

# RECORD OF PROCEEDINGS

Minutes of

COUNCIL OF THE CITY OF NORTH CANTON

REGULAR

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10149

Held

Monday, October 14,

7:00 p.m.

2002

(YEAR)

**CALL TO ORDER:**

1. The meeting was called to order at 7:00 p.m. by President of Council Jon Snyder.
2. The opening prayer was delivered by Rev. Tom Douce, Interfaith Campus Ministry.  
Mr. Snyder: Thank you Reverend.

3. All present recited the Pledge of Allegiance.

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

**ROLL CALL:**

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

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

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

Yes: Kiesling, Lindower, Magel, McLaughlin, Osborne and Snyder.  
No: 0

5. Consideration of Minutes of Council Meeting - 9/23/02  
Consideration of Financial Statement: September, 2002

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

Yes: Lindower, Magel, McLaughlin, Osborne, Snyder and Kiesling.  
No: 0

6. Committee Reports

**Community & Economic Development Committee:** Refer to the minutes on file in the Council Office of the Community & Economic Development Committee meeting held October 7, 2002.

**Finance & Property Committee:** Refer to the minutes on file in the Council Office of the Finance & Property Committee meeting held October 7, 2002.

**Personnel & Safety Committee:** Refer to the minutes on file in the Council Office of the Personnel & Safety Committee meeting held October 7, 2002.

**Street & Alley Committee:** Refer to the minutes on file in the Council Office of the Street & Alley Committee meeting held October 7, 2002.

**Water, Sewer & Rubbish Committee:** Refer to the minutes on file in the Council Office of the Water, Sewer & Rubbish Committee meeting held October 7, 2002.

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

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

Mr. Snyder: Let the record state that Member Foltz is now with us.

7. Recognition of Visitors

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

David Miner: 4806 Darlington Road NW, Canton. I'm president of North Avondale Heights Homeowners Association and I was here three weeks ago. I'm speaking about the potential sale of the Oster property with Canton Christian Fellowship - I believe it's Ordinance 99-02. The residents of North Avondale Heights Homeowners Association appear to be in favor of this proposal of sale of property to Canton Christian Fellowship. As I stated three weeks ago here

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in City Council, our only major concern is the egress issue from Edgemount Street and Raymar Street into the Oster property. I've talked with two of the planning members from Canton Christian Fellowship and I've talked a little bit with North Canton City Administration. I appear to be given strong indications that egress through our allotment is not something that either of those two groups are interested in. Therefore I ask North Canton write a deed restriction for the Oster property prohibiting egress from the Oster property to both Raymar and Edgemount streets prior to the sale of the property. This would solve I believe everyone's concerns if you do this now prior to the sale of this land. Thank you.

Mr. Snyder: Thank you sir. Mr. Law Director is that something that you...inaudible...

Mr. Batista: I will discuss that with the attorney for the Canton Fellowship.

Mr. Snyder: Well will you be kind enough then to get back to Mr. Miner...

Mr. Batista: Mr. Miner give me your - it's - what's your first name?

Mr. Miner: David.

Mr. Batista: Minor?

Mr. Miner: e r.

Mr. Batista: e r. And what is your telephone number David?

Mr. Miner: 330/ 492-7215.

Mr. Batista: Fine. I'll take it up with them and see what they say.

Mr. Miner: Thank you.

Mr. Batista: I've got a hunch that we could just do something to the effect that it would only be for emergency. I mean obviously if they have a fire they're going to bring one of their fire trucks down...inaudible...

Mr. Snyder: Mr. Miner, one thing I might point out sir is our vote tonight affirmatively will - is only one part to it. There is still a period of at least 30 days prior to the mayor signing it so... Time is - even though time is of the essence. We're not ignoring your request...

Mr. Miner: I understand that, but this is...

Mr. Snyder: Right.

Mr. Miner: Inaudible...public...

Mr. Snyder: Right and that's right.

Mr. Miner: Inaudible...

Mr. Snyder: And I appreciate that. But I just want you to know that we're not trying to skirt our issue or our responsibilities to you.

Mr. Miner: Thank you.

Mr. Snyder: You're welcome sir. Anybody else in the audience wishing to speak? Okay.

Catherine Garcia: Can I...

Mr. Snyder: Yes mam. Please step forward. Please state your name and address for the record.

Catherine Garcia: Inaudible...I fell asleep and I just got here.

Mr. Snyder: That's alright.

Ms. Garcia: I wanted to talk to you about the lift station on Holl Road. You guys have been coping with a lot things and serious things. That were...inaudible...more or less. Inaudible... Applegrove Road lift station...inaudible... If the County had come north with their sewer line...inaudible...trunk line across the golf course, all three of the lift stations you're talking about would of been long gone, but they didn't. So this development is your last chance to get rid of them. My suggestion is that you make sure you, you guys, make sure that you include it when they do the sewers for that development. But you need to know there's a problem. That lift station has to cross three properties at least to get over to the golf course. Inaudible...there used to be an easement on the side of the ...inaudible... it sits by a creek. The creek goes across three properties and it goes into that pond that's on the golf course. Now you have to take a line from there all the way to the golf course. Okay. The Mayor told me that could be included. Wednesday I went to the Planning meeting and Mr. DeHoff was there and...inaudible... and I asked him and he said no, I am not interested in that. I am not planning to do it. So you guys have the purse strings and you guys are going to have to make sure it's done and done in conjunction with an integrated ...inaudible... And guess what, you're going have...inaudible... So anyhow that's what I really wanted to let you know ...

Mayor Rice: Inaudible...say about that?

Mr. Benekos: Inaudible...

Mrs. Garcia: let you know that it's going to cost you some money. Cause you're going to be responsible for that and you may have to make some arrangements to pay for it. Now I would suggest and my ...inaudible... suggestion to you is you make sure when they build your building department has to okay what they build. When they build the sewers your engineer has the last say so of what they put in there. Make sure that you've got a gravity flow from Holl Road lift station over to Marquardt. Okay?

Mr. Snyder: Okay.

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Ms. Garcia: That's it.

Mr. Snyder: Mam, would you kindly give your name and address for the record.

Ms. Garcia: Oh, I'm Catherine Garcia and I live on Park. Okay.

Mr. Snyder: Thank you very much.

Ms. Garcia: Sure. May I take this.

Mr. Snyder: Please. Anyone else wishing to speak this evening? Alright, thank you...

## OLD BUSINESS:

8. Mr. McLaughlin moved and Mr. Foltz seconded to read by title only, third reading of Ordinance No. 99-02. All members present voting:  
 Yes: McLaughlin, Snyder, Foltz, Kiesling, Lindower and Magel.  
 No: Osborne.

### Ordinance No. 99-02 - Third Reading

An ordinance declaring certain real property located in Plain Township and owned by the City of North Canton to be no longer needed for municipal purposes and authorizing the sale of that property to Canton Christian Fellowship.

Mr. Snyder: This is the third reading. As we talked about, we feel this is the least invasive use of the property to our neighbors at Plain Township. It's the highest and best use for that piece of property. It benefits the city in as much as it returns over a million and a half dollars to the water fund, which we all know that we can use for projects. We have - the mayor has told me we have some seven million dollars worth of waterlines that have to be addressed. And this does give us an immediate access to being able to address those. And other projects that he has, capital improvement projects ...inaudible... forward. So if there is no other comment...

Mr. Batista: Yea I have - I have a couple comments.

Mr. Snyder: Okay. Please...

Mr. Batista: Number one, I think council has to be advised of two issues. Number one, we did receive an amendment agreement from the buyer amending two things - one at my request. The original purchase agreement called for a warranty deed and the municipality cannot give a warranty deed, we can only give a municipal deed. And that is the first amendment of two amendments in that agreement. The second amendment is that they've asked that their - I think their due diligence was to expire right about now. They've asked for an extension on the due diligence clause I think to November 14<sup>th</sup> or 15<sup>th</sup>, which would be just about in sync with the 30 day clause for the effective date of the ordinance. So I don't see where that prejudices the city at all.

Mr. Snyder: Okay.

Mr. Batista: The second item is after a consultation with the City Engineer, he has advised me that the legal description that was used in the appropriation proceedings where the city acquired this property some 30 years ago, 35 years ago, has some deficiencies and that for transfer purposes we are probably going to have to have the property resurveyed. And he has indicated to me that a survey of this magnitude and this is a this a pretty tough survey giving the engineer his due, that a survey of this magnitude cannot be done in house and that will have to be jobbed out to a professional surveying firm. And I asked him to call and get a couple of quotes for me and he did and he's - he got an indication that it's going to cost in the neighborhood of \$8500.00 to have a survey done for the purposes of transferring this property, which will be the seller's expense - our expense.

Unidentified: Well...

Mr. Batista: But the scheme of a million five I don't think \$8500.00 is a lot of money.

Mr. Snyder: As well as what are we doing to address the 23 acres the state has on the expressway that's never been transferred to the state?

Mr. Benekos: The total acreage compensate - or accounts for that. Now that's not included in the acreage that's being sold.

Mr. Snyder: No, but I mean it - but we've never - they've never - that ground has never been transferred to ODOT has it?

Mr. Benekos: Right now the way the deed reads it's a permanent highway easement - perpetual highway easement. The one question that I have is the off ramp, I think it's Exit 109, I can't find any record of that and I've been in contact with ODOT, whether they have an easement. The auditor shows that we still own that parcel. So part of the survey will determine that is - if it's - if ODOT ever did get an easement or not.

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Mr. Snyder: If we close it up you'll find out quickly if we own it.

Mr. Batista: Yea cause you did talk to ODOT about that issue didn't you?

Mr. Benekos: Correct.

Mr. Batista: And they haven't really put - come to grips with it have they?

Mr. Benekos: No.

Mr. Batista: You know I just don't know how far you go to watch out for ODOT. I mean I think Jim has made an effort to inform them of the problem and in their inevitable bureaucratic fashion they're taking their good old time responding.

Mr. Osborne: I have one comment to make. In our packet this week I believe everybody on council received a two page letter from the chief appraiser from the county calling to - explaining his appraisal on the property. I don't have the actual letter here with me. It was time stamped September 26<sup>th</sup>, I don't know why council is just now getting it. But anyway in there he listed their appraisal for properties in that area and they based their appraisal on the fact that the property has some Belden Village influence, some Jackson Township influence and he appraised the property for anywhere from 42,000 an acre to 56,000 an acre. And anyway I just wanted to call that two page letter to everybody's attention.

Mr. Snyder: May I answer the question? I received the letter on Wednesday of this past week and it was addressed to me and I decided to pass it on to council - so it was received by the Law Department, at Mr. Batista's request and he was out of town I think until last week. That's the reason it was time stamped and only distributed and disseminated as of Wednesday. So I made the call to disseminate it to the rest of the council members.

Mr. Osborne: Well I'm glad it to have gotten it. And thank you Mr. President.

Mr. Snyder: Any other questions? Mrs. Kiesling...

Mrs. Kiesling: Yes, just a comment. I'd just like to say that in spite of the fact that this is the third contract that's come before this council that's been unbid. And in spite of the fact that Administration didn't provide information as far as the value of the property in a timely manner And in spite of the fact that we as council didn't decide to do any further water testing even though I know they were okay if we wanted to, we decided as a group that we didn't need to do any more testing at that site, that we were going to let the church do it for us. And in spite of the fact that the church doesn't have the results back yet as far as what they found out at the Oster site. I think these three things - these three or four things can't be out weighed by the fact that the money generated from the sale of this property will help to restore the infrastructure of the city's waterlines that definitely need to be replaced or repaired. And it should have a very big, positive impact on the need or no need for any future water increase rates. So I've taken many weeks to think this over and try to decide what I wanted to do because of some of the things that went on behind the scenes. And I believe it is in the best interest of the city to sell this property to Canton Christian Fellowship. I believe they will be the best neighbors for the North Avondale. I believe - I talked to Mr. Miner tonight and hopefully we can get the egress into the - into the contract that - put in a deed restriction and make everybody happy. So at this point I'm happy with it and I'm going to change my vote and vote yes tonight.

Mr. Snyder: Thank you for those comments. Appreciate that. Thank you for your due diligence. Anyone else wishing to speak before we call for the vote? If not...

Mr. McLaughlin moved and Mr. Foltz seconded to adopt the third reading of Ordinance No. 99-02. All members present voting:

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

No: Osborne

Mr. Snyder: Thank you.

9. Mr. McLaughlin moved and Mr. Foltz seconded to read by title only, second reading of Ordinance No. 100-02. All members present voting:

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

No: 0

#### Ordinance No. 100-02 - Second Reading

An ordinance approving, confirming and accepting and dedication of additional right of way on Castlewood Avenue S.W., being part of City Lots 3689 and 3681 in the City of North Canton, Stark County, Ohio.

Mr. Snyder: Chairman Magel.

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Mrs. Magel: This is the second reading. As discussed, this is to tidy up the books. We need to add these two additional city lots, 3689 and 3681 on Castlewood into the record for the purpose of right of way. It's just an oversight and was spotted and it just needs cleared up.

Mr. Snyder: Okay.

Mrs. Magel: Any questions?

Mr. McLaughlin moved and Mr. Foltz seconded to adopt the second reading of Ordinance No. 100-02. All members present voting:

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

No: 0

## NEW BUSINESS:

10. Mr. McLaughlin moved and Mr. Foltz seconded to read by title only, first reading of Resolution No. 105-02. All members present voting:  
Yes: Kiesling, Lindower, Magel, McLaughlin, Osborne, Snyder and Foltz.  
No: 0

### Resolution No. 105-02 - First Reading

Resolution No. 105-02 stating what municipal services will be provided to 268.2427 acres of land, more or less, and known as being part of the Southeast Quarter of Section 5, part of the Southwest Quarter of Section 4 and part of the Northeast Quarter of Section 8, Township 11 (Plain), Range 8, Stark County, Ohio, (also known as Bob-O-Link Annexation) proposed to be annexed to the City of North Canton, in the event said territory is annexed to the City of North Canton, and declaring the same to be an emergency.

Mr. Snyder: Chairman Kiesling.

Mrs. Kiesling: Yes, this is the Bob-O-Link annexation that we're in the process of right now. We need to pass it on an emergency because we need to get it done 20 days before the commissioners hearing on November 20<sup>th</sup>. This is just stating all the services we'll provide to them with the exception of water. We all discussed it last week, but does anybody have any further questions? Kathy?

Mrs. Magel: No.

Mrs. Kiesling: Okay.

Mr. Snyder: Alright...

Mr. McLaughlin moved and Mr. Osborne seconded to adopt the first reading of Resolution No. 105-02. All members present voting:

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

No: 0

Mr. McLaughlin moved and Mrs. Kiesling seconded to suspend the rules for Resolution No. 105-02. All members present voting:

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

No: 0

Mr. McLaughlin moved and Mr. Foltz seconded to adopt under suspension of the rules Resolution No. 105-02. All members present voting:

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

No: 0

Mr. Snyder: May I have a motion to read by title only - excuse me one privileged question Mr. Law Director, do we amend this prior to the reading?

Mr. Batista: No let's amend after you vote on the second reading (first reading).

Mr. Snyder: Inaudible...may I have motion to read by title only the first reading of Ordinance No. 106-02?

11. Mr. McLaughlin moved and Mrs. Kiesling seconded to read by title only, first reading of Ordinance No. 106-02. All members present voting:  
Yes: Osborne, Snyder, Foltz, Kiesling, Lindower, Magel and McLaughlin.  
No: 0

### Ordinance No. 106-02 - First Reading

Ordinance No. 106-02 amending Section 3. of Ordinance No. 37-2000 to provide for the position of full-time Chief of Fire and Emergency Medical Services Departments and a decrease in the number of full-time Firefighters/EMT/Fire inspectors.

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Mr. Batista: Now before we move on with this I believe that because of some developments it's been determined that this ordinance should contain an emergency clause so that we can move forward. With the retirement of the EMS chief that we'd be in a position to move forward with this to get the Civil Service Commission moving to get a testing procedure established for the new position of a full time fire and emergency medical services chief.

Mr. Snyder: Is the council comfortable with that change?

Mr. Osborne: Yes, I am.

Mrs. Kiesling: Yea.

Mr. Lindower: Inaudible...

Mr. Snyder: Everyone's comfortable? Then I would entertain a motion to amend Ordinance 106-02 to include an emergency clause, to become effective upon the signature of the mayor for the health and welfare of the city.

Mr. McLaughlin moved and Mr. Lindower seconded to **amend Ordinance No. 106-02 to include an emergency clause**. All members present voting:

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

No: 0

Mr. Batista: Inaudible...move for the adoption of the...

Mr. Snyder: Yea.

Mr. Batista: Second - second reading as amended (first reading).

Mr. Snyder: A first reading. Now may - of course I have to have him report. You have anything to say on that Chairman Lindower?

Mr. Lindower: Other than the fact that effective - or I'm sorry, issued on October the 10<sup>th</sup> was a letter from Chief Juersivich indicating that he desires to retire December 31<sup>st</sup> of 2002. And again to add to what Roy said we need to get this through on an emergency so that civil service procedures can take effect or start in operation.

Mr. Batista: Inaudible...it's the first reading.

Mr. Snyder: Yes.

Mr. Batista: Inaudible...

Mr. Snyder: Now may I have a motion to adopt the first reading as amended of Ordinance No. 106-02?

Mr. McLaughlin moved and Mr. Osborne seconded to **adopt the first reading, as amended, of Ordinance No. 106-02**. All members present voting:

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

No: 0

Mr. McLaughlin moved and Mr. Foltz seconded to **suspend the rules** for Ordinance No. 106-02, as amended. All members present voting:

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

No: 0

Mr. McLaughlin moved and Mr. Lindower seconded to **adopt under suspension of the rules, Ordinance No. 106-02, as amended**. All members present voting:

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

No: 0

12. Mr. McLaughlin moved and Mr. Lindower seconded to **read by title only, first reading of Ordinance No. 107-02**. All members present voting:

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

No: 0

#### **Ordinance No. 107-02 - First Reading**

Ordinance No. 107-02 amending Section 3. of Ordinance No. 3-85, as amended, to provide for changes in the ranks and positions of the full-time personnel in the Emergency Medical Services Department of the City of North Canton.

Mr. Snyder: Now at this point we amend or we...

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Mr. Batista: No, this one I don't think needs an emergency clause. Let me just check on this.

Mr. Snyder: Well it would because we would go from four - the present ordinance reads four full time paramedic fire inspectors and we're reducing it to three.

Mr. Lindower: 10 - 106 would be contradictory to this ... if we didn't pass them both the same time. I think Roy...

Mr. Snyder: Cause we'll go to three...

Mr. Batista: Yea you're right, we might end up with one more employee than we want to. Yea, let's amend that to include...

Mr. Snyder: May I have a motion to amend...

Mr. Batista: an emergency clause.

Mr. Snyder: Ordinance No. 107-02 to include an emergency?

Mr. McLaughlin moved and Mrs. Kiesling seconded to **amend Ordinance No. 107-02 to include an emergency**. All members present voting:

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

No: 0

Mr. Snyder: Chairman Lindower, any comments on that?

Mr. Lindower: No, we discussed this at council at large, the only thing we're doing here is reducing by one person - one full time fire inspector and adding one more full time EMT or I'm sorry, emergency medical technician/paramedic. Not affecting or causing us to have to hire another employee. So I would ask that that would be passed on emergency so we can keep the ordinances in conjunction with each other.

Mr. Snyder: Okay, may I have a motion to adopt the first of Ordinance No. 107-02?

Mr. McLaughlin moved and Mr. Osborne seconded to **adopt the first reading, as amended, of Ordinance No. 107-02**.

Mrs. Magel: As amended?

Mr. Snyder: As amended, yes mam. Thank you.

All members present voting:

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

No: 0

Mr. McLaughlin moved and Mrs. Kiesling seconded to **suspend the rules** for Ordinance No. 107-02, as amended. All members present voting:

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

No: 0

Mr. McLaughlin moved and Mr. Osborne seconded to **adopt under suspension of the rules, as amended, Ordinance No. 107-02**. All members present voting:

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

No: 0

Mr. Snyder: Our thanks to administration and council for their support of that. That does bring us into the new century. I want to thank the fire service for their support here tonight in coming to support the move of doing that. We do appreciate you and without you we wouldn't have such a fine fire service and we're very proud of you. I'm glad you're here with us tonight. Thank you.

13. Mr. McLaughlin moved and Mrs. Kiesling seconded to **read by title only, first reading of Ordinance No. 108-02**. All members present voting:

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

No: 0

### Ordinance No. 108-02 - First Reading

An ordinance authorizing the Mayor of the City of North Canton, through the Board of Control, to enter into a professional service contract for curbside leaf recycling for the City of North Canton, at a cost not to exceed \$50,000.00, and declaring the same to be an emergency.

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Mr. Snyder: Chairman McLaughlin.

Mr. McLaughlin: Yea, this is a voluntary program that we'd like to start. Communities around North Canton have started this for the last couple years. We'd like to see this one done. I know it's late in the season, but we'd like to see this one done. Bags can be purchased at Home Depot and Walmarts. I purchased some last Friday, there was five bags for \$1.97. They're two-ply bags, but any paper bag would work on this program. We'll probably start off with one truck to see how we're going to do and then go from there. One truck will drastically cut our costs in half and then until we build it up. The program starts two weeks from today and we'd like to see a lot of participation in it. Again I stress it's voluntary, it's not mandatory. So that we'd like to see the people in the community get behind it. They've got - they've gotten behind our recycling - our plastics and the papers and everything else way ahead of schedule what everybody thought they would be. We're up in the thirtieth percent I think. And I think the leaf would - the leaf program will be very well accepted out there.

Mr. Osborne: Is this open up to the rest of council?

Mr. Snyder: Please.

Mr. Osborne: Mr. President I'd like to - I passed around a letter to the administration and council and I apologize for the late delivery. As mentioned last week, I'm concerned with the expense of this short six week program. I admire the administration for its goals, but I have a little concern with the implementation. It's a very late hour. I did find out here just today actually that I guess we have an exclusive with Republic Waste in that we, I guess, are precluded from advertising for bids. In spite of that I surveyed some landscapers. I was able to get three bids. One bid from Warstler Bros. over in Plain Township, gave me a figure of \$39,000.00 for the identical service - curbside pick up, biodegradable bags. And then just a - well a couple of hours ago I got a second bid of identical services for thirty-seven eight. And then in talking to Earth and Woods, I guess they had initiated contact with yourself, Mr. Held.

Mr. Held: No actually we contacted them and they gave us a quote.

Mr. Osborne: Well Mrs. a - let's see what's her name here...

Mr. Held: We asked them for a quote and they put one together for us for to put two...

Mr. Osborne: I'm just...

Mr. Held: to put two containers or to put a couple of containers that residents would have to bring you know to that drop off location.

Mr. Osborne: Well this is not a comparable service. Residents would have to deliver the bags to where ever the pickup locations were. Mrs. Hattery said she initlated the call to the city and faxed you the proposal which I - I've included here as well. Today also I received a fax from a family here in the 3<sup>rd</sup> Ward, Mr. & Mrs. Roby; they have a number of concerns. And I guess they have a number of bags to picked up every year as well. They have on an average 150 bags of leaves. And they use a yard tractor with a rear bagger and they're quite concerned and doubt whether these bags will function in that process. And I too have concern about how the bags will hold up, especially if they sit out in the rain. And I'd just like to bring that to council's attention. And I just think it's - these are very hard times. We have Canton struggling. We have Massillon juggling dollars around. And also in the letter that I sent to you, I've talked to Plain Township; I've included a list of all their bidders. Oh I might like to say that both Warstler and Earth and Woods and Todd's - let's see here I can't read my writing...inaudible... - the third bid, they're all Class 4, registered with the EPA for compost facilities. Plain Township awarded their bids this last week. So they solicited bids and I believe they had five bidders here. They've also got their leaf program advertised on their web site. I just think it's a last minute rush here. Would it have been possible, and I don't know if you tried Mr. Held, to approach Republic Waste and see if they would okay letting us advertise for biodegradables pickup?

Mr. Held: I'm not following your question.

Mr. Osborne: Could you of called them and asked them to waive their exclusive on just that portion of the waste pickup -biodegradable yard waste?

Mr. Held: Why would we want to - I'm not sure why we would want to do that.

Mr. Osborne: So we can solicit bids. I mean I have two bids here that are substantially lower than the \$50,000.00 that...

Mayor Rice: I believe that's all set out in a contract.

Mr. Osborne: I understand. Yea, I've got the contract.

Mayor Rice: So we have a contract with them. Normally if you make a contract both parties stick to it. We entered into that contract, they entered into that contract in good faith. That contract's up for bid again next year.

Mr. Osborne: Next year, yea.



## RECORD OF PROCEEDINGS

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DAYTON LEGAL BLANK, INC. FORM NO. 10148

Held

Monday, October 14,

2002

(YEAR)

Mayor Rice: And that's when it will be reopened.  
Mr. Osborne: Well also...

Mayor Rice: In relation to Mr. - I had Mr. Held relate he spoke to the Robys.

Mr. Held: Right.

Mayor Rice: This afternoon.

Mr. Held: We did a...

Mayor Rice: Go ahead David.

Mr. Held: I spoke to Mr. & Mrs. Roby because they did send in an email I believe it was. It was brought over to our office. And they were under the misconception that it was a mandatory program.

Mr. Osborne: It was mandatory - right.

Mr. Held: But once we expressed that it was voluntary they had no problem with it.

Mr. Osborne: Yea I talked to them this afternoon as well. Generally when you have all your business with one vendor, like for instance your insurance, they usually give you better than market rates. And I would think Waste Technologies could be a little more competitive here or at least as competitive as the two comparable bids that I've gotten. So I just thought it was a very expensive program and - so I will not be favoring it.

Mr. Snyder: I have one question Mr. Chairman.

Mr. McLaughlin: Go ahead.

Mr. Snyder: Did I understand you, this is only \$24,000.00 unless it...

Mr. McLaughlin: No we're going to - we're going to...

Mr. Snyder: One truck is \$4,000.00.

Mr. McLaughlin: Getting one truck is one - yea...

Mr. Snyder: \$24,000.00 unless it...

Mr. McLaughlin: Right.

Mr. Snyder: gets such participation...

Mayor Rice: Right...

Mr. Snyder: that they need two trucks.

Mr. Held: Inaudible...

Mayor Rice: Right. As we tried to explain last week...

Mr. McLaughlin: And I think - go ahead.

Mayor Rice: the number we asked there as we told we felt was much higher than we're ever going to spend on it, but felt because it's a short term program if the thing got held up in the middle, in midstream, it would destroy the whole project. We may have to stop it intermittently and then come back to council and - so we asked for the max basically, which would be two trucks for six weeks. The first week we're starting off with one truck as Rick explained. If the demand is not there, if the participation is not as high as we would like to think it's going to be, we'll stick with the one truck. If it's extensive - if the participation is where we'd like it to be, they are prepared and the money would be appropriated to go to a second truck, if they need to do that. So we really don't know as I would hope maybe we didn't convey that clearly last week, that we really don't quite honestly what our final bill is going to be on this. And we as I said last week, we don't know exactly how much we're going to get back from the solid waste district. But we've gotten every indication that there will be additional grant monies come based on how successful the program is. So again we can't focus on that 50,000 cause I'll - I'm pretty comfortable assuring everyone that it's not going to be \$50,000.00. But we wanted to make sure we covered it on the high side and I think most of council understands that. We're going to be very cautious with the program. We want to offer the service, but we certainly have no intention of wasting money.

Mr. McLaughlin: Mr. President.

Mr. Snyder: Yes sir.

Mr. McLaughlin: The comment I want to reiterate that the mayor has made that hopefully there'll be some grant money, which I'm sure there will be because of the fine job that the people in the City of North Canton has done on the recycling already. We have accumulated some additional funds from them of I'm sure - and Tom came back what was it a couple weeks ago or whatever and said we were above the scale of what they normally do. I think this is one thing that I think the citizens of North Canton will stand behind. Some of the senior citizens probably won't and I understand where they're coming from. But I think there's a lot of recycle minded people out there in the community that will do it. And I think this is something that we needed for a long time. I think next year when we have our rebidding of our waste that we can include this thing into the contract and make it an ongoing type thing. But like I say I think it's one - that it is a good program. I'm sure we're going to recoup some of our money and I'd like to see it continue.

## RECORD OF PROCEEDINGS

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DAYTON LEGAL BLANK, INC., FORM NO. 16149

Held Monday, October 14,

2002

(YEAR)

Mayor Rice: Rick, just to be - when you talk about the grants understand we have received grants from the solid waste district in approximately the last year...

Mr. McLaughlin: Right.

Mayor Rice: I don't remember when our first grant was for the last quarter of last year - when we first applying for and getting grant money. Collectively we've received over \$100,000.00 in grant money in roughly a year. We got 20,000 the end of last year. We got 60,000 you know and we got 40,000 and then 20,000...

Mr. McLaughlin: Right.

Mayor Rice: which add up to 60. Plus we got another 24 for the disposal of yard waste during the tomado. We've accumulated I think off the top of my head seems about \$104,000.00. I know Julie just got two payments - about \$44,000.00 - 44, \$45,000.00 just today?

Mrs. Herr: Friday.

Mayor Rice: Friday it came in just the pay in we just - I just got a copy...inaudible... So I mean we've been pursuing a lot of funding to offset this cost. So in reality we've acquired over \$100,000.00 in grant money. This more likely is probably going to end up in that you know as Jon said it could very well could end up \$25,000.00 - could end up less than that I don't know for sure where it's going to be. We're just trying to cover it so we can get the program off the ground.

Mr. McLaughlin: Yea and it's going to cover some of our costs so...

Mr. Osborne: Well both of these...

Mayor Rice: Yea. It's very similar to what Jackson Township does.

Mr. McLaughlin: Right.

Mayor Rice: I mean Jackson Township is doing it I don't know how they can do it and it's so terrible and the City of North Canton can't do it. You know they're doing a very similar thing.

Mr. Osborne: Well both of these facilities are Class 4 facilities. We would also get credit if we utilized them for the yard waste that they send to compost facilities versus dumps. Also I might go ahead and say in advance here that when and if we do renew the contract with Waste Technologies, I would not be in favor of just lumping all these services in one contract because a lot things just get built in and hidden in there. And I would of preferred to break that out and have different vendors competitively bid the different parts of the waste hauling, especially when it comes to yard waste. But that's all I have. Thank you.

Mr. Snyder: Inaudible...am I not understanding...

Mayor Rice: What's that?

Mr. Snyder: for 8.55 a month they'll take anything that you put at the curb.

Mr. McLaughlin: Right.

Mr. Snyder: no matter how many bags...inaudible...

Mr. McLaughlin: Right.

Mr. Foltz: Right. That's correct Jon.

Mr. Snyder: I mean that's a - that's almost...

Mr. Foltz: The best deal in the county.

Mrs. Kiesling: A deal.

Mr. McLaughlin: You can't beat it.

Mr. Snyder: I almost feel that's stealing.

Mr. Osborne: But the goal here I thought was to send as much to a compost facility and these two landscapers are - that's their business. This is their raw product.

Mrs. Kiesling: Isn't it going to a compost facility?

Mr. Osborne: They're certified to handle it. They're inspected twice a month as I understand it to make sure that the compost has the right temperature, it's turned...

Mr. Lindower: Mr. President.

Mr. Osborne: as often as it needs to be and so I would be very inclined to segregate out that portion of the waste hauling.

Mr. Snyder: Okay.

Mr. Osborne: Thank you.

Mr. Snyder: You're welcome. Mr. Lindower...

Mr. Lindower: I may be wrong, but correct me if I'm not Mr. Batista. I believe that by the program that Mr. Osborne's talking about to go out and bid something like this in the middle of the stream we would probably be in violation of Waste Management's contract.

Mr. Batista: Yea well they have an exclusive on...

Mr. Lindower: Number one. And number two, should we decide to choose one of the other options that Mr. Osborne's talking about at this time, we would probably be locked into a contract with those people regardless of whether the program is successful or not.

## RECORD OF PROCEEDINGS

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Held

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2002

(YEAR)

Mr. Batista: Yea. Well I think the answer is very simple and that is when we bid next year we simply put this in as an alternate.

Mr. Lindower: Right, it may be a good negotiating tool next year too.

Mr. Lindower: Right.

Mr. Batista: With a specification that we can designate how many vehicles we want etc. and I think it's handled. At that point you - I think Mr. Osborne's saying hey I want to get a number on that specific item. And I think if you bid it as an alternate you end up with that.

Mr. Lindower: Good.

Mr. Osborne: And I'm not proposing that we - we can't break our contract, I understand. I'm just - I received these bids just to give you an idea of what is possible out there. I understand we have an exclusive and we're stuck with it for another nine months.

Mr. Snyder: Inaudible...

Mrs. Kiesling: I have a quick...inaudible...

Mr. Snyder: Any other comment?

Mrs. Kiesling: Just one question. After two to three to four weeks can we tell Waste Republic we don't or Republic Waste we don't want curbside leaf pickup if we don't have a good enough response?

Mayor Rice: Yea.

Mrs. Kiesling: We're not set into a six week?

Mayor Rice: We're not signing a - we're not - if you're asking are we signing a specific contract or something like that no.

Mrs. Kiesling: Great.

Mayor Rice: This is an add on to our existing contract for additional service.

Mrs. Kiesling: Great.

Mr. Snyder: Okay.

Mr. Osborne: Can we - I'm sorry Mr. President...

Mr. Snyder: Go ahead Mr., excuse me.

Mr. Osborne: Can we get reports every two weeks as to...

Mayor Rice: I don't know how often, but we'll get - we'll get reports because we have to turn in reports to the solid waste district if we want to get grant monies. So we'll have results of what we - what is recycled.

Mr. Osborne: Do they give you just tonnage or do they give you estimated percentage of the participation or?

Mayor Rice: I don't know. They'll give us a report.

Mr. Osborne: Okay.

Mayor Rice: I'm not going to speak for how they're going to configure their report. But we'll get...

Mrs. Kiesling: Sorry.

Mr. Osborne: Thank you sir.

Mayor Rice: we'll get a report.

Mr. Snyder: Okay.

Mr. McLaughlin moved and Mrs. Kiesling seconded to **adopt the first reading** of Ordinance No. 108-02. All members present voting:

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

No: Osborne.

Mr. McLaughlin moved and Mr. Lindower seconded to **suspend the rules** for Ordinance No. 108-02. All members present voting:

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

No: Osborne.

Mr. McLaughlin moved and Mrs. Magel seconded to **adopt under suspension of the rules** Ordinance No. 108-02. All members present voting:

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

No: Osborne.

14. Mr. McLaughlin moved and Mr. Foltz seconded to **read by title only, first reading** of Ordinance No. 109-02. All members present voting:

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

No: 0

## RECORD OF PROCEEDINGS

Minutes of COUNCIL OF THE CITY OF NORTH CANTON

REGULAR

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 16148

Held Monday, October 14,

2002

(YEAR)

**Ordinance No. 109-02 - First Reading**

Ordinance No. 109-02 authorizing the Mayor of the City of North Canton to enter into an agreement by and between the City of North Canton (City) and Property Owners Association of Rose Hill (Association) for the application of road salt and plowing on private streets in Rose Hill Condominiums and declaring the same to be an emergency.

Mr. Snyder: Chairman Magel.

Mrs. Magel: Yes, as discussed in committee, our equipment goes up Lois - this would be in Ward 1. And at - there's a line from Lois that ends up into Rose Hill Association where we're picking up the plow, we're picking up the salt, going all the way through there turning around, coming back and putting down the - back down the plow or the salt. The Association had come and asked well you're there, why don't we just - the city cooperate. And they were willing to pay for our services. Why we come up through - after Lois after that magic line, we'll just leave our plow down and then we'll take care of the Rose Hill Association as far as plowing and road salt. I feel that Mr. Batista had a very good contract - it's one year. As I had said they're willing to pay for the services and I think it only makes sense. Is there any other questions?

Mr. Foltz: Just to follow up...inaudible... involved with some conversations with that property owners association. And also I applaud Mayor Rice for following through with them and getting this on board with council. I just think it's a safety factor also for our operators to not have to back up or to draw that imaginary line and say okay from that point you've got to back up all the way down onto Woodrow. That's a very tight narrow street. Even the city right of way is tight. It needs curbed and guttered somewhere down the line. It's at the top of a hill. So it's very much a safety factor for our operators as well as you know a nice gesture for the city to - city to have a contract with the association to help them out along the way. I think it's unique in the sense that I don't feel that us as a city body or administration or council should - should now advertise for private salt and snow removal. I think it's unique in that sense. So hopefully we're not inundated because we are known for our snow removal and our salting of our streets. We do a great job with our crews. So I just think the shoe fits very well here. So I'm very much in favor of this.

Mr. Lindower: I think it's important to know too that we've been relieved of the liability for that ...inaudible...

Mr. Snyder: Thank you. Any other comments? If not...

Mr. McLaughlin moved and Mr. Osborne seconded to **adopt the first reading** of Ordinance No. 109-02. All members present voting:

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

No: 0

Mr. McLaughlin moved and Mrs. Magel seconded to **suspend the rules** for Ordinance 109-02.

All members present voting:

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

No: 0

Mr. McLaughlin moved and Mrs. Magel seconded to **adopt under suspension of the rules** Ordinance No. 109-02. All members present voting:

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

No: 0

Mr. Snyder: Now I like apple in case you've forgotten, you promised me that pie. One last thing, we received a notice from Miss Jenny Seebach from Easton Street. Jenny's wedding was called off and she notified the Civic Center office in August. However, it was not in time for full refund for \$500.00 because the wedding was not called off prior to our refund date. Or she was not even entitled to the half refund of \$250.00. And she's asking us to lead the plead here to - she rented - we rented the events hall for that date already and she's asking for a refund of \$250.00, because we were able to book it without loss. She was not notified of her betroth's intention to leave her until after the refund date. So she just has extenuating circumstances.

Mrs. Magel: What a creep.

Mr. Lindower: Make him pay.

Mr. McLaughlin: Yea that's true, make him pay.

Mr. Batista: Spoken like a true...inaudible...chauvinist pig.

Mr. Foltz: Does he work in the city? Can we get payroll deduction? Payroll deduction, Roy is that possible?

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Held

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(YEAR)

Mr. Snyder: Somebody wanted to give her two tickets to a Fat Greek Wedding, but I...inaudible...

Mr. McLaughlin: Yea.

Mr. Batista: Inaudible...

Mr. Snyder: Inaudible...for \$250.00.

Mr. McLaughlin: That's true.

Mrs. Kiesling: Oh my.

Mr. Snyder: But no I - it's by ordinance...

Mr. Batista: Inaudible...

Mr. Snyder: a voice vote will suffice giving her her money. If that - the Clerk call the roll.

Mr. Foltz: So we're asking to half back?

Mr. Snyder: Half - \$250.00 of the \$500.00 back. If that's alright with everybody.

Mr. Osborne: Is that going to create a precedent problem or...

Mr. Snyder: No, that's in the actual ordinance. That's in the ordinance of the rental agreement that we have.

Mr. Osborne: We don't want to give it all back?

Mr. Snyder: Well that's up to you. If you want to do that we can do that. I mean there's no - she's - that's entirely - we can do either or. But she's asking...

Mr. Osborne: Well I know she hasn't asked for it all back.

Mr. Snyder: No she's asked for 250 of the 5...

Mr. Lindower: What's the...inaudible...request?

Mr. Osborne: I would entertain the whole portion. But I need a bunch of feedback here. I...

Mr. Snyder: Well actually it's true, the city's not out anything. We did rent it. We got the full \$500.00 rental for that day - it was the 12<sup>th</sup> so...inaudible...

Mr. Osborne: I mean what do you when you ....

Mr. McLaughlin: Well I...

Mr. Osborne: Under these circumstances...

Mr. McLaughlin: Yea.

Mr. Osborne: She was absolutely...

Mr. Foltz: I just want to be careful. Inaudible...precedent.

Mr. McLaughlin: Right.

Mr. Foltz: If someone has an activity scheduled there and they're counting on so many people and all of a sudden that falls through and we can't rent that date for whatever reason you know I don't want - I don't want them coming back to us and saying you know ...

Mr. Snyder: No the ordinance

Mr. Foltz: what I had good intentions..

Mr. Snyder: the ordinance states that the only way it can be given back is by an act of council. They have a - it has to be I think two weeks in advance of the date and...inaudible...14 days and it states in the ordinance. Now in order to get relief from that she has to - well that person would have to plead to council. So it is not a precedent. Each case, pretty much like a moral claim, is considered individually. Now how much of it you want to give or any of it you want to give back is entirely up to council.

Mr. Osborne: Well since the city was able to book the facility and was out absolutely nothing.

Mrs. Magel: Is the check in her name?

Mr. Snyder: I think it probably is in her name. I don't...

Mrs. Kiesling: Yea, we don't want to give her 500 if he paid for it, right?

Mr. Snyder: No, we probably wouldn't do it even if he did pay for it.

Mrs. Kiesling: Inaudible...I think we...

Mrs. Magel: She's better off without him.

Mrs. Kiesling: Yea really...

Mr. Batista: Don't give her anything...

Mr. Snyder: Well we can call Dr. Phil and get...inaudible...what we should do. Inaudible...

Mr. Lindower: Judge Judy.

Mr. Osborne: Well since it was rebooked with no out...

Mr. Lindower: Turn it over to Judge Judy.

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Held Monday, October 14,

2002

(YEAR)

Mr. Osborne: nothing out for the city, I'd be in favor of giving it all back. And that would be my - the way I would evaluate any of these situations that come to the city. If they were able to rebook and actually it - I guess it turned out to be a god sent for whoever booked it because they wanted the facility.

Mr. Snyder: Right, it worked out for both parties I guess.

Mr. Osborne: So I don't believe in sticking people unless you - you're back up against the wall.

Mr. Batista: The relatives were coming to town anyway.

Mr. Osborne: So that would be my motion to reimburse it all.

Mr. Snyder: Any other comments?

Mr. McLaughlin: I just - the only comment I'm going to make is I think she was dumped once I don't want to dump on her again. So I mean she - I have no problem with giving her the whole thing. Maybe it gives her a nice vacation to get away and think things through and get rid of the bad taste in her mouth.

Mayor Rice: Paying for vacations now.

Mrs. Magel: Meet another guy on a cruise.

Mr. McLaughlin: Maybe. For \$500.00 - we give her the whole \$500.00 she might meet somebody on a cruise.

Mr. Snyder: We give you...

Mr. Foltz: Inaudible...get on that bachelor show.

Unidentified: Julie...

Mrs. Kiesling: Oh god.

Mr. Snyder: She gave me her phone number. You want her phone number here...

Mr. McLaughlin: No I'm - are you kidding? My 25<sup>th</sup> wedding anniversary is next week. I don't want to touch that.

Mr. Snyder: Well you've got a couple days, you could take a cruise. You got them sun glasses on I thought you were...inaudible...

Mr. McLaughlin: No no.

Mr. Batista: Well the Sopranos were on last night.

Mr. McLaughlin: I got a legitimate eye operation coming up, I don't want to hear this.

Mr. Snyder: Maybe you're hiding from your divorce attorney. I don't...

Mr. Batista: Inaudible...for yourself.

Mr. Osborne: Mr. Held, do you have any concerns - or Julie?

Mrs. Herr: No. Again, I just want to make sure that you know this is looked at as a special circumstances.

Mr. Foltz: Right.

Mrs. Herr: Because in the ordinance there is - I don't know of anything that says you know there is - you know within six months you can half your money back or your full refund. I mean there's certain time lines when you can get your you know full or partial refund. And there's nothing in the ordinance that says if it's rebooked then you get...

Mr. Snyder: Yea.

Mrs. Herr: I mean there's nothing. So you know believe me I'm not opposed...

Mrs. Kiesling: Yea.

Mrs. Herr: I was just following what our ordinance says.

Mr. Osborne: Well a little common sense I think would help here...

Mrs. Herr: So...

Mr. Osborne: and empathy.

Mrs. Kiesling: I'm for giving the whole thing.

Mrs. Magel: I am too.

Mr. Snyder: Do you just want to call the roll for us.

Mr. Foltz: Just call the roll.

All members present voting:

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

No: 0

# RECORD OF PROCEEDINGS

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COUNCIL OF THE CITY OF NORTH CANTON

REGULAR

Meeting

DAYTON LEGAL BLANK INC. FORM NO. 10148

Held

Monday, October 14,

2002

(YEAR)

Mr. Snyder: Thank you very much.

## REPORTS:

Mr. Snyder: Alright, any report Director of Law?

Mr. Batista: No report. I don't know how I'd follow that up anyway.

Mayor Rice: Inaudible...

Mrs. Herr: I just wanted to point out that I did give everyone a revised projections for the following annexation. And what I did was I did take out the portion where we would have to be paying back property taxes to Plain Township. Since last Monday's meeting I've - it's my understanding that the type of annexation procedure we're going with that there will not have to be a pay back and I just wanted to point that out. And these new projections are based on the ...inaudible... schedule that was provided to us. And just wanted to make you aware that - that's what it is right now.

Mrs. Kiesling: Thank you.

Mr. Foltz: Julie, can I ask why that...

Mr. Osborne: Thank you Julie.

Mr. Foltz: that interpretation changed for us? Do you know.

Mrs. Herr: Well when I first put the numbers together I was under the impression that we were going to - that is was going to be handled in a particular way where we might have to pay back those taxes to Plain Township. But I've since learned that no that's not the case...

Mr. Foltz: Okay.

Mrs. Herr: and that because of the way that we're handling this that we won't have to pay it back.

Mr. Lindower: That loss...

Mrs. Herr: It's kind of a complicated issue.

Mr. Snyder: If you remove the entity from the township...

Mrs. Herr: Yea, it all based on excluding it from the township.

Mr. Snyder: we're in Plain Township. But if we would removed it and put it in it's own - a different township...

Mr. Foltz: I see.

Mr. Snyder: then you would deprive them of the .10 mills that they received from the residents of North Canton already.

Mr. Foltz: Okay. That was my question.

Mr. Snyder: Then you owe them taxes. Yea, that's the reason why.

Mr. Foltz: If we're set up that way under...inaudible...

Mr. Snyder: Right.

Mr. Lindower: That law's pretty new and I think...

Mr. Foltz: the charter.

Mr. Lindower: it probably needs a lot of interpretation.

Mr. Foltz: Right. Well that's very good news for us then. Thanks.

Mrs. Magel: Yea is this 100 percent sure or is it subject to interpretation?

Mrs. Herr: As far as my understanding. I mean...

Mrs. Kiesling: I talked to representative Kirk Schuring...

Mrs. Herr: I'm really confident that this is the way it's going to be.

Mr. McLaughlin: Yea.

Mrs. Kiesling: Yea, representative Kirk Schuring said last week that this is the way it is. Senate Bill 5 was...

Mrs. Herr: And I apologize if there was any panic or anything that was created from that. But I wanted to at least bring it up and show it...inaudible... worst case scenario.

Mr. McLaughlin: It's still in our favor though, which is - it kind of goes in our favor a little bit.

Mrs. Kiesling: Big time.

Mrs. Herr: Oh yea, definitely.

Unidentified: Inaudible...big time.

Mr. Snyder: Director of Administration.

Mr. Held: No report.

# RECORD OF PROCEEDINGS

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REGULAR

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DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, October 14,2002

(YEAR)

Mr. Snyder: Mr. Mayor.

Mrs. Kiesling: Better than giving any back.

Mayor Rice: I just want to comment. We had a wonderful open house at the Fire Department - Chief Bacon's in the back - last week, Monday and Wednesday. Appreciate everybody in the community coming out - had a wonderful turnout. Fire Department was there as well as EMS Department. And I just want to - as Jon you've mentioned, there's several members here of the Fire Department, the EMS Department, the Police Chief here. I don't know if everybody recognizes the enormous step we took tonight in regard to the Fire and EMS Departments. This is a huge step, something that has been talked about in this city for many many many years. That a lot of people thought - I know I've heard it numerous times that this will never happen. I just want to say for the record, the reason this happened primarily is because people like these folks sitting in the audience today. The members of our Fire Department, the members of our EMS Department, virtually every one of them have been involved in this process for many many many months working with myself, working with David Held. They have been extremely helpful. They've been extremely cooperative. And people talk about, especially in government entities, you got these little you know clicks or fiefdoms - everybody's trying to protect their own turf. That didn't happen with our police and fire personnel and that's why this all came together as nicely as it did. And I think you know they spent a lot of time, gave great effort for it, cooperated, they weren't concerned about their own individual departments and their own individual concerns. They all looked at it at overall what was best for the City of North Canton. And I just think I know that doesn't happen real often in a lot of governmental entities. But that kind of cooperation we stayed focused on really the key objectives and that was to provide even better service. We have fabulous service - the best I know. But realizing even as good as service we provide in fire and EMS, that they all recognize that they want to be as good as we can possibly be, that everybody can improve, and their strong desire to provide great service to the residents of this community and also the secondary part of that, if we can do that at the same time actually save money, which we did in this restructuring. We provided a better organization for the city, better service to the city and we're actually saving money. And I think that's pretty special and deserves special commendation to all these folks here. And I really want to express publicly for the folks that are here as well as the folks that aren't here tonight our sincere - David I know echoes this, our sincere appreciate for everybody's help and cooperation and working together to bring about a major change in the city that's been long overdue. That's the type of cooperation you know and I think Mr. Osborne mentioned earlier how it's tough times in a lot of cities financially. This kind of working together as a team even between departments is why the City of North Canton has been as successful as we have been and continue to not face those same financial problems. We've got different people working for us. So I just want to make a special note of that I think it - I can't say enough good things about what these folks have done to bring this about and they really deserve all the credit for that. So thank you to each and every one of you folks. That's all.

Mr. Snyder: Thank you. Mr. Engineer.  
Mr. Benekos: No report.

Mr. Snyder: Madam Clerk.  
Mrs. Kalpac: No report.

## REPORTS - COUNCIL:

Mr. Snyder: Member Foltz.

Mr. Foltz: Mayor Rice, well said there. I've had some experience both personnel for EMS and Fire - two wonderful organizations. And they really stepped up to the plate here to get this done. And you're right, sometimes government is thought to be bureaucratic, self serving. And in this case this is really a great savings for the tax payers, who are also very very efficient. I think it started by putting captains together, EMS. And I think it's been handled right through the administration and previous councils too. It's been a gradual happening so to speak. It hasn't been alright we're going to go down this road right and really upset the applecart. We allowed it to gradually happen. And I think - I applaud the rest of council and some of the previous council members too as far as working towards this goal.

Mr. Snyder: Thank you. Member Lindower.

Mr. Lindower: I just have a question for Jim. How do we look on the Woodside project as far as filling the holes up at Woodside and 7<sup>th</sup>? I'm getting a whiplash.  
Mr. Benekos: I can find out tomorrow what the contractor's schedule is for that.  
Mr. Lindower: It looks like they're ready to blacktop that again. I didn't know if they were holding up for further digging or what's going on with it.



# RECORD OF PROCEEDINGS

Minutes of

COUNCIL OF THE CITY OF NORTH CANTON

REGULAR

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held

Monday, October 14,

2002

(YEAR)

Mr. Benekos: I think they're pretty much done with the project. They just have to come in and do the grinding and some surfacing.

Mr. Lindower: They've ground it out already, but they haven't filled it with blacktop the second time so I thought maybe you might take a look at that. Thanks.

Mr. Benekos: Sure.

Mr. Snyder: Member McLaughlin.

Mr. McLaughlin: A couple things I have on my mind. Doug, I want to reiterate what Doug said. We do have the finest safety forces I think in the State of Ohio with our fire, police and EMS - they do an excellent job. One of things I - couple things I want to bring up real quick is number one, Tom, I know it's seven weeks away but North Canton sing - community sing is coming up, would like to ask if maybe this year we can get something with the Stark County Hunger Task Force where everybody can bring a canned good up. And being that the economic times are a little hard and think that they're going to be needing some help this year, I'd like to see us get a little start - early start on this to make sure that we can advertise. People bringing up canned goods for the sing and help out the tough times during the Christmas months and see what we can come up. And then second of all is, the other thing that I'd like to do is next week on the water on my committee, I'd like to talk about, I got a letter this from a constituent in the City of North Canton, I'd like to see us do something with either a letter or resolution about the waste district, about the new landfill down in Wilmont. That I'd like to see North Canton do something strongly issuing you know a letter to them saying we just you know we don't want to see it to go down there. Everybody else has come through with it Voinovich, the Governor I think and the Mayor and I think I'd like to join on the band wagon that we do something and send a strong letter of recommendation that we're definitely opposed to it.

Mr. Snyder: That's the Ridge?

Mr. McLaughlin: I'd like to do that if I could. Put that on for the - for next week to show a recommendation that we are definitely against that.

Mrs. Magel: I'm for it.

Mr. McLaughlin: Alright. That's all I have.

Mr. Snyder: Member Kiesling.

Mrs. Kiesling: No comment - no report.

Mr. Snyder: Member Magel.

Mrs. Magel: Yes. Member Foltz mentioned it, he's had some dealing with the fire and the EMS. I'd like to say that I literally have. I've had to use the service of the fire. And I - most unfortunately my husband had to use the service of the EMS. And at this point in time I've said it before and I'll say it again, North Canton EMS saved my husband's life and I'll never be able to thank you enough for that. I'd just like to say to the fire and EMS that I am proud to have used my vote tonight as on council to be part of this. And this will be - this will even make it better, but you're already the greatest. Second thing is, Woodside and 7<sup>th</sup> Street that Dave mentioned, please it's heavily traveled and it's been enough. You know whatever you can do let's work on that. Third thing is there's a constituent that stood up here, her name was Catherine Garcia and mentioned that Mr. DeHoff said there will not be - Jim do you know what this is?

Mr. Benekos: I don't know what he was referring to specifically if he said that. I don't think he said it publicly at the meeting. In all the discussions we had with him is that the design of the sewer through the subdivision would permit the flow from Holl Road, there's a gravity flow, to the proposed sanitary station, sanitary lift station at Marquardt.

Mrs. Magel: Okay. Cause it's...

Ms. Garcia (speaking from audience): May I...

Mrs. Magel: I think it was in the minutes that

Mrs. Kiesling: And we...

Mrs. Magel: Mr. Lemmon alluded that we are doing this.

Mr. Benekos: We are doing....

Mrs. Magel: Working - the lift stations. I mean...

Mr. Benekos: Correct. The new lift stations that they're proposing would permit us to eliminate...

Mrs. Kiesling: Holl and Briar.

Mr. Benekos: two other lift stations, Holl Road and the one at Briar and replace them with...

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Mayor Rice: Inaudible...hook up Briar for us aren't they?  
 Mr. Benekos: The one at Marquardt, that's correct.  
 Mayor Rice: Right.  
 Mr. Benekos: The initial discussions...  
 Mrs. Magel: Okay, is this in the service contract?  
 Mr. Benekos: No.  
 Mayor Rice: Well like we - like...inaudible...  
 Mr. Snyder: Inaudible...we give them the 135,000...  
 Mayor Rice: Like Mrs. Garcia indicated, we have to approve the ... Mr. Benekos has to approve the sewer system.  
 Mrs. Magel: Okay.  
 Mayor Rice: And trust me when I tell you and I think he'll tell you that, that's not going to be approved unless...  
 Mrs. Magel: Unless it's in there.  
 Mayor Rice: we can vacate - Holl Road and Briar are vacated. That's - as I spoke to Mrs. Garcia a few weeks ago myself I assured her that this - one of the benefits to her being concerned about Holl Road for many many many many many years being told that was going to be vacated that this - when this does develop over there and that sewer system is put in it is most definitely going to allow us to abandon both Holl Road and the Briar lift station. So it will be - we have no qualms about guaranteeing everybody that that it will be designed where a Holl Road lift station is going to be gone and Briar is going to be gone.

Mrs. Garcia: What he was talking about was that he is not going to pay for the connection between Holl Road and the golf course.  
 Mayor Rice: Correct.  
 Mrs. Garcia: That's your problem.  
 Mayor Rice: That's right.  
 Mrs. Garcia: He's only concerned with Briar.  
 Mayor Rice: That's right.  
 Mrs. Garcia: And I thought that the council people should know that they're going to have to pay for that ...inaudible...part of it.  
 Mayor Rice: Right.  
 Mrs. Garcia: and you're going to have to be responsible. And you could ask your engineers what - why were they pumping sewage out of there within the last month into a tank truck? That thing doesn't work ...inaudible... put in there. It's got to go - got to go. Sorry, but it's got to go.  
 Mayor Rice: We agree with you, it's got to go and it's going to go.  
 Mrs. Magel: Thank you.  
 Mrs. Garcia: Inaudible...  
 Mrs. Magel: Thank you. That's all.

Mr. Snyder: Member Osborne.  
 Mr. Osborne: No report.

Mr. Snyder: No report. I have no report.

FINAL CALL FOR NEW BUSINESS:

Mr. Snyder: Final call for business. Is there anyone in the audience wishing to speak to the council? Seeing none I'll entertain a motion to adjourn.

ADJOURN:

Mr. McLaughlin moved and Mr. Foltz seconded to adjourn the meeting. All members present voting:  
Yes: Osborne, Snyder, Foltz, Kiesling, Lindower, Magel and McLaughlin.  
No: 0

The meeting ended at 8:11 p.m.

PRESIDENT OF COUNCIL

ATTEST:

ASSISTANT CLERK OF COUNCIL