Mr. Snyder: That's not the question. That's what the thing is I'm sure...

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Mr. Treadon: I have not knowledge, nor...

Mr. Snyder: whether we're going to turn around and just sell the property and just turn around and get rid of it. That's not the intention - it's not the intention to skirt the wishes of the people. And basically speaking, I'm not being an engineer, but what's the difference where those wells are set as long as they tap into aquifers. Does it - the actual site is not...inaudible...

Mr. Foltz: It doesn't matter.

Mr. Snyder: It doesn't make a difference does it if you - where you set the wells. I mean if it's on...

Mrs. Kiesling: How do you know that Jon?

Mr. Snyder: Canton's wells are on the peripheral.

Mr. Foltz: Because the aquifers huge, Marcia.

Mr. Snyder: But I'm asking the engineer. I think...

Mr. Foltz: It's just not 20 by 20 feet. I mean you're drawing down in underground lakes is what you're basically doing.

Mr. Snyder: If we set them to anywhere along the peripheral it and it's as prolific as they claim it is, the water will come to the well will it not?

Mr. Held: Build it and it will come.

Mr. Benekos: It's not a confined...

Mr. Snyder: Yea.

Mr. Benekos: space where you can located it. You have some latitude and...inaudible...

Mr. Snyder: And there's over 50 acres there that will have nothing on it at all. So I mean we could spot a couple nice wells on 50 acres...inaudible...

Mr. Osborne: May I make a few more comments?

Mr. Snyder: Sure, please. Please go ahead.

Mr. Osborne: This is the best source of water we will ever find in this county. If we're - if North Canton is ever going to be serious about its water resources this is the time to be serious. It's very unfortunate that it was an impulsive decision to abandon that place and run to East Maple several years ago. That was in the heat of the moment. They should of followed through with a complete hydraulic study. As far as retaining water rights on that property, I think it's window dressing. I don't mean to be disrespectful. But if we're truly serious about water resource for this city, we will determine, have full control, go in there and seriously evaluate that. I was given a figure of roughly \$100,000.00 to go in there and drill production well and couple monitoring wells, pump it at maximum capacity, see the volume of water that comes out of there in competition with Canton, check the quality. And placement of those wells is very important. Why not retain some control? If we just haphazardly approach this, we're going to be continuing a policy - our water policy we've had for years. Just - which is none it seems.

Mr. Snyder: Inaudible...

Mr. Osborne: We have to maintain sanitary control around all these wells. So placement of the wells is very important. If they built in a place where you would generally like to put it, you're going to have to be at least 300 feet from all obstructions. This whole property is a nice preserve to ensure safe water. I picked up a report that's just been sent to the city here in the last week I was told, evaluating all of our well fields. Everyone of them has concerns that we have to mitigate due to fuel tanks or the type of activities that go on around everyone of these well fields. Oster is a wide open space that offers protection to this well - to this aquifer. If we're truly serious, know what we're selling, get a complete handle on it, place our wells. This one well field will supply all of North Canton. We won't have to nickel and dime us. We're going to stick a well or two here, another well or two there. You got all that pipeline to put in to tie them all together. We've already invested a million and a half dollars getting that pipeline almost two-thirds of the way down there. We just as well capitalize on that, hook into it. Do a complete study. Know what - we should - everyone of us should totally know what is available to us down there.

Mr. Snyder: Mr. Osborne, did you check with the superintendent of the Water Treatment Plant before you elaborate on the quality and the quantity of the water at Oster? I think Mr. Steinhebel is a little more qualified to answer most of those questions instead a layman. I'm sure if you ask him he'll show you the tests that ran as well as the contaminant tests that were run on the property as well as the history of the property. And I think that most of the people in the City of North Canton knew of the history of the property they wouldn't care to drink our water off the Oster property. But that's my opinion sir. That's not...

Mr. Osborne: There...

Mr. Snyder: that's not an expert opinion.

Mr. Osborne: There was very low level contamination, not any worse than East Maple, is what the well drilling firm told me.

Mr. Snyder: Well I...

Mr. Osborne: And again...

Mr. Snyder: I think that...

Mr. Osborne: high volume...

Mr. Snyder: I think that Mr. Steinhebel has a little more vested interest in the water than Ohio Drilling. Mr. Foltz.

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Minutes of COUNCIL OF THE CITY OF NORTH CANTON

REGULAR

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held	Monday, November 25,	2002 <small>(YEAR)</small>
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Mr. Foltz: Yea Jon, I agree. I don't know what part of we retain the water rights that council members don't understand. Second thing is, that this has been the big buzz word "water" since I've been elected up here in council. Okay, there's been three or four studies that have been paid for by previous councils with consultants who forgot more than I'll ever know about where to put water wells and everything else. I believe that water treatment plant was built around 1970. I don't remember the exact day we acquired - Jon, and I think you remember...

Mr. Snyder: Oster.

Mr. Foltz: Oster property.

Mr. Snyder: 1965.

Mr. Osborne: 68.

Mr. Foltz: 1965. So...

Mr. Osborne: 1968.

Mr. Foltz: at that time that wasn't even looked at as a viable source. In 1965 when Canton had their...

Mr. Snyder: But the history...

Mr. Foltz: north field running at that time.

Mr. Snyder: The history of Oster Doug, and I apologize for ...inaudible..., it was purchased simply for the fact we were dependent on the City of Canton to process our raw sewage - as we are today through the county system.

Mr. Foltz: Okay.

Mr. Snyder: The rates were going sky high. This council purchased that property for the fact to build a sewer treatment plant to leverage the city down the rates. They had never had any intention of using it for anything...

Mr. Foltz: As a water site.

Mr. Snyder: but that. And that's what it was used for.

Mr. Foltz: Okay. But getting back to my train of thought Jon, 1965 this property was acquired. We put all our production wells, all eight of nine of them in everywhere else but here. But this is the best source of water that we have in this city. It's amazing to me. Second thing is that the church pulled their offer I believe. They took it off the table because they didn't want to wait around a year to see how our citizens were going to vote on this. As I said last week, I think we've been above board on this. Mr. Treadon has indicated that through his law department - you know him and Roy, and then another law firm that we hired to look at that decision making process and said we were perfectly within the law to do this. I think Ferrichone also indicated that in his report. Okay. The bottom line is we took 1.575 off the table when the church decided they didn't want to purchase the property anymore at this time. And it's a sad statement because we lost infrastructure money that we all need in our neighborhoods for the upcoming year. That's the bottom line. I don't know any other way to go about it. I mean why would we keep this ordinance in effect if the church isn't interested in buying the property at this time? It's a no brainer. This is what we need to do procedurally. And I don't know if some people think this way this week and they change their decision next week. I'm not sure where a couple of council members are on this, but I know where I am. I'm for repealing this. And if it - if we get another opportunity down the road, if someone wants to pay us that amount of money, I'll make sure I vote yes again for that. I don't have any question in my mind about it.

Mr. Osborne: What will North Canton have to pay the next time it goes looking for a well field? I don't think you can get it for a million five. Somebody was throwing darts - was very lucky when they bought this in 1968. The best ground water area in Stark County, I don't know how you can beat that.

Mrs. Magel: For volume or quality? Are you missing the point?

Mr. Osborne: As I said, this is very low level contamination. When the well driller went down there to check these wells, there were several wells that had been drilled in prior years, several of them had been left uncapped. So somebody may of - and this is really what they think, somebody poured something down them. And he said there's a wide range of contaminants - very low level contaminants. So you would have to pick a new well - spot for a well field very carefully and with some expertise here. You just can't say well what ever's left see if you can plop a well down there.

Mr. Snyder: You know Mr. Osborne you...

Mr. Osborne: Canton is able to use this water.

Mr. Snyder: Mr. Osborne, when you weren't on council, you fortunately were not on council when the last administration had to go through both a law suit and a public relations nightmare for the Dressler field when we had to go through remediation of that field. And I think if the records will hold ...inaudible... out, sure if we look at Oster it was used in a similar fashion to Dressler. There are people in this city can tell you that. And I for one sir am not going to sit in this council and vote to use the water off of a well field when I know fully well what it meant to the people in the City of North Canton two and a half, three years ago when they wouldn't even drink - they were afraid to death to drink our water. And we have as high a quality, if not one of the highest quality waters in the state. We're very proud of our water service. It's the only second way the City of North Canton can produce money outside of income tax. And as far as spending \$100,000.00 sir I don't think - the Director of Finance will tell, I don't think we have it in our budget and we're overdrawn now in our water fund. So to do it is a moot point, the money is not there at the present time. However, certain people did deprive us of a million five hundred seventy-five point six million dollars that we could of put in that fund that we could of done the testing on that and spent \$100,000.00 and still own the rights and place those wells anywhere we wanted prior to the construction

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of that building. As Mr. Batista will tell you, in the contract it will read, we'll place the three water wells exactly on the four acres that we want to place each well on. And those rights will be put and it will be built around it. But it...

Mr. Osborne: If you ever have to use them - excuse me...

Mr. Snyder: Inaudible...go ahead.

Mr. Osborne: If you ever have to use the Canton connection on emergency basis, you're going to be getting this water. And you're going to be paying Canton a high dollar to get this very water. And now you're telling me it's - it is not good quality. It doesn't make sense.

Mr. Snyder: I'm telling you what the superintendent of the water distribution told me himself. Who is a Class 3 water operator, has more schooling than you and I. Possibly you could of gone to water school, I don't know. But I didn't so I'm going to rely on what he tells me. I didn't mean that in a flippant manner, but he tells...

Mr. Osborne: I understand.

Mr. Snyder: he tells me and I believe him, in his opinion and Mr. Treadon will tell you, he would be ...inaudible... as an expert - in his expert opinion, which he pay him very good money to do, he conducted a lot of those purge and non-purge tests himself and they weren't conducted by the drilling people, it is his belief that East Maple is the future site of water for the City of North Canton. And I mean for us to spend a minimum of a \$100,000.00 of the tax payers' money to find out what we already know, is not only foolish it - I think it borderline criminal. Just to go out and spend money just to - spend \$100,000.00 for what?

Mr. Treadon: May I say something Mr. President?

Mr. Snyder: Please.

Mr. Treadon: I just want to reiterate something and really on behalf of Mr. Batista who had as I understand it negotiated in principle the terms of this contract with the church.

Mr. Snyder: Okay.

Mr. Treadon: Mr. Osborne you indicated that you believe that the issue of retention of water rights was simply window dressing. What's the basis for you saying that?

Mr. Osborne: How can you have control and throughly evaluate the site hydraulically...

Mr. Treadon: No, that isn't my question. My question is, your basis for saying that the retention of water rights to that property, giving the City of North Canton the right to use the water under that property was window dressing. What's the basis for you saying that?

Mr. Osborne: You're not going to have any control. You're going to be dictated to where you can...

Mr. Treadon: Upon what do you base the fact that we would not have any control?

Mr. Osborne: If they've already started construction, you're going to have to place the wells at least 300 feet away from any known structure. Inaudible...

Mr. Treadon: Well you know that wasn't the terms of the contract. You just heard Mr. Snyder indicate that we would designate where we would drill the wells. So that the statement that you just made that the retention of water rights to this property was just window dressing presumably defers all our attention away from the fact that water rights has nothing to do with this debate and politics has everything to do with it. I've remained for 20 some years I've been with this city apolitical. But I think I resent the fact that you're using apparently the Law Department is one of your scapegoats for political purposes. And I resent it and you make these statements without any basis in fact and I resent it and I think you should withdraw that statement. Because you don't know what you're talking about. Thank you Mr. President.

Mr. Osborne: In Tuscarawas County...

Mr. Snyder: You're welcome sir.

Mr. Osborne: In Tuscarawas County the City of Canton is buying up hundreds of acres to protect its water resources. This property is expansive enough that if it's maintained in its natural state, it will ensure good quality water as well. You just can't...

Mr. Snyder: The City of Canton...

Mr. Treadon: That's not response to my question and you know it.

Mr. Osborne: I'm trying to answer the best I can.

Mr. Treadon: No you're not, you're begging the question. If you have some factual basis to suggest that we were not retaining the water rights in our negotiations with the church, who is interested in buying this property, I'd like to know the basis for you making that statement that this is just window dressing.

Mr. Osborne: You're not going to be able to put the wells where you want.

Mr. Snyder: That's not...

Mr. Treadon: Upon what do you base that?

Mr. Snyder: That's not true.

Mr. Treadon: What do you base that statement? That's what I thought. Thank you. I have nothing to add.

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Mr. Snyder: The contract we will - it is stipulated that the wells will be spotted to where the Superintendent of Water, City Engineer and once - as well as the people who drill the well, will determine where they go. Those places will be marked off and that was part of the contract. Mr. Batista said that last week when you were saying something else about the same thing. I mean call him tomorrow and satisfy yourself.

Mr. Osborne: Well you just can't take a divining rod out there and just say well let's put one here and there. It needs to be totally evaluated...

Mr. Snyder: Well...

Mr. Osborne: prior to any sale.

Mr. Snyder: Well Mr. Osborne I...

Mr. Osborne: Well that's enough said for tonight.

Mr. Snyder: I think so. Mrs. Magel.

Mrs. Magel: First of all we're not selling anything tonight.

Mr. Snyder: Yea.

Mrs. Magel: Okay. So let's stick on subject. Mayor Rice, may I ask you a question or Jim Benekos? The water that we are connected to Canton is not that Canton finished water?

Mr. Benekos: That's correct.

Mrs. Magel: So this statement that this is the water we will be drinking is totally incorrect. Is that not true? That's raw water we're talking about. Once again we're mixing up raw water with finished water. We will be drinking the finished - the finished water from Canton and then it will come through our system and we will take it through our water system as well and then redistribute it second finish.

Mr. Benekos: That's correct.

Mrs. Magel: So we will not be drinking - piping up the raw water from Oster.

Mr. Benekos: Correct.

Mrs. Magel: I didn't think so.

Mr. Osborne: Well we're obviously going to be processing that water as well. I didn't say we're going to be drinking the raw water right out from the ground.

Mrs. Magel: That's what you indicated.

Mr. McLaughlin: Mr. President, I'd like to call the point of order...

Mr. Snyder: Question...

Mr. McLaughlin: order or a Ordinance No. 123-02. I think it has been discussed. I think we're getting off base. The point of order is on Ordinance 123-02.

Mr. Snyder: Will be calling for you - for a vote.

Mrs. Kiesling: Well I have...

Mr. Snyder: Please.

Mrs. Kiesling: my question was never answered actually.

Mr. Snyder: Go ahead, please.

Mrs. Kiesling: We're going to repeal it. Do we have the intentions of putting it back up and bidding it and selling it? We've - you've been quoted in the paper as saying we're going to auction it, we're going to bid, we're going to do something with it.

Mr. Snyder: Well wait...

Mrs. Kiesling: Is that the intention of all seven of us or six of us tonight or...

Mr. Snyder: I can - Mrs. Kiesling I can only speak for myself, I cannot speak for all seven of...

Mrs. Kiesling: Well I want everybody to speak, that's my whole...

Mr. Snyder: But I will tell you for many years and Mr. Clemens from the - when he was at the Sun will tell you, even under Mayor Revoldt I would of sold the property. I believe, contrary to what Mr. Osborne says, it's a non producing asset to the city. And basically - and I ran fortunately a successful business for many years, I would personally sell the water rights to the City of Canton - trade them for water, before I would invest nearly five or six million dollars in the exploration of that water. I mean when you put money out you better two and half, three times your money back. But I can say to the City of Canton, I won't drill, I won't share - I won't share with you, I'll trade you the water, you produce the water to me ...inaudible... produce it here. There's many things we can do with the water rights - we've not give up.

Mrs. Kiesling: My...

Mr. Snyder: I mean that's like selling a car and getting a pair of keys for it, we can drive it anytime we like.

Mrs. Kiesling: Jon, my question still...

Mr. Snyder: No but...

Mrs. Kiesling: I'm sorry...

Mr. Snyder: I can only answer for myself. It is my intention sometime - yes, I would like to see the property...

Mrs. Kiesling: In the near future?

Mr. Snyder: I - and in the near future. And I would say it would almost be incumbent upon us, not that it's the law...

Mr. Kiesling: I agree.

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Mr. Snyder: But to - rather than go through this whole process - and I almost said something else, let's call it a process of going to the people and the people elected me...

Mrs. Kiesling: You're funny...

Mr. Snyder: if they wanted to come up here they would of come up here themselves. The people of Ward 4 elected me to represent them. I try to do it the very best I can. If they feel I have not this and I'm not doing my job they'll tell me next November the 7th. And it is not my responsibility to initiate both legislation and referendum.

Mrs. Kiesling: I agree.

Mr. Snyder: The people will talk through the ballot box. I personally would like to see the property sold, the million six hundred thousand dollars returned to the water fund, so that I can say to the people in the 4th Ward and the people of the City of North Canton, I did the very best job I could, I returned this money. You pad two hundred and some thousand, I returned a million five hundred thousand dollars - I was one of the people that returned it to the water fund. I saved your rate increase, I put in new waterlines on Bonnett and James and on Middlesworth. Because those people open their spigot...

Mrs. Magel: 7th Street.

Mr. Snyder: and it's brown as my shoe. And I'm sure they're not interested in Oster - how prolific the water is at Oster. And you yourself, as the mother of three children...

Mrs. Kiesling: I agree.

Mr. Snyder: you could give a damn about how much water comes off of it.

Mrs. Kiesling: I'm not talking about the water right now. I'm talking about...

Mr. Snyder: No but I'm saying that's my...inaudible...

Mrs. Kiesling: are we going to do what the 700 people...

Mr. Snyder: Yes, I would like to sell it. And yes, I would like to follow the rules of the Ohio Revised Code.

Mrs. Kiesling: Doug, how - what's your thoughts?

Mr. Foltz: If we can get 1.575 for it that's my vote. It's that simple.

Mrs. Kiesling: Rick.

Mr. McLaughlin: Same thing. If they come back with 1.56...

Mr. Foltz: I haven't changed my stance.

Mr. McLaughlin: or one, one seven.

Mr. Foltz: At all.

Mrs. Kiesling: But competitively that's.

Mr. Foltz: I don't know where you stand on this. It seems every week there's this you're thinking about...

Mrs. Kiesling: No, last week I said something...

Mr. Foltz: Or you're going to change this or you'll agree - I just don't know anymore where you're at on this.

Mrs. Kiesling: But you know when 700 people sign something that says stop what you're doing up there I don't like it, I took it seriously.

Mr. Foltz: And I had a couple people tell - ask me how to get their name off of it. But I haven't had anybody that's called me in support of that. That's fine.

Mrs. Kiesling: I agree.

Mr. Foltz: I understand that's the legal process.

Mrs. Kiesling: And I've talked to many people this weekend...

Mr. Foltz: Okay. That's the legal process.

Mrs. Kiesling: and they're...

Mr. Foltz: I understand that.

Mrs. Kiesling: Their reasoning is they want it done right. Are you...

Mr. Foltz: It was done right the first time in my opinion. I'll say that to everybody.

Mrs. Kiesling: In your opinion. In 700 people's opinion it wasn't. I am asking you...

Mr. Foltz: And said that.

Mrs. Kiesling: inaudible...to repeal it.

Mr. Foltz: I said what I said earlier.

Mrs. Kiesling: You saying you would put it up for bid and go with it.

Mr. Foltz: If I can get 1.575 for that property we should do it yesterday.

Mrs. Kiesling: Rick.

Mr. McLaughlin: If we got an offer yes I would.

Mrs. Kiesling: Okay.

Mrs. Kiesling: Kathy.

Mrs. Magel: I'm sticking to this issue.

Mrs. Kiesling: You were answering my question.

Mrs. Magel: This is where we are.

Mrs. Kiesling: You're not going to answer my question?

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Mrs. Magel: I want to do something with this ordinance like I voted to do.

Mrs. Kiesling: I want to do something with this ordinance too. But I'd like to know before we do it. I think 700 people want to know.

Mr. McLaughlin: But Marcia, everybody's independent. I mean you can't...

Mrs. Kiesling: You're very true.

Mr. McLaughlin: I mean ...inaudible... you've got to let everybody vote their conscious. And then afterwards if you want to have it in a committee or whatever that's fine. But I think Kathy's got a point, we've got to stick to what the Ordinance No. 123-02 says, it's repealing the ordinance...

Mrs. Magel: Thank you.

Mr. McLaughlin: and I think she's got a point. I think that's the issue that everybody's focusing on tonight. It's not what's going to happen a year from now. I could be hit with a car when I walk out of here. I don't know what's going to happen. I don't know...

Mr. Snyder: Inaudible...

Mrs. Kiesling: Inaudible...

Mr. McLaughlin: I don't know whether somebody's going to come out here and give us another 1.5, 6 million dollars.

Mr. Snyder: Mr. McLaughlin I would watch with those people on that sewer, I wouldn't say that ...inaudible... walk across that parking lot. You might have some tire marks on you.

Mr. McLaughlin: I think the issue and I agree with Kathy, the issue is what the ordinance is tonight.

Mrs. Kiesling: But the ordinance has a lot to do with other things and you all know it. So...

Mr. Foltz: No it doesn't.

Mrs. Kiesling: It really does.

Mr. Foltz: It's point of order. Did we say that and then...

Mrs. Magel: Point of order.

Mr. Foltz: we had conversation for another ten minutes? Let's follow procedure here.

Mr. McLaughlin: Come on.

Mr. Osborne: Well I would like to say that...

Mr. Osborne: 100,000...

Mrs. Kiesling: I thought the procedure was to speak openly and make decisions. So I am sorry if that's not your procedure.

Mr. Foltz: We've been doing that for 20 minutes. I don't how much more we've got to discuss this.

Mrs. Kiesling: It shouldn't matter how much time it takes.

Mr. Foltz: How much - what else do you want to know?

Mrs. Kiesling: I asked my question. Some of you chose to answer it, some of you didn't.

Mr. Foltz: I answered it.

Mrs. Magel: I answered.

Mr. Foltz: Everybody answered.

Mrs. Kiesling: I'm ready - point of procedure. Let's go.

Mr. Osborne: I think we should just buy some time here and evaluate the property.

Mr. Foltz: Okay...

Mr. Osborne: A \$100,000.00 to evaluate the property is a far cry from five or six million which seems to be growing here, which you quoted Mr. President. I don't...

Mr. Snyder: And what five million is that?

Mr. Osborne: You mentioned five or six million dollars to bring the water to the city.

Mr. Snyder: I told you 2.5 to 3.7 to hook the lines. Each well is a minimum of 225,000 - that's 750,000, that's near about 4.6.

Mr. Osborne: And it would take one line to bring it to the city. We don't need three lines...

Mr. Snyder: Well you bring us that five million dollar offer and it won't have to cost us anything.

Mrs. Kiesling: I have a question for Chuck.

Mr. Osborne: And also.

Unidentified: Inaudible...Catholic church to play bingo.

Mr. Osborne: if we built a one mile pipeline for a million five or a million four...

Mr. Foltz: Inaudible...this will never end.

Mr. Osborne: it's no more than another mile down to there. So for another million and a half...

Mr. Snyder: How we going to do - fly over that expressway? Is that what we're going to do? Just...

Mrs. Magel: It's over I77.

Mr. Osborne: I know that. We checked out the distances - I did today with the Ohio Drilling. This is the best ground water in Stark County and we're just going to...

Mr. Snyder: You know Mr. Osborne I was thinking...

Mr. Osborne: this is a fire sale? We're just going to sell it and run?

Mr. Snyder: maybe what you ought to do is buy the property - you're knowledgeable of different processes, maybe you should buy it and go in the water business.

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Mrs. Kiesling: Chuck, why not? I don't understand why you're - early you said you were open to repealing it later. Why would you be open to repealing it later as to now if we all agree as we're trying really hard to, that we're going to probably put it up for bid and we are going to try to do some water testing out there. How extensive, we obviously don't know yet. But what's the difference between repealing it tonight and the next three or four or five weeks? Or repealing it in six months?

Mr. Osborne: Because we should ^{use} this to exhaustively research the water source.
Mrs. Kiesling: So we can do that after we repeal it. During the repeal it's going to be a process.
Mr. Osborne: I think we all know that's going to open the flood gates and it's going to be gone here in two months.
Mrs. Kiesling: Oh I don't know about that.

Mr. Snyder: You assume something that's not a fact. You're great at assuming things sir. You're assuming things that are not in fact.
Mr. Osborne: I will bet you my next month's salary that this property is sold by April 1st.
Mr. Snyder: Pretty strong statement. Anyway...
Mrs. Magel: It's not a large salary.
Mrs. Kiesling: It's not a whole lot of money.

Mr. Snyder: that - that's - I'm going to call the question.
Mr. McLaughlin: Please do. Thank you.
Mr. Snyder: Thank you.
Mayor Rice: Who gets that salary?
Mr. Snyder: Thank you. I've had enough of that...inaudible...
Mayor Rice: Who gets that? Who gets that?

Mr. Snyder: Madam Clerk, will you call the roll?

Mayor Rice: I want to know, do I get a cut of that?

Mrs. Bittle: We need a motion and a second please.

Mr. Snyder: Oh I'm sorry. Would you like to say something? Oh, I didn't want to...inaudible...
Mayor Rice: No, I was just kidding Jon.

Mrs. Bittle: We need a motion and a second.
Mr. Snyder: Oh we have not had a motion?
Mrs. Bittle: No, we have not.
Mr. Snyder: On the first reading - to accept the first reading?
Mrs. Bittle: We've had that. But we need a motion and a second to adopt.

Mr. Snyder: May I have a motion to accept the first reading.
Mr. Treadon: You need a motion to adopt the first the reading.
Mr. Snyder: The first reading of 123-02.

Mr. McLaughlin moved and Mr. Foltz seconded to **adopt the first reading** of Ordinance No. 123-02.
All members present voting:
Yes: McLaughlin, Snyder, Foltz, Kiesling and Magel.
No: Osborne.

Mr. Snyder: Thank you very much everybody. Mr. Osborne, thank you for your input sir.
Mr. Osborne: Well thank you for allowing me to input my input. *ok*

Mrs. Kiesling: Yea, it seems to be on a timetable.

Mr. Snyder: A couple things before I ask for reports. As you know we authorized the administration to sell that property at 225 Harmon...
Mayor Rice: To buy it.
Mr. Snyder: To buy it - excuse me.
Mayor Rice: We didn't sell anything Jon.
Mr. Osborne: Inaudible...sell everything here.
Mr. Snyder: Inaudible...selling everything. We bought that property at the blue house over there on Harmon.
Mrs. Magel: We bought it and now we're selling it?
Mr. Snyder: Yea we're going to sell - we're going to rent it. Now the fellow had a contract to leave the premises December 15th. However, he's having some difficulty with ...inaudible... move out of town. And he's asked for a leave here to stay until approximately February 15th. Mayor Rice sought some professional quotes relative to what we should collect per month rent and it centers around the \$550.00 mark. Which is you know somewhere around the six or seven percent of the actual purchase price. So

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what I would like to do if it's alright with council is ask to amend the agenda to accept without minutes under finance and property authorization for him to allow those people to stay there through the holiday season. And they would pay us the utilities and \$550.00 a month.

Mr. Osborne: Stay as long as he wants. It's income and not out go.

Mrs. Magel: Well does he have the money?

Mr. Snyder: Do you mean to pay?

Mrs. Magel: I mean because I don't want to hardship somebody over the holidays.

Mayor Rice: Oh yea.

Mrs. Magel: Okay.

Mr. Snyder: He's got \$98,000.00.

Mrs. Magel: Oh...

Mayor Rice: I was going to say.

Mr. Snyder: Inaudible...I might call him back ... inaudible...

Mr. Osborne: I thought it was 92 or...

Mrs. Magel: Is he putting a bid on Oster?

Mr. Snyder: Yea he's going to opt for the Oster property. That - may I have a motion?

Mr. McLaughlin: Yea, so moved.

Mr. Snyder: And a second? Inaudible...

Mrs. Magel: Yea, Ann said ... inaudible...

Mr. Osborne: Second.

All members present voting:

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

No: 0

Mr. Snyder: Thank you. Oh one other thing. As you know many of you are members of the North Chamber - area Chamber of Commerce and every year they have a Christmas party. They normally, historically it's held at Tam O'Shanter Golf Course. However they this year rented and are paying full rental of the Civic Center. However, as some of you know and you'll all know here in a few minutes that we do require police protection four hour minimum. They did ask for leave to have the - waive that requirement of having two policemen for four hours each. Their party will run approximately three hours - three and a half hours and I would hope that the majority of people or their guests are members of the Chamber that we don't require the service of North Canton's finest.

Mr. Osborne: Control themselves.

Mr. Snyder: Inaudible...

Mr. McLaughlin: There's no copiers around there are there? Just asking.

Mr. Treadon: That could be a question that could be debated I think.

Mr. Snyder: That's good news. Just so try to be on your best behavior. But anyway...

Mr. McLaughlin: Is there booze? I mean is there alcohol there?

Mr. Snyder: I cannot answer that. I...inaudible...

Mayor Rice: I don't know for sure. My guess would probably be yes.

Mr. Osborne: What do our police department think about it.

Mayor Rice: But I don't know.

Mr. Snyder: Well I don't think they ...inaudible... cause it's generally during the day. It's really from like 5:00 to 7:00 it's not ...

Mr. McLaughlin: Oh, okay.

Mr. Snyder: It's not an evening thing.

Mr. McLaughlin: Oh it's...

Mr. Snyder: or 4:00 to 7:00

Mr. McLaughlin: after work.

Mrs. Magel: Well somebody will be on call in case there's a problem.

Mr. Snyder: Oh yea. I don't - they've never had that. And the reason we've done that it's obvious when we have wedding receptions...

Mr. McLaughlin: Oh, okay.

Mr. Held: For wedding receptions.

Mr. Snyder: Not so much the alcohol, but the destruction of the property.

Mr. Held: Right.

Mrs. Magel: Are council members invited?

Mr. Snyder: That question was asked of me. I think if you're a member it's about \$140.00 a year and you could get a ticket.

Mrs. Magel: Well just the way this meeting went I might want some police...inaudible...

Mr. Snyder: Is that - do I have a motion to do that?

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Minutes of

COUNCIL OF THE CITY OF NORTH CANTON

REGULAR

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, November 25,

2002

20

Mr. McLaughlin moved and Mr. Osborne seconded to **waive the requirement for a police officer to be on duty** for the Chamber's Christmas party at the Civic Center.

Mr. Snyder: Okay, roll call.

All members present voting:

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

No: 0

Mr. Snyder: And one final thing. As you know we'll all be celebrating Thanksgiving on Thursday and the City Hall offices are closed both Thursday and Friday and your packets will be ready for pickup at the Police Department Wednesday after 4:30 when the Clerk leaves. So be sure to pick them up. And I'm sure next week we'll have standing room only here in North Canton Chamber. But any a...

Mrs. Magel: Word of mouth.

REPORTS:

Mr. Snyder: Reports?

Mr. Treadon: No report.

Mr. Snyder: Director of Finance.

Mrs. Herr: The only thing I want to mention is that the Mayor's finalizing the budget as we speak. Pressure's on you now Tom.

Mayor Rice: Exactly - you're not kidding.

Mrs. Herr: But our goal is to have it in your packets for Wednesday pickup. So...

Mayor Rice: An initial draft.

Mr. McLaughlin: For discussion for Monday night?

Mayor Rice: Thanks.

Mrs. Herr: For discussion - yea. There'll be a request to have it on the agenda for Monday night. But I wanted to make sure that you guys have it in case you want something to read over this weekend.

Mr. McLaughlin: Who's buying the pizza after we discuss this thing?

Mrs. Kiesling: At 10:00. You're the pizza man.

Mayor Rice: Pizza man.

Mr. McLaughlin: Inaudible...every year we do it.

Mr. Snyder: Are we doing line by line Monday night or are we saving that for the following week?

Mr. McLaughlin: Or is this - yea this is the line by line.

Mayor Rice: Whatever the chairman ... wants to do.

Unidentified: Whatever...

Mr. Snyder: We'll see how it turns out. I'm sure it's a significant budget so we might here a little while. Director of Administration any comments?

Mr. Held: No, no report.

Mr. Snyder: Nothing?

Mr. Held: No.

Mayor Rice: You stole his thunder Jon.

Mr. Snyder: Yea. Mr. Mayor.

Mayor Rice: Two quick things. Since everybody is in the joyous singing mood we will have the Christmas sing once again this year that's sponsored by the Chamber of Commerce. It will be out here on Sunday evening starting at 6:00 p.m. It will take place here on the steps of City Hall this year as opposed to having the flat bed truck over there. Better facilities - it will be based right here - have the tree lighting, the arrival by Santa Claus. And it's always a nice, fun community event. So remind everybody of that. Number two, just to update everybody, we spoke before on our leaf recycling program. David did go to the meeting at the solid waste district Friday morning and came back with the good news that they were very excited about the results of the city's re-leaf recycling program. Through Friday we've exceeded 62 tons of leaves that have been recycled out the City of North Canton. Which has removed that volume from landfills. Which was very very very good. And they were excited enough that they've agreed to pay for half of our leaf recycling program which will amount to - it appears it will be probably in the \$12,000.00 range. Which means that will bring our cost down to the equivalent. Which probably both figures will end up less than \$12,000.00 total cost for our six week program. So we're very excited with that. In comparison to other grants they gave that was a very significant grant that the solid waste district gave us. So for council's information we'll be getting another twelve grand...

Mr. McLaughlin: Very good.

Mayor Rice: for that. That's all.

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COUNCIL OF THE CITY OF NORTH CANTON

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DAYTON LEGAL BLANK, INC., FORM NO. 10148

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Mr. McLaughlin: One question for the Mayor real quick. Did you take my suggestion about the community sing that everybody bring a canned good and donate it to the Community Hunger Task Force that night? Has anybody contacted them to see if there's anything new?

Mayor Rice: I don't know - again the Christmas Sing is a Chamber event Rick...

Mr. McLaughlin: Okay.

Mayor Rice: and whether they've picked that up and are running with that I do not know.

Mr. McLaughlin: I would like to see that. I'd like to make sure everybody has a nice Christmas after this year we've been through and the economy and everything else. But it would be nice if everybody did bring a canned good and donate.

Mayor Rice: I know it's part their - our Santa delivery program is asking for donations of canned that we're going to be donating.

Mr. McLaughlin: Okay.

Mayor Rice: So from our perspective program we're running - we'll be collecting canned goods...

Mr. McLaughlin: Fine.

Mayor Rice: Our safety forces will be in their efforts of their Santa delivery program. So...

Mr. McLaughlin: Maybe we can bring them Sunday and have a little collection our there and start it and get a good start on it.

Mayor Rice: You never know.

Mr. Snyder: You know for two cans of pineapple you can sing a solo of Oh Holy Night.

Mr. McLaughlin: No. For four I'll let you sing up there.

Mr. Snyder: Alright. Four shots or four...

Mr. McLaughlin: Four cans of pineapple.

Mr. Snyder: Inaudible...my attention.

Mr. McLaughlin: I'll tell you what Jon, I'll give you a case not to sign.

Mr. Snyder: God rest of his soul, the ex mayor Hines used to Halloween. He'd come to the house with a little shot glass and he'd ring the bell and hand you a shot glass. Mr. Engineer.

Mr. Benekos: No report.

Mr. Snyder: Madam Clerk.

Mrs. Bittle: No report.

REPORTS - COUNCIL:

Mr. Foltz: No report Jon.

Mr. Snyder: No report. Member McLaughlin.

Mr. McLaughlin: Just wish everybody a nice Thanksgiving, a safe one and see you on Monday.

Mr. Snyder: Inaudible...

Mr. McLaughlin: I will meet them. I will meet them. I'm not going anyplace I still got 24 hours here.

Mrs. Kiesling: No report.

Mr. Snyder: Member Magel.

Mrs. Magel: No report.

Mr. Snyder: Mr. Osborne.

Mr. Osborne: No report.

Mr. Snyder: I have nothing.

FINAL CALL FOR NEW BUSINESS:

Mr. Snyder: Last call for new business. Anyone in the audience wishing to say - mam. Thank you.

Suzanne Burnett: I want to say thank you. I'm Suzanne Burnett from Pierce Avenue. Used to be I came to council meetings and I could not hear you. Tonight I heard more than I would of liked to hear. But thank you. The sound system is spectacular. Thank you so much for making it work.

Mr. Foltz: Thank you.

Ms. Burnett: And thank you for the leaf program. And I think I have about a ton of leaves in my garage ready to be hauled out if I can get them there. That's a wonderful thing. I'm into recycling.

Mayor Rice: Thanks Mrs. Burnett.

Mr. Snyder: Thanks. Anyone else wishing to speak. Sam.

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Unidentified: Fourteen grand for the new speaker system out of...
Mr. Foltz: Might as well top it off. There's no time limit.

Sam Brenton: That guy, that guy and that guy, we almost got that curb cleared down there you know. All we needed is somebody come down here and give a shit. And I want to thank you guys. And another thing, in a couple days you're going to have to learn how to drive all over again. So be careful. Thank you.

Mr. Foltz: Okay. Alright, thanks Sam.

Mr. Snyder: Thanks Sam.

Mayor Rice: Thanks Sam.

Mr. McLaughlin: Thanks Sam.

Mr. Snyder: Anyone else wishing to speak before the council? If not I'll entertain a motion to adjourn.

ADJOURN:

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

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

No: 0

The meeting ended at 8:35 p.m.

PRESIDENT OF COUNCIL

ATTEST:

CLERK OF COUNCIL