

# RECORD OF PROCEEDINGS

Minutes of COUNCIL OF THE CITY OF NORTH CANTON REGULAR

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, September 9, 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. John State, Congregational United Church of Christ.
3. All present recited the Pledge of Allegiance.

**ROLL CALL:**

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

**Finance & Property Committee:** Refer to the minutes on file in the Council Office of the Finance & Property Committee meeting held September 3, 2002.

**Ordinance, Rules & Claims:** Refer to the minutes on file in the Council Office of the Ordinance, Rules & Claims Committee meeting held September 3, 2002.

**Street & Alley Committee:** Refer to the minutes on file in the Council Office of the Street & Alley Committee meeting held September 3, 2002.

**Executive Session (Finance & Property Committee):** Refer to the minutes on file in the Council Office of the Finance & Property Committee executive session meeting held August 26, 2002.

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

6. Recognition of Visitors

Mr. Snyder: Is there anyone at this time in the audience wishing to speak to the council? If so please come forward, state your name and address for the record.

Daryl Revoldt: Mr. Snyder. I'm Daryl Revoldt. 1565 Ambler Avenue SW, North Canton. It's my pleasure to be here tonight. I hope or it's my intent not to become involved in the controversy which seems to grip this chamber. But the purpose of my appearance tonight is to ask council to table the resolution authorizing the sale of the Oster property. I ask you as you consider tabling that measure, to take a very long view to try to anticipate the city's future needs and imagine scenarios that today might seem highly remote or highly unlikely. The ordinance you have in your packet states that Oster is not needed for public use. And I challenge you, the elected officials of this community, to support that statement with fact - not belief, not supposition, but cold hard fact. True Oster was purchased for waste - as the site of a waste water treatment plant. But the fact of the matter is it sits over one of the most productive aquifers in central Stark County - far better than Freedom, far better than Dressler, far better than Price and far better than East Maple. And we know that that aquifer is uncontaminated because Canton uses it. I'm asking that should you table this that you look - you look to what we have. In our three active well fields, Freedom is one with chronic low level contamination from an undetermined source. Dressler, second field, has had one episode of drinking water contamination in the 90's, it has contamination in a monitoring well, though be it decreasing. Like Freedom the sources of that contamination are undetermined. The third field, Price is... Unidentified: Here we go again.

Mr. Revoldt: clean but unexpandable. East Maple, the fourth field, is promising when one looks at the preliminary data. Capacity however is unsupported by any actual operating data. And in fact the city unfortunately terminated the geologist who was working to characterize that site and the city has not given that well field any subsequent trials. Could the city lose Freedom and Dressler, one or both to contamination or to simply changing water quality regulations? You say hey, we're hooked up to Canton. Well we sort of are hooked up to Canton. But the fact of the matter is do we as a matter of public policy want Canton as a long term source, emergency or otherwise? Because dependency on Canton carries with it certain risks. The first is that Canton's own primary water supply in southwestern Stark County sits in an area that is totally unzoned. That unzoning or that lack of zoning is a decision that the residents of those areas have made and are probably unlikely to change their minds. In the 1990's an effort was made to cite a tire landfill just north of that - of that well field. And currently there are plans to install the Ridge Landfill, a 350 acre landfill, six miles to the west. Two members of Congress, the

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Stark County Commissioners, the State Legislators, Canton's own mayor, even the Repository, believes that the landfill, the Ridge Landfill, is a threat to Canton's water supply. In addition, using Canton on a full time basis or even substantial for part time basis, will impose higher costs as Canton works to replace its infrastructure in the future. Those costs cannot be estimated. But there are places in Stark County and throughout northeastern Ohio where you can find water bills of \$60.00 or \$100.00 a month. And today in the Repository of Sunday, below your article, there's a talk about the cost of living for seniors. Imagine this community facing a \$60.00 per month water bill that's imposed upon you. Like your sewer bill, beyond your control - there's no vote. And consider the impact of substantially higher water bills on economic development in this community. In the next few weeks the Ohio EPA is going to be completing and distributing a study. That study is a drinking water source assessment - it's completing for North Canton, it's doing one for Canton and they'll look at four broad areas. One it's going to define protection areas of the well fields these municipalities use. It's going to describe the potential contaminant sources. It is going to provide some sort susceptibility analysis to determine the relative risks and it is going to describe protective strategies for those well fields. I would urge Council to see how its own well fields fair before it abandons Oster.

Unidentified: We'll retain the water rights - we'll retain the water rights down there.

Mr. Revoldt: It's been argued that the city will retain water rights. I do not believe that the city can protect those rights without scientifically establishing in advance of a sale the geologic character of the site - how will it work. Oster needs a phase 1 and phase 2 evaluation. Is it really contaminated? If so, where? Is it unusable? If it is usable what are the best sites? What are the influence areas? What are the surface drainage patterns? If the site can work as a well field, if it can work, the city should consult with the EPA on how best to protect that well field. I wonder if anyone in this room has even spoken to EPA prior to this sale on how to protect those rights. Maybe the church can be sited at Oster. But maybe council will decide that a large parking lot constitutes a significant pollution risk to any wells that are there. But that's an issue for the study - that's not for me, that's not for you, that's for science. Two years ago I would of ruled out Oster; I freely admit it, but look hard at Dressler and East Maple. Some questions have been answered, I frankly got a lot of questions that are unanswered and in talking with Larry Antonelli the other day I don't think we're ever going to know the answers. But by delaying a decision for a decent interval, it gives everyone in this room an opportunity to cool off, time to think this thing through. One point five million seems like a lot of money unless you're really looking for a well field. Give yourselves some time to test Oster and time for EPA to issue its drinking water report. Give yourselves some time for the Ridge Landfill issue to settle out a little bit. And if council wishes, to plan some tests for East Maple. Is it as good as we think it is? Is it really as good as we think? Look at your packets tonight, look at your packets last week, what do we really know about Oster? Is there sufficient information in those packets? What's there to write that off as a potential well field at this point? You know what's in them; I don't. Finally, as a former elected official who understands the legislative process in this room, I want to offer this simple, humble observation, this thing looks really bad - it really looks bad. I know you can do better, please try. Thank you.

Mr. Snyder: Mr. Revoldt, one question. I had - I couldn't let this go without having an answer. If you recall I had the pleasure of serving under your administration when you were the mayor on the council, I was the president as a couple of my colleagues, but we explored those two.

Mr. Revoldt: No we didn't.

Mr. Snyder: We we...

Mr. Revoldt: What - no - excuse me, go ahead. Your...inaudible...

Mr. Snyder: I mean I - I'm think not the land itself but we - at that I think Phil Roush was the engineer....

Mr. Revoldt: Yea.

Mr. Snyder: we determined, without actual fact, that there's no practical way to move the water from that site to our present water treatment plant. Simply we - there's no way to down and we come - if we did it's a cost of some two and half, three million dollars.

Mr. Revoldt: I...

Mr. Snyder: If I recall. Was I not...

Mr. Revoldt: Well let me answer your question this way.

Mr. Snyder: Please.

Mr. Revoldt: There - I think there is a practical way and that warrants exploration. When we made that decision there was no pipe at the corner of Glenwood and Linwood - there is now. You can push a pipe under the interstate and acquire right of way by easement and push it up Salway. Or you can go over the interstate, with ODOT's permission, and get it to Salway. I believe there are ways that you can do it. And if that hasn't been explored in any detail it goes to my argument about having the facts. Task the Engineer to look at it, to put the figures on a piece of paper and put them in people's packets so you have an option. But maybe that's the place to start. But the fact is - the point I'm trying to make is you don't have to open up Oster today, you don't have to open it up tomorrow, just determine whether it's worth having and if it is what do you want to do to protect it. If it's not worth anything I say put it up for bid and however you want to handle it dump it - get out of the business. But the fact is know what you're - know what you're disposing - know of what you're disposing.

Mr. Snyder: The actual contract, as I read it, and I'm not an attorney I defer both to Administration and our Law Department, it does provide there water rights and adequate space for three water wells, which are if I'm understanding, four acres a piece. Is that...

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Mr. Revoldt: Let me ask you a question Mr. Snyder. Will the church build first or will you establish the well sites first?

Mr. Snyder: That I can't answer. I don't...

Mr. Revoldt: Well...

Mr. Snyder: I know they're still negotiating yet.

Mr. Revoldt: Okay, okay. My...

Mr. Snyder: Am I - am I not right? That's not been determined.

Mr. Revoldt: This is - okay, this is my point. Then the council - then the administration, if the administration is driving the steel, has put the cart before the horse. It does not know what it's going to protect. They go out and put the church up, then you're stuck with what's left. That's the problem with the proposal.

Mr. Snyder: Mr. Mayor.

Mayor Rice: I think if you consult with your Law Director he'll confirm that he's in on ongoing discussions with the attorney for the church with full intentions of citing sites for potential wells prior to the sale of the property - if that's the way council decides to move. I heard that again today from Roy.

Mr. Revoldt: And how will we determine the location of those sites?

Mayor Rice: They're dealing with that.

Mr. Revoldt: Well...

Mayor Rice: My point is I'm telling you...

Mr. Revoldt: Is the attorney a geologist?

Mayor Rice: All I'm saying is that issue is on the table right now. Law Director Batista...

Mrs. Kiesling: Oh boy...

Mayor Rice: is aware of that. I think David you probably heard him say that today too.

Mr. Revoldt: Tom, I don't mean to be disrespectful, but the fact of the matter is I think that's information that should come to council before you ask it to sell. Before you ask it to sell - what - determine what those sites are and how you wish to protect it. To my knowledge no one - you, Mr. Held, Mr. Batista, or any member of council has spoken with Twinsburg's well protection office and how to protect this site. Now I think that's a pretty important consideration if you're going to work it into a contract.

Mr. Osborne: Mr. Revoldt.

Mr. Revoldt: Yes sir.

Mr. Osborne: I have talked to the EPA - just briefly. They described the contamination from the shallow exploratory wells. They did tell me the defined area that has to be set aside for each well and works out to be almost four and three-quarters acres. So if they're building three wells, you're looking at close to 15 acres that would have to be set aside. And then also you mentioned the parking lot that would be built. Here recently in the press they're talking about how all this pavement all over the country is affecting our aquifers, because the water is not permeating down in the ground, it's running off in the drainage ditches and not replenishing the aquifers in our given areas. So...

Mr. Revoldt: When I spoke - when I spoke Kathy Metropulos today, who heads the well head protection program, she indicated the preferred option for the site would be to have nothing on it if you were going to install wells. Because issues of parking lot size, parking lot drainage, runoff point source, runoff materials from the lot may affect quality of the aquifer - may. The presence of sanitary, the presence of storm or lack thereof...

Mr. Osborne: They also did tell me...

Mr. Revoldt: And this - and again this goes to my point, the Mayor's asking Council to approve a deal without looking at the fine print and I think that...

Mr. Osborne: They also did advise me that...

Mr. Revoldt: it's important...

Mr. Osborne: you needed sanitary control, which I got the impression extends beyond the four and half acre restricted construction area.

Mr. Revoldt: Yea, I mean - you know one of the things that you look at out there Mayor is the cone of influence on this well. And I'm not sure that Mr. Batista in his negotiations really understands what that cone of influence is and what it's going to pull into that well area. That's why again I think it's appropriate before you move forward to really characterize a site. You know it may be contaminated. It may not be worth having. But you desert - you should take a cold hard look at it before you sell it off and before you get into some legal agreement. Let me add one more thing. You've said much about this legal agreement and I regret to have to bring this up, we have a legal agreement with the prospective buyer. That buyer agreed to consent for receiving our water to an annexation. I sat in a public hearing where under oath that organization's representative not only did not consent, but denied that they ever signed the agreement. Now a deal is a deal in my book - maybe I'm a little old fashioned. You sign the contract,

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you follow up on it - whether it's convenient, whether you like it, a deal is a deal. Now if we had a problem on a water agreement, my question for you is what's going to happen out here when we're really talking big money when you got a building up and they want to expand and all the information isn't in place because well we did - it didn't get to us in time. You know this body's not perfect. As mayor I've made mistakes as a councilman made mistakes and I'm sure that everybody here has probably made some. You don't want to gamble the future of a potential well field on some mistakes that you made. Maybe good and well intentioned, but you don't want to do it. My argument, again get the facts, understand what you need and then you negotiate with the facts in hand. The facts don't come second they come first - they come first. And that goes right to the point of making sure that everybody has all the information right up front - you've got to have it.

Mr. Snyder: You know I don't...

Mr. Revoldt: I'm done.

Mr. Snyder: I just want to leave one thought with you. The process this will take, as you well know, you've served very finely for 20 years here, but it's going to be over 10 weeks. And in the next 10 weeks I would hope that between the council and the administration that the due diligence is done relative to that and we - to the point of actually the Mayor signing the contract, as you know it won't be a done deal. So I...

Mr. Revoldt: Well my suggestion would be Mr. President...

Mr. Snyder: Please...

Mr. Revoldt: that let the negotiations continue. Let the sale document come back for review. Let the deed come back. You know I challenge council, how many deeds have we ever reviewed here? Think about it a second, if you're going to protect this well field based upon a deed, by precedent how many deeds has this body reviewed? No very damn many when it's all said and done.

Mr. Snyder: But at that the same time...

Mr. Revoldt: But...

Mr. Snyder: there's nothing wrong with allowing the process when you have single site user.

Mr. Revoldt: Alright...

Mr. Snyder: And a user to buy the land at it's highest and best use. I think it's incumbent upon this guy - and I differ with you here as you know...

Mr. Revoldt: I know...

Mr. Snyder: I wanted to sell the property the day I came to the council to the other church that we talked about.

Mr. Revoldt: I know.

Mr. Snyder: But that's not the point. But I'm not trying to be argumentative, but I'm just saying to allow it to...

Mr. Revoldt: Oh sure you are.

Mr. Snyder: To allow it to continue...

Mr. Revoldt: Look...

Mr. Snyder: there's nothing wrong with that. And I have...

Mr. Revoldt: I...

Mr. Snyder: I would hope I have the faith in the rest of the council and the administration to do that for us. And to do that because I - you are a constituent of mine and I represent...inaudible...

Mr. Revoldt: Look I'm not - I'm not suggesting you don't let the process continue. Don't adopt the ordinance, table it and go back and really understand what this site is. If you're sincere Jon about protecting the water rights - retaining access to those water rights, you have to know what that water right is. Otherwise you give it away. And all I'm saying is get some more information.

Mr. Snyder: Well I...

Mr. Revoldt: Take some time - let them negotiate it. Bring it all back. Bring the contract, the deed, the whole nine yards, but have some good hard science on that site. Again, I don't want to make more of this than I need to. That thing may not be worth anything as a well field, but it warrants a look. Take the time and look. Obviously we've had ten months. Look before you as the authority send it off...

Mr. Snyder: I don't again want to take the air out of your sail, but I think that's being done right at the present as we speak.

Mr. Revoldt: Who's doing it?

Mr. Snyder: That I think...

Mr. Revoldt: We got a certified lab doing it?

Mr. Snyder: I believe they do - I mean I...

Mr. Revoldt: Who? We have a certified lab running an environmental on it? Tom?

Mayor Rice: There are studies being on the property even as we speak.

Mr. Revoldt: Who's doing the study? Who's doing the study?

Mayor Rice: The potential buyer, at their cost.

Mr. Revoldt: Okay, great great..

Mr. Osborne: Well they have no need to do a study they don't care.

Mr. Revoldt: Great. Okay...

Mayor Rice: Well they do care.

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Mr. Revoldt: So we're going to rely if we have a water field, a potential water field, we're going to rely upon a buyer - a buyer's assessment, not our own. We have created no specifications for the kinds of testing we want; we're just letting them do it. They're probably doing a phase 1 on it is my guess, it's a look - no testing, no drilling, no...inaudible...

Mayor Rice: That's not true.

Mr. Revoldt: Well Tom...

Mayor Rice: But I'm not going to sit here and debate it Daryl, I'm not here to debate it. I'm just telling you...

Mr. Revoldt: Well...

Mayor Rice: I think you're speaking and saying things that are not factual.

Mr. Revoldt: No hold on a second. I am - what I - I don't dispute the fact that...

Mayor Rice: And I would suggest...

Mr. Revoldt: That the buyer has...

Mayor Rice: City Council may want to consult with your law director then and because...

Mrs. Kiesling: Inaudible...

Mayor Rice: he's monitoring the situation. It's much more complex than how you're presenting it tonight. That's all I'm telling you.

Mr. Revoldt: I'm not so sure that it is.

Mayor Rice: Okay.

Mr. Revoldt: You know Tom...

Mayor Rice: So be it.

Mr. Revoldt: Let me just - let me just point this out. If the Repository's correct, you sat here last Tuesday night with an appraisal that you hadn't shared to council. That is not confidence inspiring. Now you had an executive session, you asked them to sell it, correct?

Mayor Rice: No no...

Mr. Revoldt: Did you...

Mayor Rice: Daryl...

Mr. Revoldt: well I don't want to know what - I just want to how come they didn't have it?

Mayor Rice: Daryl, if you want to be mayor again the election is next year. You're starting awful early.

Mr. Revoldt: No.

Mayor Rice: But I know you just can't let it go. But the fact of the matter is a party - parties, as I've explained numerous times, approached us inquiring whether or not the city wishes to sell and entertain an offer for the Oster property. Upon that inquiry, I believe the date and I've got the agenda here for you, I conveyed that information to President of Council Jon Snyder, who in turn scheduled a - an executive session on Monday, June 10 at 6:15 p.m., to discuss this potential sale of property. At that meeting I conveyed to all of City Council members, all seven were present, that we had an inquiry, what was council's wish? Are they interested in pursuing the sale of this property or not? What did you want me to tell the people that were interested? Six of the seven members of City Council expressed to me to go get them - secure a written offer to sell the property and bring it back to them for their consideration. I also divulged at that meeting that we have updated the appraisal, because the last appraisal was done in 1995 for the 68 acres on the west side of the - 177, I think that was when you were here, and that was appraised at \$409,000.00. We felt if people are inquiring and council's interested in potentially selling the property, makes prudent sense to go get an updated appraisal. That information was conveyed to City Council at that executive session on June 10<sup>th</sup>. Everyone was aware of the fact that we had updated the appraisal. Everyone was aware of the fact that the result of that appraisal said the property was worth \$621,000.00. The appraisal has been available, as every document, as you should know Mr. Revoldt, is always available in the Engineer's Office, in the Administrator's Office, multiple sites throughout the city. I do not feel it's my responsibility to read it verbatim to any member of council. It's been there - they've all been aware of it since June the 10<sup>th</sup>. I have no control over what documents people read and don't read at the city. So I simply proceeded after the meeting of June 10<sup>th</sup>. I have no interest personally one way or the other whether we sell this property or not, it's up to City Council. As you know the mayor can't sell anything; the council has to decide that. I simply did what I thought I was instructed to do at that executive session, that is to bring them back something in writing for their consideration. They certainly are not obligated to sell it - they can sell it. As I said last week, they can choose not to sell it, they can choose to put it out to bid, they can choose to do all the studies they want to do on it. I'm simply trying to work in cooperation with City Council and provide them the information they asked me to provide. And if they ask me to provide additional information I'll be glad to do that. We are here to work with the City Council and that's the fact of the case. And I think, would certainly hope, the Council President could confirm that that's exactly what took place.

Mr. Snyder: That's exactly what took place.

Mayor Rice: And I will also tell you that the Council President and the Law Director have been kept abreast with each and everything that's been done by the Administration in regard to that property.

Mr. Osborne: Mr. Mayor, you seem to contradict yourself in the article...

Mr. Revoldt: Excuse me, Mr. Osborne, if you don't - Mr. President, if you don't mind.

Mr. Snyder: Please, you have the floor.

Mr. Revoldt: I believe that I'm sharing the floor with the Mayor at this time...

Mr. Snyder: Yea, yea.

Mr. Osborne: I'm sorry.

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Mr. Revoldt: And Tom, your response is an artful dodge.

Mayor Rice: Okay.

Mr. Revoldt: The fact of the matter is I don't give a damn how you got here. What I care about is what you're going to do with this site to determine whether it has value.

Unidentified: What a waste of time.

Mr. Revoldt: Now the fact of the matter is...

Unidentified: Waste of time.

Mr. Revoldt: you don't give to the buyer the option of characterizing the site. The property is the city's, it's tax payers'. They're the ones that should be conducting the research in the site to determine whether it's useful as well field. You set the specs. You were just here moments ago discussing specs with the company on your water treatment plant. You set the specs, the city sets the specs, not the buyer. My point tonight is really quite simple - let the negotiations run, see the documents before you approve a sale, but understand completely what you're selling and that's all I'm asking. And as I said earlier, if it doesn't warrant retaining, sell it in any way that council wishes. However you got there is fine, that's your call, they vote on it. But before you let it go, know what you're selling and make sure that you do the work.

Mr. Snyder: One question and I apologize...

Mr. Revoldt: Yea.

Mr. Snyder: for interrupting your train of thought again, but it came to me...

Mr. Revoldt: No you're not.

Mr. Snyder: and at my age I forget. But...

Mr. Revoldt: You're interrupting my train of thought come on.

Mr. Snyder: I recall when we explored those - the Oster property you told us in this chamber...

Mr. Revoldt: Yea.

Mr. Snyder: that it was contaminated...

Mr. Revoldt: Yea.

Mr. Snyder: It was gone. We moved to East Maple.

Mr. Revoldt: Yea, you're right.

Mr. Foltz: That's what...

Mr. Revoldt: You're absolutely...

Mr. Snyder: Now I mean that's...

Mr. Foltz: Let's get to brass tacks Jon, that's exactly right.

Mr. Revoldt: Hold on a second, Mr. Foltz excuse me but I think I have the floor here.

Mr. Snyder: Yea, but...

Mr. Revoldt: Let me respond to your question.

Mr. Snyder: Please.

Mr. Revoldt: The fact of the matter is...

Mrs. Magel: Is this a council meeting?

Mr. Revoldt: The fact - the fact is...

Mr. Foltz: I think Daryl thinks he's mayor again.

Mr. Snyder: Go ahead.

Mr. Revoldt: You know - you know Doug I'm delighted to see that in a year that you have not matured. That's good.

Mr. Foltz: No I have and you haven't. To political grandstand like you do.

Mr. Revoldt: Please.

Mr. Foltz: Finally you came up here and spoke to us instead of working with other people. I do appreciate that Daryl.

Mr. Revoldt: Well...

Mr. Foltz: At least you were man enough to show up.

Mr. Snyder: Ladies and gentlemen, let's allow him to conclude his statement.

Mr. Revoldt: Thank you.

Mr. Snyder: Please Daryl conclude and then we'll...

Mr. Revoldt: The fact of the matter is at the time that we walked off that site, we didn't foresee an employee contaminating our wells. Now the fact of the matter is he may not have.

Mrs. Magel: Thank you.

Mr. Revoldt: He may not have. But my question is, what happened out at Dressler? We never found the source did we? Would - did an employee do it? I don't know.

Mr. Held: Oh god.

Mr. Revoldt: We know an employee did it out - inaudible...have a pretty good idea that an employee - let me rephrase that, in the opinion of some, an employee, now separated from this city, may have contaminated by willful action...

Mr. Lindower: And the mayor tried to cover it up.

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Mr. Revoldt: those sites. Can we rule it out here? No, because we weren't looking out here. And we sure as heck weren't looking down here. And all I'm saying is let's just know what we're giving up. That's all. If you don't want it, you don't want it. But it sure - ah, never mind. Thank you Mr. Snyder.

Mr. Snyder: I appreciate it Mr. Revoldt. Thank you for your comment. Is there anyone else in the audience wishing to speak to the council? Please step forward, state your name and address for the record.

Mrs. Kiesling: Good...inaudible...paper...

Michael Sahadi: Good evening. My name is Michael Sahadi. I live at 104 Walsh Avenue SE. I'm here tonight to speak about that same Oster property. I have three points that are very inter related. One is how I became involved in that Oster property. I was engaged in a conversation with Council Rick McLaughlin, who basically asked me if I knew of anyone who would be interested in this property and I told him I'd go back and check. I have a merger and acquisition company as well as an estate planning practice. My merger and acquisition company encompasses the buying and selling of companies and also corporate financing for different projects. I searched through my list of people that I know or that are interested in properties and I contacted Mr. Bontrager back here who showed an interest and I brought him forth okay, to look at the property. During this time and so forth I was not aware there was going to be this kind of controversy with this property involved. Any other time that I've showed people and interested company and so forth they were free to go talk to it and due their due diligence openly. The seller generally provided that information upon demand and the client readily accepted it and went forward. However in this case it took a little different type of twist. We did not have an open and honest rapport getting that information. In fact if anything we were stymied when we tried to talk to the city about it. I was abruptly shut out of a meeting, of which all of you received a letter, that took place at that meeting. At this time Mr. Bontrager was given a very abbreviated time schedule to do his due diligence. And let me go back to a little bit about buying something. Anytime a buyer is going to look at something he's going to ferret out anything that's not going to appease him. Okay. In this case with the land he's going to find what the net usable acreage is going to be, he's going to look at the flood plain, any wetlands issues, any access to and from the property. We didn't have that. And within a one week period we weren't going to get that. We asked for an extension, it was given for us for one more week. If the papers are correct and this information was provided to this other party that is interested in the property, they've had a long time horizon to research this property. Actually if you look at the appraisal, the appraisal was done I think at the end of last year. And having gone through several appraisals myself for different projects, it takes about 3 to 4 weeks minimum to come up with an adequate appraisal. So these people had at least 10 to 12 - no, I shouldn't say 12, but 10 months minimum to look at this property. I asked that Mr. Bontrager had that same if not equal time to look at it adequately. If he comes in with a higher bid can I ask council to consider it? If he doesn't and he withdraws, so be it. Then the other entity who's interested in buying the property is entitled to it. The other issue that I want to look at and talk about is the characterization of Councilman at Large, Mr. Osborne. I've had the pleasure of working with him. He's a very open and honest individual. He has a high energy level. He has come forward and brought tremendous amount of information to us. At the same time people here on council and other people within the city administration have characterized him as being a rogue, has characterized him as being a bad apple. I don't see that with him. If anything council should heed his advise and look to him because he takes the time to explore every issue. He takes the time and consideration to see what the - both sides of the story is first. Coming in here and voting very quickly does not mean it's right. I'm asking that in the future that the comments - because I didn't vote for anybody here to come and fight every night, but in the future that these comments should not enter this war. Okay. And this bickering is not part of the process. It's okay to honestly disagree with somebody, but to sit there and call them names, it's not - it's unwarranted. And that's all I have to say. Thank you.

Mr. Snyder: Thank you sir, appreciate your comments. Is there anybody else in the audience wishing to speak? Sir step forward, state your name and address for the record.

Glenn Saylor: Good evening. My name is Glenn Saylor, Jr. I live at 340 Reed Avenue, North Canton, Ohio. First of all I'd like to compliment the last two speaks, I think they did a super job. And I'll tell you I think former Mayor Revoldt, had a lot of good things to say. I just talked to him and I said you ought to put an editorial in the Repository because he's got a lot of good points and I think they should be seriously considered. But I'm here to talk about Oster also. And just wanted to start out with a quiz. Which one of these things is not like the other three? (a) County Auditor's appraisal of 1.5 million dollars. (b) A bid by Canton Christian Fellowship of about 1.5 million dollars. (c) Another bidder offering roughly that same amount, 1.5 million dollars. (d) A paid appraisal done for the City by Kuwatch, Smith & Lemmon, which stated the property was valued at \$621,000.00. Hopefully everybody answered (d) that that one seems to be a little bit out of line with the other three appraisals. I'm not critical of Kuwatch's appraisal because I don't know how they came up with that figure. But I do think it's appropriate to ask them to justify that appraisal in lieu of these other three appraisals or bids. An appraisal is simply an opinion of the value. So therefore the more opinions that you get hopefully your confidence in the value of that property will be increased. Obviously one of the first places to go and the easiest place to go is the Canton Auditor's Office or I'm sorry the Stark County Auditor's Office. As everyone knows here the auditor's responsible for appraising every single piece of property in this county. So yesterday I got on the internet at 3:13, clicked on my search button, found the Stark County Auditor's web site, typed in City



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of North Canton, came back and said couldn't find it. Typed it in again thinking I'm a dummy, didn't type it right - can't find it. Then I type in North Canton City, boom there it is, there's the auditor's appraisal 1.5 million dollars. Took me all of 2 minutes to get that data. For this mayor to say that that's not a valid figure I think isn't an appropriate statement. The county auditor's appraisals are sometimes not accurate, that is true. But it's a good place to start and it's a free appraisal. I think what we've established is a minimum value for the property at 1.5 million dollars. Because you obviously have two bidders that are willing to spend that much money for that property. So the auditor's appraisal of that amount seems to me to be a valid figure. What we have not established is what the maximum value of that property is. That's because it hasn't been open to a fair bidding process that would allow all bidders, like this gentleman that just spoke before me, to bid. Now I'm not privy to all the information in front of this council and whether or not outside parties came in and asked this council to sell that property or not, as far as I'm concerned they're irrelevant. If you're now interested in selling a piece of property...

Unidentified: Right.

Mr. Saylor: I believe that all those parties that interested in that should have an equal opportunity to bid so that this city can get the most money it can for the property. And of course we want to make sure, just like former mayor Revoldt said, that those water fields are protected. So we need to take that into account in that bidding process also. Just in conclusion, what the last gentleman said, I was here a couple months ago and I was very discouraged by some of the things that were happening in this council as far as not discussing issues, sniping at people, making personal remarks - I don't like it. And I saw former mayor Revoldt come up here tonight as a private citizen, make some damn good points and then some people start sniping at him. In the future let's stick to the issues. I mean I saw a real good debate here on the issues - former Mayor Revoldt giving some good answers, Mayor Rice giving some good answers. But let's not degrade the debate and start sniping on personal issues, because that destroys the whole debate process and I know you're all above that. And I'd like to compliment council with the September 11<sup>th</sup> coming up - I'd like to thank you for your public service. I know you're definitely not paid what you're worth as council members. And I appreciate all the time that you spend working for the City of North Canton. Thank you.

Mr. Snyder: Sir, I'd like to address one point before you step down. I was going to save it till later. But allow me to address the fact, because I do not want it left that the value of the property is in fact worth 1.5 million dollars. Over the last two days - on Friday evening I had the unfortunate - I took a call from the press and that it was insinuated to me, not by the press but somebody else, that I was not forthright in my zealously to sell this property. But let me tell you the auditor, whom I spoke to today, both the elected auditor, Mrs. Creighton, and the person who is in charge as the chief auditor, there is not a person on the staff of Janet Creighton who is a designated certified appraiser. Mr. Kuwatch is a MAI appraiser; he did visit and inspect the site. No one from the county has ever been on the site. It is a secured site battened down by lock and fence, so we would of known. Number one that is a tax appraisal. Had we challenged it since we are nonexempt, we do not pay taxes, we've never challenged that 1.5. If we would of taken the \$612,000.00 appraisal that we received from the MAI to the County Board of Tax Review, at that point it would be reviewed for the actual value of the property. It was originally valued at twice that price at \$42,000.00 an acre. Seeing that it has very very limited access, they took it upon themselves by the evaluation of all the property that was sold, be it visible to Belden Village, be it Whipple Road, be it Everhard, be it Dressler and combined them by computer and decided to price the property at 1.5 million. However, possibly the church, possibly the other bidder, did go to the auditor's web site and determined that the price was 1.5 million, hence the offer. I have no idea. But Mr. Kuwatch who is a certified appraiser, and anybody that buys or sells a piece of property, goes to a certified MAI appraiser, not to the county's web site. I would hate to sell my house based on the county's appraisal, I would come up short some 70 or \$80,000.00 as you would I'm sure also. However, the property that sold 2 years prior was sold at \$10,000.00 an acre, which was multi family, plenty of access. The property right down the street 12.6 and a total and 14.5, sold for \$17,000.00 an acre - not 21, not 42. This offer we have is in excess of \$21,000.00 an acre. It's well - it's appraised 8,577, it's almost two and half the value. Notwithstanding anything else with the possibility that we need to keep it for the water or anything else. But don't be lulled by the fact that the auditor has established a price of 1.5 million. That is not a market value. And as far as bidding it, fine. The church brings a different approach. They bring the approach that maximizes the use. Anybody that has not been on the property, it is bordered on the north by a cliff that drops by 12 or 14 feet, it a large creek running through the dead center of it, it has high tension power lines, it has limited access, it would cost 2 or 3 times the normal to bring utilities from 38<sup>th</sup> Street into the site. Anybody that can take 68 acres, pay a million five, put the infrastructure in and develop it with an expressway running down the middle, absorb the other 5 acres that are land locked and unusable and sell for a lot for \$85,000.00 prior to building a house god love them they can step forward and they can have land for 1.5. Because it can't - I don't think it can be done. I've talked to three large developers. The city, in its quest to sell this property, we could become very good stewards to the land. As Mrs. Magel will attest when they did Washington Square, when most of these people were on council, they made sure that the property was developed to protect the people in the area. By using the church as a single source we can almost assure the people of West Avondale that we are concerned about them. And I apologize if I seem - because I'm getting damned angry about the whole process, people saying this, people saying that. It has been all above board. It has never been anything but. The church came to the Mayor, the Mayor told me about it. I the - I didn't ask to see the appraisal, it was on his desk. I - they had approached another user, a very large land owner in the City of North Canton. As the ward councilman of that area that it affects I went to the mayor, I said Mayor, I'm nervous, if that property becomes paved the flooding problems and the water runoff in my ward are



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going to be - he says, you're right, let's talk to them. Which he did talk to them and maybe they asked, I don't know I didn't ask how he got...inaudible.... But I'm sure they asked him if they wanted to sell the property. That's all I know - as the rest the council knows. But that's how the price has been established. It's not technically - probably is worth what somebody is willing to pay you for it.

Mr. Saylor: That's right - can I just...

Mr. Snyder: And then the auditors said they will come back out when that transfers it will be assessed at 1.575 and again it goes to a nontaxing entity. I think they're free of tax also, are they not? I'm not sure - I'm not - as a church. I'm not positive, but that doesn't - that's irrelevant. The reason we've never challenged it and I - and the auditors their self told me that, there was no reason. I mean they could be appraised from her standpoint 20 million, it wouldn't make a difference. I mean I don't who she reports those figures to - I didn't ask.

Mr. Saylor: If I could just...

Mr. Snyder: Please.

Mr. Saylor: Have one moment?

Mr. Snyder: Please.

Mr. Saylor: I mean I did agree that having a professional appraisal was appropriate. I mean I work for a company that provides real estate tax information for over 50 counties in Ohio. So I know what I'm talking about. And I know the county auditor's figures are sometimes not very accurate. But it would appear to me as an outsider that when somebody gives you an offer of 1.5 million dollars that is a more accurate appraisal. Because you have an interested party that's giving you a - that's saying hey, we're going to give you 1.5 million dollars as opposed to \$621,000.00.

Unidentified: Yea.

Mr. Saylor: I'm not going to beat a dead horse here and you guys have a lot more stuff tonight and whatever, but I would say that we've just established what the minimum value is because you've got parties that are willing to pay 1.5 million dollars for the property. But you haven't established a maximum value for that property because you've not - have not allowed other parties an opportunity to get in on the bidding process. Thank you very much.

Mr. Snyder: Inaudible..and I want to say one more thing to Mrs. Magel and I'll say in open public. The problem is the present property is zoned R1, which is residential. And I don't know how many of you people have every talked to the West Avondale Home Owners Association, but they were successful I think four or five times in keeping Whipple Road, which is for intent purposes not contiguous to their property, free from commercial. So a buyer has to go - it would have to be contingent on zoning. We have an offer of 1.575 without a contingency. And if the property is worth 1.5 we secured \$75,000.00 higher than the appraised value, it still works that way. Mrs. Magel, you have something to say. Please and then we'll...

Mrs. Magel: I'll try to make this brief. I'm certainly not an MAI, but I've had my share of appraisal courses and I have done professional appraisals. It's been said here that the - I think it's Kuwatch, Smith, & Lemmon, should justify their number of \$621,000.00. They did more than that. We have an appraisal that was in our package that the President of Council said it on Tuesday, right before he gaveled, everyone can have a copy of this before the next meeting. And I knew it to be understood I could of had it the next day if I wanted. However I waited till it was in my package at 4:30. It had a full explanation of how 600 - how they came to the \$621,000.00. Of which I fully agree with their number. One thing has to do with, Jon, what you were saying, they appraised it R1, single family dwelling. And Jon just cited to you some of the short comings of this piece of property for - if it were to be single family. But for a church it is worth - a church can get much more out of this and that's why they would be apt to offer 1.5 million dollars. Now this number, this county auditor's number was in that package. It was not hidden from council and it was right in there, it's on page 18 loud and clear. So that I don't think there was anything nefarious here. And if you'd like to look at the appraisal, they gave you every stitch of information of how they came to their number of \$621,000.00 and it's 100 percent justified. Thank you.

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

Mr. Foltz: Mr. President, I'd like to say a few words if I may.

Mr. Snyder: Please Mr. Foltz.

Mr. Foltz: Just to summarize a few things here tonight to cut through the smoke. There's been no backroom deal made by Tom Rice and Dave Held and Jon I think you were part of some discussions and also our Law Director - it's all been above board. I received nothing but pertinent information whenever I ask this administration. We're talking here about market value versus tax value, two different animals. If you can't see that I don't how much simpler it can get. Okay. If that's the case when we refinance our houses or get mortgages for new houses we wouldn't even higher appraisers. It's that simple. This appraiser, very qualified appraiser, looked at five land sales in this general area. The most recent one that comes to mind is the one over on Easton - nothing over \$15,000.00. We just happen to have a buyer that really wants the property. They're willing to give us, as Jon mentioned, over \$21,500.00 an acre. Us as a council body have to make the decision - it's very easy for me to make it. This is a win all the way around. You're not going to get a better price than this or it would of been presented to the administration. That land we've had for years. As far as former Mayor Revoldt, he talked about what a great aquifer that this. Yea, it's a nice aquifer for Canton, they have their northwest

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production well right there. There's no guarantee that we could put even a water well on that property and use it, because Canton's going to protect their interests there. And also two years ago, and Jon you're exactly right when you alluded to it about a half hour ago, well more like an hour ago, two years ago when Mayor Revoldt was the quarterback of the administration, we were lead down a different path. We were told that that wasn't a viable water source. So what'd we do - we looked at East Maple. We put the line in, we started that process. Those are facts - those can't be disputed.

Mr. Snyder: Inaudible...hot in here.

Mr. Foltz: As far as four and three-quarters acres per production well, right now on East Maple we have wells all around the ball fields, including the parking lot that we just paved. Think we have to use some common sense here as far as where pavement is and where our wells can be. Obviously the church isn't going to develop all 73 acres of that parcel. Obviously there's going to be room for any production wells in the future. I have the full faith of our law director and administration that they will protect our water right interests in the future.

Mr. Snyder: Thank you Mr. Foltz. Let's move along.

**OLD BUSINESS:**

7. Mr. McLaughlin moved and Mrs. Magel seconded to **read by title only, third reading** of Ordinance No. 79-02. All members present voting:  
 Yes: Lindower, Magel, McLaughlin, Osborne, Snyder, Foltz and Kiesling.  
 No: 0

**Ordinance No. 79-02 - Third Reading**

An ordinance authorizing the Mayor of the City of North Canton, through the Board of Control, to enter into a professional service agreement for the design of the expansion phase of the Water Treatment Plant, at a cost not to exceed \$359,500.00.

Mr. Snyder: Chairman McLaughlin.

Mr. McLaughlin: This is the third and final reading tonight. We had an opportunity to...to ask any questions we had. I think everybody had their questions answered.

Mr. Snyder: Alright...

Mr. McLaughlin moved and Mr. Foltz seconded to **adopt the third reading** of Ordinance No. 79-02. All members present voting:  
 Yes: McLaughlin, Osborne, Snyder, Foltz, Kiesling and Lindower.  
 No: Magel.

8. Mr. McLaughlin moved and Mrs. Kiesling seconded to **read by title only, second reading** of Ordinance No. 86-02. All members present voting:  
 Yes: McLaughlin, Osborne, Snyder, Foltz, Kiesling, Lindower and Magel.  
 No: 0

**Ordinance No. 86-02 - Second Reading**

An ordinance establishing the zoning classifications of One-Family Residential, R-70, Two-Family Residential, R-2F and General Business-B, GB-B, as specified by Ordinance No. 2940, Zoning Ordinance of the City of North Canton, for the premises known as the Oakshire Place #4 Annexation, containing 46.822 acres of land, more or less, annexed by Ordinance No. 46-02.

Mr. Snyder: Chairman Kiesling.

Mrs. Kiesling: Yes. It was before this parcel was annexed June 13 it was official. We had our Planning Commission meeting, a public hearing and our public hearing; we've had no questions about the zoning. It's as close as we can possibly get to Plain. And it extends our borders northward. Any questions?

Mr. Foltz moved and Mr. Osborne seconded to **adopt the second reading** of Ordinance No. 86-02. All members present voting:  
 Yes: Osborne, Snyder, Foltz, Kiesling, Lindower, Magel and McLaughlin.  
 No: 0

**NEW BUSINESS:**

9. Mr. McLaughlin moved and Mr. Foltz seconded to **read by title only, first reading** of Ordinance No. 96-02. All members present voting:  
 Yes: Snyder, Foltz, Kiesling, Lindower, Magel, McLaughlin and Osborne.  
 No: 0

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## Ordinance No. 96-02 - First Reading

An ordinance 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 The 1625 Portage Street Limited Partnership (formerly The Pattakos Family Limited Partnership) for the purchase of right of way (Parcel 14WD and 14T) necessary for the Whipple/Portage intersection improvements, at a cost not to exceed \$19,255.00, and declaring the same to be an emergency.

Mr. Snyder: Chairman Magel.

Mrs. Magel: Yes, as discussed last week, this is for the purchase of the right of way for the project that we have committed to - the Whipple/Portage intersection improvements. The 14WD and the 14T actually stands for - translates into Advanced Auto Parts - Auto Glass - Advanced Auto Glass, for the cost of \$19,255.00, which we had budgeted for and accounted for. And it is asked to be on an emergency basis. Any questions?

Mr. McLaughlin moved and Mrs. Magel seconded to **adopt the first reading** of Ordinance No. 96-02. All members present voting:

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

No: 0

Mr. McLaughlin moved and Mr. Foltz seconded to **suspend the rules** for Ordinance No. 96-02. All members present voting:

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

No: 0

Mr. McLaughlin moved and Mrs. Magel seconded to **adopt under suspension of the rules** Ordinance No. 96-02. All members present voting:

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

No: 0

10. Mr. McLaughlin moved and Mrs. Magel seconded to **read by title only, first reading** Ordinance No. 97-02. All members present voting:

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

No: 0

## Ordinance No. 97-02 - First Reading

Ordinance No. 97-02 authorizing the Mayor, through the Board of Control, to apply for, accept and utilize grant monies, not to exceed \$24,000.00, provided by the Stark Solid Waste District to offset expenditures incurred in the aftermath of the tornado in April, 2002, and declaring the same to be an emergency.

Mr. Snyder: As we spoke last week, we'll reimburse the city for its out of pocket for removing the trees and debris and helping the homeowners inside the city limits that were unfortunately devastated by that tornado that came through there and Mr. Foltz can attest to that. So I...

Mr. Lindower: Inaudible...new garage.

Mr. McLaughlin moved and Mrs. Magel seconded to **adopt the first reading** of Ordinance No. 97-02. All members present voting:

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

No: 0

Mr. McLaughlin moved and Mrs. Magel seconded to **suspend the rules** for Ordinance No. 97-02. All members present voting:

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

No: 0

Mr. McLaughlin moved and Mrs. Magel seconded to **adopt under suspension of the rules** Ordinance No. 97-02. All members present voting:

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

No: 0

11. Mr. McLaughlin moved and Mr. Foltz seconded to **read by title only, first reading** of Ordinance No. 98-02. All members present voting:

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

No: 0

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## Ordinance No. 98-02 - First Reading

Ordinance No. 98-02 amending Ordinance No. 45-02, authorizing the 2002 Recycling Grant Agreement by and between the City of North Canton and the Stark-Tuscarawas-Wayne Joint Solid Waste Management District, by an increase of twenty thousand (\$20,000.00) dollars in the funding provided for portions of the recycling program and declaring the same to be an emergency.

Mr. Snyder: As we spoke last week, we originally had a \$40,000.00 grant and it's been increased to 60. And this allows the Mayor to request the funds - the additional \$20,000.00 funds.

Mr. McLaughlin moved and Mr. Foltz seconded to **adopt under suspension of the rules** Ordinance No. 98-02. All members present voting:

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

No: 0

Mr. McLaughlin moved and Mrs. Magel seconded to **suspend the rules** for Ordinance No. 98-02. 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. 98-02. All members present voting:

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

No: 0

12. Mr. McLaughlin moved and Mr. Foltz seconded to **read by title only, first reading** of Ordinance No. 99-02.

Mr. Osborne: Mr. President...

Mrs. Bittle: Magel.

Mr. Osborne: Before we move ahead on this I have some comments I'd like to make. I have a letter I'd like to read.

Mr. Snyder: That will be fine. If Mr. Osborne you mind I'll allow the first reading then I'll - alright let him read the ordinance...

Mr. Osborne: Okay.

Mr. Snyder: And then I'll open it to comment. Would that be fine?

Mr. Osborne: That'd be fine, yes.

Mrs. Kiesling: Is anybody else up to tabling it other than myself?

Mr. Osborne: I would.

Mrs. Kiesling: I mean we - obviously don't have every single fact in front of us. I understand Jon that you know going forward we've got 10 to 12 weeks before legislation is passed.

Mr. Lindower: Read the ordinance.

Mrs. Kiesling: But why even read it - I'm sorry you know the Mayor wants us to give due diligence like he was quoted in the paper. And to give due diligence means - you know what you know Daryl brought this to our attention tonight. I wasn't on this council when all that came through and the more I think about why would we give up those water rights just like that? Roy is not here tonight to answer any of our specific questions as to how we are going to protect those rights in a deed that we don't how to read. I don't how to read a deed - I rely on him. He's not here tonight to even answer any specifics. I realize there was low level contamination, but that doesn't mean anything. There was contamination at East Maple and here we are thinking we're going to put it online again in one to two years. And the other point - I know Jon we've talked about getting it to the water treatment plant. You know that was a thought I never even thought of. However, I do I know how much it's going to cost if we've not done an evaluation of it? And I believe that would be due diligence of my job.

Mr. Snyder: Well if I may answer that question. We did - we've already been down that rabbit trail once before. And I believe and I don't have those figures, but they're part of the permanent record of the council. But I believe and Mayor do you request two and half million or something...

Mayor Rice: I do not recall Jon, I know it was expensive.

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Mr. Snyder: It's something. But anyway you know Marcia...

Mrs. Kiesling: Well I guess I want that information.

Mr. Snyder: to answer your - inaudible... but to answer your question.

Mrs. Kiesling: I didn't have a question.

Mr. Snyder: And it's no secret as most - probably the people in the audience do not agree with me. But from the cost approach, the return for a \$265,000.00 investment - I mean 65, to return 1.5 million to the water fund to which we just spent \$381,000.00, to be able to do that without any additional cost to the city and to take an asset and even though I realize if you look at from the ...inaudible... of the water, you look at it the ...inaudible... of sheer possible inflation, how long the housing bubble and land bubble will last, but looking at it solely from - I would look at as a business person; to look at that piece of land and want to keep it in my portfolio for future to sell it, obviously probably in ten years we might get 1.7, 1.8. And as far as people say why don't you bid it? Well there's been a price established - 1.575. It's been in the paper. If anybody wanted they're not going to come in and give us two and a half million dollars I wouldn't think. But again, you're taking a nonworking asset and turning it into cash, which produces revenue, which ensures the viability of the water, which is the only second thing the city has to produce money. We tax people by income tax, we sell water. Without a sound water fund we cannot go down there and borrow 7 million dollars because we have no ...inaudible... And they - do they not look at our fund and our ability to repay the loan?

Mrs. Herr: Oh yea.

Mr. Snyder: We're very solvent at that point. And I - I'm very passionate about that. I'm sorry and maybe I'm wrong and maybe I'll proven wrong, but I believe we have - in the real estate business and I think it's called time is of the essence. These people, whether you believe it or not, they have two other options on property - I can tell you that. There's two other options that they have. If we begin now to be disingenuousness with our ability to show them that we're moving forward. Not to say that two weeks from now we don't stop it because it's a very prolific water field and we say well I'm sorry we've changed our mind.

Mrs. Kiesling: But how are we going to if there's prolific water...

Mr. Snyder: Well we're going to - we're going to ask the Mayor and I'm sure he's going to cooperate. At - for any information that we can produce and possibly - I don't know maybe we have to do a study Mayor I don't - and is that - is it...

Mrs. Kiesling: That's up to us.

Mayor Rice: Well if council wishes...

Mr. Snyder: We might have to go in here and rush a thing through and order that through Rick McLaughlin's...

Mrs. Kiesling: Why not and why rush it, we've had this land for 34 years.

Mr. Snyder: Well I'm saying we have 10 weeks. But...

Mrs. Kiesling: Well I don't think it's enough time. I would rather table it.

Mr. Snyder: I appreciate that. Well I would say if there are four votes on the council we'll table it. But I can't vote to table it personally.

Mr. Osborne moved and Mrs. Kiesling seconded to **table Ordinance No. 99-02.**

Unidentified: Inaudible...motion on the floor.

Mrs. Kiesling: It's too bad.

Mr. Snyder: Call the roll Clerk.

Mrs. Bittle: Magel...

Mr. Lindower: Wait a minute what's this for?

Mrs. Magel: To table it, no.

Mrs. Bittle: To table...

Mayor Rice: Don't you already have a motion on the floor and a second?

Mr. Snyder: Yea, yea...

Mrs. Magel: Yes we do.

Mr. Foltz: Yes we do. We never voted it out.

Mrs. Bittle: There was...

Mr. McLaughlin: We never voted on the first motion.

Mayor Rice: I think you already have a motion on the table.

Mr. Snyder: Yea, well then that motion has...

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Mrs. Magel: That's correct.  
 Mr. Snyder: Okay...  
 Mrs. Bittle: There was a motion and a second to read it and that's - that's not...  
 Mrs. Magel: That's why I checked on that.  
 Mrs. Kiesling: Then read it...

Mr. Snyder: Well then we'll read it then you have the right to make that motion.

Mrs. Bittle: We have - excuse me Mr. President, but we haven't had a roll call vote for that. We've just had the motion and a second.

Mr. Snyder: I apologize. Thank you. Will you call the roll on that first motion please?  
 Mrs. Bittle: To read.  
 Mr. Foltz: To read.

Unidentified: Who made that motion?

Mr. Treadon: Unless there's an...

Mr. McLaughlin: I made the motion to read by title only...

Mr. Snyder: Unless there...

Mr. Snyder: Do you want to withdraw that motion?  
 Mrs. Kiesling: Do you want to withdraw your motion?

Mr. McLaughlin: I'll withdrawal it and see if anybody's interested in...

Mr. Treadon: Then the second has to withdrawal it also.

Mr. Snyder: Who seconded that motion?

Mrs. Bittle: I think the second was...

Mrs. Kiesling: Oh, who seconded it - Doug?

Mr. Foltz: I seconded it. I'll withdrawal my second.

Mrs. Kiesling: Inaudible...

Mr. Snyder: Is there a motion to table that?

Mrs. Kiesling: Motion to table.

Mr. Osborne: Yes, I motion to table it.

Mr. Snyder: Is there a second?

Mrs. Kiesling: Between the two of us there's two.

Mr. Snyder: Madam Clerk please call the roll.

Mrs. Bittle: Was it your second?

All members present voting:  
 Yes: Osborne and Kiesling.  
 No: Magel, McLaughlin, Snyder, Foltz and Lindower.

Mr. Snyder: Is there a motion to - may I have a motion for the first reading Ordinance No. 99-02?

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

**Ordinance No. 99-02 - First 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.

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Mrs. Kiesling: Must be funny. No laughing at the meeting.

Mr. Osborne: Okay I have a - may I speak now Mr. President?

Mr. Snyder: Please.

Mr. Osborne: I have an open letter here to the Mayor and I'd like to read it. Dear Mayor Rice: I am writing this letter to correct the record regarding incorrect statements and outright falsehoods that were made by you, your City Administrator and certain council members at the City Council meeting last Tuesday, September 3, 2002, regarding the sale of the Oster property by the City of North Canton. In the council meeting that evening, Councilman Rick McLaughlin stated that I did not refer interested bidders to the city. The fact of the matter is that I submitted a letter (and I'll give everybody copies of everything) to Mr. David Held, City Administrator, dated July 9, 2002, introducing Mr. Daniel Bontrager as an interested bidder on the Oster property. On July 11, 2002, I personally introduced Mr. Daniel Bontrager and Mr. Leroy Yoder to Mr. Held at City Hall and during that introduction Mr. Held asked us to come back to City Hall the next day, July 12, 2002, at 9:30 a.m. Obviously I did communicate the interest of those prospective bidders to the city and Mr. Rick McLaughlin knows that I did because the letter of introduction was copied to all members of City Council. Mr. McLaughlin was incorrect and his characterization that I did otherwise was a falsehood. You, Mayor Rice, stated the city "bent over backwards" trying to work with everyone who showed an interest in the property. Again, I have documentary proof that the city did not bend over backwards to accommodate prospective bidders. The city's attempt to discourage Mr. Bontrager and Mr. Yoder and their agent, Mr. Michael Sahadi, is clearly documented in letters of complaint (again attached letters) to you from both Mr. Sahadi, dated July 18, 2002, and me, dated July 26, 2002. Each of these letters details the unwelcoming attitude and unprofessional behavior of Mr. David Held upon the arrival of all of us for the meeting on Friday, July 12, 2002. I know that you are aware of Mr. Held's unprofessional behavior because you wrote a letter of apology to Mr. Sahadi dated July 26, 2002, and it is attached to this letter. You are quoted in the newspaper as saying city officials "bent over backwards" in trying to work with everyone who showed an interest in the property. Mayor Rice, you are well aware of Mr. Held's conduct toward these individuals. The characterization by you in council that the city warmly welcomed Mr. Bontrager, Mr. Yoder, Mr. Sahadi and me was a falsehood. City Administrator David Held, stated in the council meeting that he did not give Mr. Bontrager a deadline to submit a bid. The attached letter from Mr. Held clearly states that Mr. Bontrager was given a deadline. Mr. Held's letter states, "...as of Friday, July 26, 2002, any proposals received by me will be conveyed to the appropriate city officials for evaluation and determination. If you wish to have a proposal considered by the city, please forward it to me by that date." Clearly, the City Administration did impose a deadline on Mr. Bontrager. Mr. Held's statement in council that no deadlines were imposed on Mr. Bontrager was a falsehood. Mr. Bontrager was allowed two weeks to submit a bid on the property the city had for sale. The city, very reluctantly, first met with Mr. Bontrager on July 12, 2002, and in a letter, imposed a deadline on Mr. Bontrager of July 26, 2002, for him to submit a bid. How much time has the Canton Christian Fellowship Church had to work up a bid on the Oster property? Mayor Rice, the first mention to City Council that there was interest in buying the Oster property was at an executive session held on June 10, 2002. The impression, at least on my part, was that this was a recent inquiry. It is clear from your statements in the Repository article of Sunday, September 8, 2002, that the inquiry from Canton Christian Fellowship Church on the sale of property came well before the start of this year. In that same Repository article of September 8, 2002, you are quoted as saying, "we didn't look at (the auditor's figure). What we did was go out and get a professional opinion. We thought that was the responsible thing to do because there was an interest in it." The appraisal requested by the North Canton City Engineer is dated December 20, 2001. With the recent release of this private appraisal that had been ordered by the city late last year, it is now clear that the Canton Christian Fellowship Church has had nearly a year to evaluate the property and submit their bid. Furthermore, I can personally attest to the fact that your administration deliberately withheld information about the Oster property. In an effort to assist Mr. Bontrager and any other bidders that may have been interested in bidding on the Oster property, I asked the City Engineer in mid-July, 2002, personally, for any information that the city might have regarding the Oster property. Mr. Jim Benekos told me that the only information that the city had on the property was the survey map that had been shown to City Council during the executive session held on June 10, 2002. The appraisal that has now been given to all of council was ordered by Mr. Jim Benekos and provided to him on December 20, 2001. I can only say that it is clear to me that the City Engineer of North Canton was not truthful with me in mid-July, 2002, when he told me he had no other information on the Oster property other than the survey map he provided to me. This entire scenario confirms my statements in council that you, Mayor Rice, and your city administration have not allowed bidders equal access to information or the needed time to prepare a bid. Lastly, the 11<sup>th</sup> hour release of the appraisal on the Oster property to council members shows that you are not forthcoming with information to your own City Council as this information was only released to council at the insistence of the President of City Council, Jon Snyder. I hope that in the future you and your administration will be much more genuine with the business of the city. Thank you.

Note: Attachments referenced above are attached to original minutes.

Mr. Snyder: Mr. Osborne, I want to take exception to a couple statements there and - cause as I said in my earlier remarks, I spoke to Mayor Rice late - and I don't - I apologize I don't remember the times, either late in March to mid-April, they were still considering a 106 acre parcel in the City of North Canton. And as I told you, my fear as the ward councilman - and at that point they were looking at nine or ten



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sites and had not - and I came to him because I was concerned, as he'll tell you of the water runoff to the people at Heritage Estate and the lower areas because I know what that would create. So I do know that they were not serious bidders somewhere until either late April or May. I don't know what time, but I would say...

Mr. Osborne: Well obviously they had approached the city with some indication late last year that they...

Mr. Snyder: That I don't - I don't - I don't - I can't answer that.

Mr. Osborne: Which promoted the city to do the appraisal. And that - the Mayor says as much in his quotes from the Repository on Sunday.

Mr. Snyder: Okay, thank you. Is there any other comment?

Mayor Rice: Inaudible...Jon, it doesn't...

Mr. Snyder: Inaudible...Mr. Mayor...

Mayor Rice: It doesn't even warrant it - the comment.

Mr. Snyder: Is there any comments to - relative to the sale of this property?

Mayor Rice: I've said it so many times, he just doesn't - refuses to listen.

Mr. Snyder: Mr. McLaughlin is chairman of Water & Rubbish. I know there's some concern and I - and maybe I'm out of line...inaudible...just speaking of this because we have something on the floor to vote on, but possibly would you speak to Roy...

Unidentified: Inaudible...do you have a copy of that...inaudible...

Mr. Snyder: find out to the determination what extent those test are being done? And if they're not adequate let's remove the cloud of the potential water use and what the water is there and...

Mr. McLaughlin: We will put it on the agenda for next Monday night...

Mr. Snyder: Yea would you...

Mr. McLaughlin: in the work session, as a discussion.

Mr. Snyder: Yea will you do that...inaudible...

Mr. McLaughlin: Sure will.

Mr. Snyder: Appreciate that. And that way that'd give us some time before - and then we can see how it's going and then at that point decide if we're to stop this process or not. Is there any other comment or any suggestion...before I call for a vote? Is that okay? Okay...

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

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

No: Osborne and Kiesling.

## REPORTS:

Mr. Snyder: Assistant Director of Law, have you any report?

Mayor Rice: Inaudible...comment on that?

Mr. Held: Yes.

Mr. Treadon: No report Mr. President.

Mr. Snyder: Thank you. Director of Finance.

Mrs. Herr: No report.

Mr. Snyder: Director of Administration.

Mr. Osborne: Pardon...

Mr. Held: Yes, Saturday night was a great evening...

Mr. Osborne: They're different.

Unidentified: Oh...

Mr. Held: in the City of North Canton as we enjoyed the performance by the Cleveland POPS Orchestra. I would like to thank our sponsors and I would also like to thank the City for bringing the Cleveland POPS to the front steps of City Hall. More importantly I'd like to thank the residents for coming out. It was a great evening. We look forward to having the Cleveland POPS concert for many years to come and hopefully all of you will support that. Thank you.

Mr. Snyder: Thank you.

Mr. Held: That's all.

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Mr. Snyder: Director Held I have one question. I noticed you sent this to everybody. Do we need a motion

Mrs. Kiesling: Yea.

Mr. Snyder: to dismiss the fee - the rental of that property at - you want to...

Mrs. Kiesling: It's a - pass a resolution I think. That's what we had to do for the Urban Foresters.

Mr. Snyder: For a - I know that Director of Elections Matthews is in the audience. He wants to use that on - I think that's next Wednesday is it not?

Mrs. Kiesling: September 18<sup>th</sup>.

Unidentified: It's the 18<sup>th</sup>.

Mrs. Kiesling: 18<sup>th</sup>.

Mr. Snyder: 18<sup>th</sup>, that's next Wednesday.

Mayor Rice: It's up to City Council - you guys...

Mrs. Kiesling: You have to do a resolution, I'm pretty sure.

Mayor Rice: we cannot waive the fee...

Mr. Snyder: Yea. Are we permitted at a regular council meeting to...

Mr. Treadon: You have to amend the agenda.

Mr. Snyder: May I have and then I will discuss - may I have a motion to amend tonight's agenda to accommodate the request from the Board of Elections for the use of the Civic Center?

Mr. McLaughlin: So motioned.

Mr. Snyder: Second?

Mr. Osborne: Second.

Mr. McLaughlin moved and Mr. Osborne seconded to **amend the agenda** to include the request from the Board of Elections to waive the fee for use of the Civic Center on September 18, 2002.

All members present voting:

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

No: 0

Mayor Rice: That's...inaudible...

Mr. Snyder: We've been sent a request through the Mayor's Office that has come from Board of Elections. Director Matthews has requested the use of property to begin at 9:00 and last until 12:30. They used it once before when the - as you know when the Secretary of State was here. They received very favorable comments to the facility and you know the city stood out very well and the people liked it and it made a comfortable situation. And they're asking us again if we might not showcase our fine building there and let them use it at a no charge. We will waive the charge. So - yes mam...

Mrs. Magel: Sir, could you remind me what is - what is the fee we're waiving, how much?

Mr. Snyder: I think it's \$275.00. I'm not positive of that anymore. It...

Mayor Rice: I don't recall. I don't have...inaudible...with...

Mr. Snyder: I believe at - it's 275.

Mrs. Magel: Okay.

Mr. McLaughlin: I think it is.

Mr. Snyder: Is there any...

Mrs. Magel: That was just an FYI.

Mr. Snyder: Yea, well that's okay.

Mrs. Magel: Just...inaudible...

Mr. McLaughlin: There's no set up or anything like that? Just...

Mr. Snyder: No, we - we'll take care of it and our staff I think does clean it. In the scheme of things you know, for the good will that we produce and I think it's a win win situation. I mean it brings some of the higher archy of the city and state - in this case 16 Ohio counties. In the scheme things it's good public relations. So if that's the case I would entertain a motion to adopt a resolution allowing the Mayor to waive the fee for September 18<sup>th</sup> for the hours as they're so needed.

Mr. McLaughlin moved and Mrs. Kiesling seconded. All members present voting:

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

No: 0

Mr. Snyder: Thank you. Now to continue. Thank you...inaudible... Mayor Rice, have you any comment?

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Mayor Rice: Just two quick things. Number one - the City is hosting a community service...

Mr. Osborne: One's yours, two others pass down.

Unidentified: Is this mine?

Mr. Osborne: Just one of them. Just keep one and pass two down. Benekos and Held.

Mayor Rice: on the night of September 11<sup>th</sup> here on th porch of City Hall to commemorate the events of September 11<sup>th</sup>. The activities start - the service starts about 7:00, probably last about a half hour, forty-five minutes. Invite everybody in the community to come out and attend that, should be a very nice service. All of our safety forces will be involved in that evening's events. Other than that I guess my only other comment would be I'd like to thank Mr. Saylor and Mr. Sahadi for their comments tonight in particular into the regards of the behavior within this chamber. And I think this demonstrated again tonight. It's very unfortunate that we have too many political games being played and political posturing being played. I think we're all elected here to serve the best interest of the City and the residents of North Canton. But we seem to have other agendas going on around here which I think is quite honestly shameful and embarrassing to the entire organization. And I for one would call for a stop to it. And as you noticed tonight I'm not sitting here responding to the craziness and the stuff that's being thrown around. I refuse to lower myself to that level and I won't. So you people that want to carry on in your childish ways for your political agendas, go right ahead. I for one will not participate in it and I would encourage every other member of council to do that. I think you heard tonight from two residents that they're sick of it and they're tired of it and they want to see this body and the eight elected members of this city to lead and make positive things happen for the city. So I would ask everyone to join in in that cooperative effort. That's all Mr. President.

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

Mr. Benekos: No report.

Mr. Snyder: Madam Clerk.

Mrs. Bittle: No report.

## REPORTS - COUNCIL:

Mr. Snyder: Member Foltz.

Mr. Foltz: No report Jon.

Mr. Snyder: Thank you. Member Lindower.

Mr. Lindower: I'd like to thank Mr. Held for his speedy solving of a couple problems that I ran into today with a couple citizens. I no sooner made a call to his office and it was taken care of and I appreciate it. Thanks.

Mr. Held: You're welcome. Thank you.

Mr. Snyder: Member McLaughlin.

Mr. McLaughlin: First of all the concert Saturday night was fantastic. I'd like to see next year maybe a little bit of advertising - a little bit more advertising. I think the crowd was down a little bit this year, I don't why, but a little bit more. It was great. Second of all is - I'd like to see what we can do about the front of the City Hall where the sign is at - our city hall, the iron is bleeding on the cement. It looks a little - we were sitting there, Kathy and I were looking at the - as we were listening to the concert, we were looking up there and saw what the bleeding of that steel was doing. Is there any way we can get somebody up there to clean that off and...

Mayor Rice: Already working on it Rick.

Mr. McLaughlin: Okay.

Mayor Rice: Good suggestion. It's already in the plans. If we - we might even try to get some of it done yet this year. If not it's definitely going to be in the budget so remember it will be there for next year. And the comment about the advertising - great idea also, except it takes money

Mr. McLaughlin: I know.

Mayor Rice: and this year as you know we had to scramble...

Mr. McLaughlin: Yea shoe - shoestring.

Mayor Rice: and thankfully council stood up and appropriated the funds significantly. And we're very fortunate to have four major corporate sponsors that donated as much as the city did. Actually probably going to end up donating a little more. Most of that money is already in Julie's account. So yea that's...

Mrs. Kiesling: City's account...

Mayor Rice: if we got the extra money to do it, we'd be glad to do it.

Mr. McLaughlin: Okay.

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Mayor Rice: But considering that you know the bank had brought and as you remember in previous years had that whole center section blocked off for their customers. And actually from what I understand a lot of people appreciated the fact that wasn't there this year.

Mr. McLaughlin: Oh, very much so.

Mayor Rice: And the people with their regular lawn chairs. But we'd certainly be glad to do that, it was simply a money deal this year. We were already strapped trying to get the concert off the ground.

Mr. McLaughlin: I think maybe if you know a little bit of free advertising with the Repository and the Beacon Journal and I know that there were little blurbs in there - there were little blurbs.

Mayor Rice: We paid.

Mr. McLaughlin: It might be a little blurb...inaudible...be nice.

Mayor Rice: We even paid them for ads. So we did run two ads...

Mr. McLaughlin: Okay.

Mayor Rice: one the Ticket the week before and the Sunday entertainment section. So we did run a couple ads, but Kelly must get paid well because those little ads are pretty expensive. Sorry...

Mr. McLaughlin: Well what we could do is - another suggestion is somebody else made the comment, it would be nice to sell water and soda pop there because and use that money for advertising or whatever. But that is something. But anyway I won't get into that. The third thing I want to say is got a phone call from a constituent up in Meadowlane and I addressed it with the Chief last week, the kids are back speeding. Had a constituent that was walking across the street about that time - about 3:00 when the kids are getting out of school, almost ran her over not once but twice. I addressed it with the Chief. I need to get some people up there. These people seem like last year we were handing out like water and they seem to want to pay us for reason they don't care about it. But I'd like to see a little bit more patrolling in there and also on Pershing is the other high volume area that we're getting - it's only during the hours to and from in the morning and coming back on Pershing. I'd like to see if we can address that too see what we can do. But everything else is good.

Mr. Snyder: Member Kiesling.

Mrs. Kiesling: No report.

Mr. Snyder: Member Magel.

Mrs. Magel: I - I'm going to thank Rick for bringing that up. We do need to clean that front off.

Mrs. Kiesling: Yea, I noticed that too.

Mrs. Magel: Also, I thought the attendance was fairly well, in my opinion considering there was a switch in the type of advertising. From this councilperson though I would ask the administration to thank those who donated their money and made this possible. The city certainly appreciated it. It was downright fun. It was just a fun night. It was a perfect weather. And I'd like to continue this if we may. So please thank those sponsors for me. Thank you.

Mayor Rice: Sure...

Mr. Snyder: Member Osborne.

Mr. Osborne: In another totally different issue. Back a few months during the summer we - there was a great deal of discussion in contention over street paving and I haven't heard officially how our street paving program is coming.

Mayor Rice: We'll have a final list for you on which ones are going to get done hopefully very shortly. They're working on getting all the information together to do that.

Mr. Osborne: Okay. So you do intend to pave some streets cause I...

Mayor Rice: Oh yea.

Mr. Osborne: Is there any reason why we're waiting so late?

Mayor Rice: Part of it because it took so long to get it through council.

Mr. Osborne: Well that's been...

Mayor Rice: So we got a late start because the delay it got through, but we're getting to it as quickly as we possibly can.

Mr. Osborne: Well we did that before we went on vacation.

Mayor Rice: You still have to put the final streets together, you have to estimate them, you got to take them out advertise and receive bids. All that takes time which I tried to explain when it was being delayed. That's why we were encouraging you guys to move on it more quickly. It is going to be - get done very late this year. But we thought we made...

Mr. Osborne: Well the reason...

Mayor Rice: clear to you guys earlier on. We can only move - we can't start moving until council's got it approved. So it's approved and we're moving as quickly as we can.

Mr. Osborne: Well I've heard unofficially that there was a decision made not to pave any streets this year. Is that true?

Mayor Rice: Well, once again your information is erroneous. I

Mr. Held: Inaudible...

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Mr. Osborne: Well I got that from President of Council.

Mayor Rice: Chuck, it'd be nice if you had a question like that, it would be very beneficial to you and everyone served if you'd call the Administration and ask them.

Mr. Osborne: Well we know where that's been getting me for the last ten months.

Mayor Rice: It's very simple - the phone works. Everybody else gets in.

Mrs. Kiesling: I have a quick question.

Mr. Snyder: Please.

Mrs. Kiesling: Jim, Planning Commission meets on Wednesday. What are we doing about it?

Mr. Benekos: We'll be meeting.

Mrs. Kiesling: At 7:00?

Mr. Benekos: Yes. It's - there's a public hearing it was advertised at 7:00 to change that at this time would be late. We realize that...

Mrs. Kiesling: Can you put a note on the door that says you know we'll be here after the service?

Mr. Benekos: Possibly. I could talk with the Law Director about that.

Mrs. Kiesling: Inaudible...okay. I was just wondering. I'll be out at the service - sorry.

Mr. Benekos: Yea.

Mr. Snyder: Mrs. Magel.

Mrs. Magel: One last comment.

Mr. Snyder: Please.

Mrs. Magel: Never throw your helmet before the whistle blows.

Mrs. Kiesling: Inaudible...

Mr. Foltz: Inaudible...

Mr. Snyder: I would say Member McLaughlin that we sell that property we'll have 1.575 we can do a little advertising under North Canton water - sponsored by the Water Department, Rich Steinhebel, Superintendent.

Mrs. Kiesling: I think we have better ideas for that money.

Mayor Rice: Inaudible...talked about that - we're going to bottle it.

Mr. Lindower: Hey...inaudible...do that...

Mrs. Kiesling: Inaudible...well served...

Mr. Snyder: If we can do that we...

Mrs. Kiesling: Inaudible...Jon...

Mr. McLaughlin: A lot of advertising.

Mr. Snyder: We can serve bottled water. I did receive a little notice from the Chief of Fire Prevention, Chief Bacon. October the 7<sup>th</sup> from 6:30 to 8:30 is a Monday to and then Wednesday, October the 9<sup>th</sup> for the same hours, 6:30 to 8:30, they will have an open house at the North Canton Fire Department. And once again it's an opportunity for all the safety forces to come together to provide an opportunity for members of the community to see what a very fine job and how very fortunate we are to have the type of fire service, police service and emergency EMS service that we have - we are number one in the county. And Chief, again, thank you for all your dedication, your men and your son the Chief. Thank you Chief of the Fire Department. Thank you, on behalf of the council. And please try to attend that. They do appreciate that because it's a little chance for them show off. And when you go over there and thank them personally they...inaudible...

## FINAL CALL FOR NEW BUSINESS

Mr. Snyder: There any final call for business? Anyone in the audience wishing to speak to the council. Sam...

Mr. Treadon: Oh no.

Mr. McLaughlin: Sammy...

Mr. Snyder: You must of boomeranged Sam, that's two weeks in a row.

Sam Brenton: Inaudible... I didn't know you had a meeting last week.

Mr. Snyder: Oh, missed that...

Mr. Brenton: Mr. Mayor, my name's Sam Brenton from Westfield. I was up here, what is it three weeks ago?

Mr. Snyder: Something like that.

Mayor Rice: Two or three...

Mr. Brenton: I made a remark that I gave you a - I want yuns all to know all it was is a lousy free bumper sticker - no bribery, no favors, no nothing. It's a thing of the Governor of Pennsylvania

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stayed with those men until it was all done, never once asked a cameraman to follow him and remember that. Okay. Now the second thing is I got a councilman, I gave...three jobs didn't I? Him, him and her. The first one's that fireplug down there. Every time I go to the fair grounds with all those firemen out there they don't believe it. They say you're not even allowed to park a car by a fireplug let alone box it in like that. I asked you to remove that. I got a blind curb down there - been down there how? It's still down there still down there. Inaudible...still down there you come down and see it. And the third one was the 300 block on Everhard. When they put that line down all the way to the house they left the old concrete there, they left his yard a mess and they left that cement walk it's still - what do you call it? They didn't put cement back in there, it's not a cement walk no more. It's been two years. So right in front of everybody else I asked ya and asked ya - you won't do it. So I'm not going to wait like I did 20 years for Revoldt, I'm relieving you - you don't have to that.

Mr. Snyder: That particular...

Mr. Brenton: Really, I mean that...

Mr. Snyder: That...

Mr. Brenton: No, I don't want nothing.

Mr. Snyder: No, I'll address that for you. That...

Mr. Brenton: And last time I was up here and everybody seen yuns. You and him, was like two monkeys playing with one another - really. If we had a video of what you guys was going ...inaudible... stand there (unidentified noise). You're a lawyer?

Mr. Treadon: What are you talking about?

Mr. Brenton: You and him the actions yuns are going through just like the Mayor just said. He set there and watched yuns. So anyhow what I really wanted to come up here for was they put in the paper about robberies in North Canton. I really want to speak about that. Next time I will if you don't mind.

Mr. Snyder: Okay.

Mr. Brenton: And if you run again I'll still vote for you.

Mayor Rice: Thanks Sam.

Mr. Brenton: You're relieved of - I didn't vote for you the last time and you're not my councilman really. These guys do more than you do. I thank you.

Mr. Snyder: Thank you. No problem.

Mr. McLaughlin: I do got a question. That does bring up a - I

Unidentified: Oh boy...

Mr. McLaughlin: a year and a half ago I know we were going to send a letter to the gentleman out there on Everhard because he was the one who put that waterline in. And there is, going in from his house to the street - and I've got a few in my ward that have done that and had to replace it. And my constituents were sent a letter saying that...

Mr. Snyder: He was too.

Mr. McLaughlin: Okay. That's what I wanted to find out.

Mr. Snyder: He repaired the - he finally repaired this - the yard.

Mr. McLaughlin: Okay.

Mr. Snyder: And the - Gene I think 3 or 4 weeks ago sent him a second or third letter relative to the sidewalk. He's an absentee owner, it's a rental property.

Mr. McLaughlin: Oh, okay. That explains it.

Mr. Snyder: So he owns three properties there. So...even - not to contradict Sam the - but he was notified. And is there any other business come before the council? May I have a motion to adjourn?

## ADJOURN

Mr. McLaughlin: So moved.

Mr. Brenton: Hey, could I add one more thing?

Mr. Snyder: Sure.

Unidentified: My god.

Mr. Brenton (speaking from audience): Alright. I went over across the road there...inaudible... And I run into the guy I think his name was Bruce or something like that, and I explained to him that sidewalk down there. And he said no...can't do it. Two days...inaudible...down there. Removed all that old cement and leveled that man's yard up and seeded it - inaudible...in two days. You know...

Mr. Snyder: Well contrary to that...

Mr. Brenton: Inaudible...sidewalk is...inaudible...

Mr. Snyder: Well he received a certified letter probably two weeks prior to that that he had to do that same thing...

Mr. Brenton: Inaudible...

Mr. Snyder: from Gene Hemminger the Superintendent of Permits.

Mr. Brenton: Inaudible...why'd it take two years?

Mr. Snyder: Can't tell you Sam, I don't know that.

Mr. Brenton: You're the councilman...inaudible...

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Mr. Snyder: Well they don't keep me in the loop on those things. Mr. Brenton: Inaudible...

Mr. Snyder: Is there any other business? You gave a motion?

Mr. McLaughlin: No, I'll make a motion to adjourn.

Mr. Osborne: Inaudible...wants to say something. Mr. Snyder: Yes, please.

Unidentified: This is the kickoff.

Curt Braden: My name is Curt Braden. I live at 353 Briar Avenue NE, North Canton. You know the other discussion about the property that is being looked at to be sold by the city. I just think you ought to take a little bit of look at it as we're not selling a worn - the city is not selling a worn out tractor or a worn out truck here. That in fact you're actually selling a pretty decent asset of the city. And that in selling that type of an asset I think that you really need to take the time to be sure that you - you know even when you sell the used equipment, used backhoes, used trucks, that you actually take prudent time to advertise for bid. I know the city has the right to be able to sell this property without a bid, but I think that in light of what's going on there's - what's being presented here that maybe we ought to have a chance to advertise. And I also think that maybe you know with such a great value in this you-know numbers like 1.5 million did in fact maybe - might want to look at a report from your economic development group and see what they might suggest might be a good land use for that property. So with that I want to thank you all for giving me time tonight. Thank you.

Mr. Snyder: Thank you Mr. Braden. Now may I have a motion to adjourn?

Mr. McLaughlin: So moved.

Mr. Snyder: Second?

Mrs. Magel: Second.

Mr. Snyder: Roll please.

All members present voting: Yes: Foltz, Kiesling, Lindower, Magel, McLaughlin, Osborne and Snyder. No: 0

The meeting ended at 8:45 p.m.

PRESIDENT OF COUNCIL

ATTEST:

CLERK OF COUNCIL