

DAYTON LEGAL BLANK, INC. FORM NO. 10148

Held Monday, October 19, 7:00 p.m. 2009

## CALL TO ORDER:

1. The Special Council Meeting was called to order Monday, October 19, 2009 immediately following the Committee of the Whole meeting at 8:00 p.m. by President of Council Daryl Revoldt.
2. Roll Call

Mr. Revoldt: Clerk, would you please call the roll?

The following members of Council responded to roll call: DeOrio, Foltz, Kiesling, Peters, Revoldt and Snyder. Council Member Davies was not present for the special meeting. Also present were: Mayor Held, Director of Administration Wise, Director of Law McFarren, Director of Finance Zumbar, Director of Economic Development Bowles, City Engineer Benekos, Superintendent of Streets & Utilities Chufar, Superintendent of Permits & Inspection Hampton, Rental Coordinator Raymond and Clerk of Council Kalpac.

Mr. Revoldt: May I have a motion to excuse Member Davies?

Mr. DeOrio moved and Mr. Peters seconded to excuse the absence of Council Member Davies. All members present voting:

Yes: Foltz, Kiesling, Peters, Revoldt, Snyder, DeOrio.

No: 0

Mr. Revoldt: Before we move to our single item of business tonight, I would ask Council's indulgence. This process has been a little out of our normal flow and we have not had a public speaks prior to for this particular item. And what I'd like to do, if you will indulge me, we have some neighbors from Plain Township here tonight who have an interest in this ordinance. And it would seem that if we are going to be a good neighbor before we adopt this we should hear what is said. And it has – those neighbors do have a spokesperson here tonight. If you would come forward to the microphone, state your name and address and get on the record. Welcome.

David Miner: Didn't know we had any records any more. I was thinking about CD's and DVD's.  
Mr. Revoldt: Absolutely. Welcome.

Mr. Miner: Thank you. David Miner. 4806 Darlington Avenue NW – Canton. Vice President, North Avondale Heights Homeowners Association. North Avondale Heights allotment is immediately west of the Oster water field. Most of our homes have been there for 30 to 50 years. All 50 plus homes have water wells. Many of our water wells are within a general range of 70 feet to maybe 175 feet deep. Our concern is that any municipal water well, i.e. North Canton that the water Well #10 will not negatively impact our residential water wells. We would like to work with the City of North Canton. We believe that it would be beneficial for a number of our water wells to be tested prior to North Canton pumping any water from the Oster water field to get a baseline as to what our wells do. We would also request that North Canton provide written assurances to us that if our residential water wells are adversely affected, that North Canton will provide corrective action. This is my third appearance before the Council and I hope that we can move forward on this and get off of kind of dead zero. We haven't gone anywhere yet with this. And I think we tried really hard when North Canton wanted to sell the Oster property to the church and we worked with North Canton on that. We're trying to work with everybody on the water field also. So that's our concern that we develop some kind of dialogue. There was some conversation with the super – with the Water Superintendent at one point.

Mr. Revoldt: First of all, would you please provide at some juncture the Clerk with your name and address so she can provide you with notice of any issues that come before the Council ...

Mr. Miner: Sure.

Mr. Revoldt: so we can provide you with timely – an email, however you prefer to be contacted.

Mr. Miner: I can do that.

Mr. Revoldt: She'll take care of that. Administration.

Mr. Wise: Well we did speak with Mr. Miner, it's been over a year ago I think.

Mr. Miner: Correct.

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Mr. Wise: And I'm trying to recall in the sequence whether or not that was before or after the well was actually drilled. I think it was before Well 10 was drilled. It was drilled some time ago and during the process in order to certify a well at a certain gallons per day and this is certified at two million gallons per day, we have to pump it for 72 hours I believe at one and a half times. Mr. Benekos?  
Mr. Benekos: Correct.

Mr. Wise: So we have to pump it at three million gallons per day. And then there are wells that are monitored. And I would have to check with Mr. Steinhebel, but it's my understanding that there were some wells there that were monitored for the draw down. And the EPA will not certify the well if there's draw down or significant draw down. We could pump a lot more than two million gallons from that well. It's - two million gallons a day is a safe yield. Meaning pumping two million gallons a day will not affect wells in the area. Having said that, if it does - I see you smiling - if it does, then and we've had this meeting and the city would be obligated to address that situation whether that's hooking you to the water system, I can't remember exactly what Rich indicated, but we have to address that if it affects your wells. And that's the point of the pump testing to garner or to determine the safe yield per day. And I...

Mr. Miner: My understanding - and I agree with what you said. My understanding was that following our meeting which we had here at City Hall, which you just referred to, that there was going to be a follow up letter stating that to us.  
Mr. Wise: Okay.

Mr. Miner: Our concern is that for our residents they're saying the quote from maybe the Mayor was, "water is like gold" or somebody said that. We agree with that. It's our water wells. And if you'd put that in writing that if there was a problem North Canton would do that that's what the residents are looking for. We want to be good neighbors. We don't want to lose our precious water because we don't have a water system to draw upon except my individual well. That's kind of what we're saying.

Mr. Snyder: Mr. Miner, question sir. The City of Canton provides you that guarantee also? They are pumping out of that field. Have they provided you that guarantee already, you've sought that relief as well?

Mr. Miner: I believe you're talking about Canton City which is pumping farther south.

Mr. Snyder: Same well field.  
Mrs. Kiesling: Same aquifer.

Mr. Miner: And that may be true. I don't know where that aquifer goes but if additional pumping occurs in that and we lose water, I know you can argue with Canton who took the water but what we're saying is we need the water. And we're not here trying to sue the City. We're not here trying to cause a lot of problems. We're trying to figure out will we still have water at the end of the day.

Mr. Revoldt: What your remedies are.  
Mr. Miner: Yea.

Mr. Revoldt: Absolutely. Okay. Let's do - let's move the conversation along. What we will do Mr. Miner, thank you, is we will pull this back up on our council agenda and discuss this particular issue and see what we're comfortable doing. I think we'd like to - frankly, like to consult with counsel, our legal counsel and determine whether we can find a mutually satisfactory path.

Mayor Held: And if I could just add to that. You know it's clearly to the residents, Mr. Miner and your neighbors that are here this evening we certainly do not want to adversely impact your water system whatsoever. And I think really what we're going to do - and neither does the Ohio EPA and so we're going to make sure that if in the event that you're water was adversely impacted that you know we would remedy the situation. I think right now it's just a matter that we want to follow the process to...

Mr. Snyder: Mr. Mayor, I would advise you at this point not to elaborate any further than you do sir. Just let it alone and we'll take it up with the attorneys and we'll find out where we're at. It would be in our best interest sir at that point. I apologize but that would be a better avenue at this time.

Mrs. Kiesling: We don't want to make promises we may not be able to keep.

Mr. Revoldt: Let's bring it back for discussion. Okay, alright let's...

3. Mr. DeOrio: I would move for the first reading of Ordinance No. 96-09.

Mr. Revoldt: I have a motion for the first reading of Ordinance 96-09. Is there a second?

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Mrs. Kiesling: Second.

Mr. DeOrio moved and Mrs. Kiesling seconded to **read by title only, first reading** of Ordinance No. 96-09. All members present voting:

Yes: Kiesling, Peters, Revoldt, Snyder, DeOrio, Foltz.

No: 0

**Ordinance No. 96-09 – 1<sup>st</sup> Reading – Water, Sewer & Rubbish Committee**

An ordinance authorizing the Mayor of the City of North Canton, through the Board of Control, to enter into a contract for the Well #10 Raw Waterline Project and declaring the same to be an emergency.

Mr. Revoldt: May I have a motion to – any questions or comments?

Mr. DeOrio: I would say since this has already been discussed as an item previously at the Council of the Whole I would move for passage of Ordinance No. 96-09.

Mr. Revoldt: May I have a second?

Mr. Peters: Second.

Mr. DeOrio moved and Mr. Peters seconded to **adopt the first reading** of Ordinance No. 96-09. All members present voting:

Yes: Peters, Revoldt, Snyder, DeOrio, Foltz, Kiesling.

No: 0

Mr. Revoldt: May I have a motion to suspend the rules for Ordinance 96-09?

Mr. DeOrio moved and Mrs. Kiesling seconded to **suspend the rules** for Ordinance No. 96-09. All members present voting:

Yes: Revoldt, Snyder, DeOrio, Foltz, Kiesling, Peters.

No: 0

Mr. Revoldt: A motion to adopt under the rules as suspended Ordinance 96-09.

Mr. DeOrio moved and Mrs. Kiesling seconded to **adopt under the rules as suspended** Ordinance No. 96-09. All members present voting:

Yes: Snyder, DeOrio, Foltz, Kiesling, Peters, Revoldt.

No: 0

4. Mr. Revoldt: May I have a motion to adjourn?

Mr. DeOrio moved and Mrs. Kiesling seconded to adjourn the special council meeting. All members present voting:

Yes: DeOrio, Foltz, Kiesling, Peters, Revoldt, Snyder.

No: 0

The special council meeting adjourned at 8:10 p.m.

  
PRESIDENT OF COUNCIL

ATTEST:

  
CLERK OF COUNCIL

10/21/09-gmk