

RECORD OF PROCEEDINGS

Minutes of COUNCIL OF THE CITY OF NORTH CANTON

REGULAR

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, April 14

7:00 pm 20 03

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. Reid Firestone, Mt. Pleasant Church of the Brethren.
3. All present recited the Pledge of Allegiance.
4. Roll Call

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

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

Mr. Snyder: May I have a motion please to excuse Member McLaughlin.

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

Yes: Kiesling, Lindower, Magel, Osborne, Snyder, Foltz

No: 0

5. Mr. Snyder: I'd like to have a motion to consider the minutes of the Council Meeting of March 24, 2003 and consideration of the Financial Statement presented to you for March, 2003.

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

Yes: Lindower, Magel, Osborne, Snyder, Foltz

Abstain: Kiesling. I abstain on the minutes because I wasn't here and yes on the financial statement.

No: 0

6. Committee Reports

Community & Economic Development Committee: Refer to the minutes on file in the Council Office of the Community & Economic Development Committee meeting held April 7, 2003.

Finance & Property: Refer to the minutes on file in the Council Office of the Finance & Property Committee meeting held April 7, 2003.

Ordinance, Rules & Claims: Refer to the minutes on file in the Council Office of the Ordinance, Rules & Claims Committee meeting held April 7, 2003.

Mr. Snyder: Member Magel makes an exception to the statement at the end.

Mr. Osborne: Can you elaborate?

Mr. Snyder: Member Magel

Mrs. Magel: Yes, last minute corrections by Vice Chairperson Magel are to be incorporated either in house or with D.B. Hartt. They weren't last minutes corrections. What happened was these were corrections for the most part that were not corrected from D.B. Hartt and I had to come back and make sure that what we had agreed to was in the new book and sure enough of course it was not. So, I, these are, we all sign off on these and these committee meeting minutes are official and I would please appreciate that it wasn't last minutes corrections on my part. It was unfinished business from the last time,

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sir, that was what I objected to.

Mr. Snyder: Appreciate it. We'll so note it in the record.

Mrs. Magel: Thank you.

Park & Recreation Committee: Refer to the minutes on file in the Council Office of the Park & Recreation Committee meeting held April 7, 2003.

Street & Alley Committee: Refer to the minutes on file in the Council Office of the Street & Alley Committee meeting held April 7, 2003.

Water, Sewer & Rubbish Committee: Refer to the minutes on file in the Council Office of the Water, Sewer & Rubbish Committee meeting held April 7, 2003.

Executive Session: Refer to the minutes on file in the Council Office of the Executive Sessions held March 24, 2003 and April 7, 2003.

Mrs. Magel moved and Mr. Foltz seconded to accept the minutes as stated on the exception as presented. All members present voting:

Yes: Magel, Osborne, Snyder, Foltz, Kiesling, Lindower

No: 0

Recognition of Visitors:

Mr. Snyder: At this time, we'll recognize any visitors in the audience wishing to speak. Please step forward, state your name and address for the record.

My name is Miriam Baughman, 320 Weber Ave., North Canton. Before I start I'd like to have a show of hands of anybody that's here to advocate to preserve the beauty of South Bob-o-Link. Thank you. The show of hands if you're here to preserve the beauty of South Bob-o-Link, yes, okay. First I have a question for administration. Last Monday night I sat here in the Chambers and I heard Council specify that administration was to negotiate a CEDA between Plain Township and North Canton and so could you please help me understand why there's a legal document from the developer to be voted on tonight.

Mayor Rice: That was the, Miriam that was the, that was drafted out from the source of the developer and based on input I think from City Council and Plain Township and then was delivered to the City and the Council members I think late Friday, as I understand it.

Mrs. Baughman: Okay, did Plain Township get a copy?

Mayor Rice: According to the cover letter on it, it was delivered also to the legal counsel for Plain Township, based on the cover letter.

Mrs. Baughman: Okay, I read through the legal document that was presented. I don't call that a CEDA because I see no economic development to Plain Township in that document. I really see no economic development to North Canton in that document. Really, the only economic benefit I see it to the developer. As I read through it I saw a statement that said that the City would accept the plan as submitted. My question is how can you accept a plan that's not complete and not in compliance with our zoning. If you'll see the red areas which is RMFAB and RMFA – what is it?

Mrs. Magel: RMF-A, RMF-B

Mrs. Baughman: Okay. The one section's to be for condominiums, the other section's to be for apartments, those areas are blank. So how can you vote on something that's blank. Also

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all the areas that are in yellow are the R-50 zoning. They do not meet North Canton zoning. I understand that the roads of that development do not meet the zoning either. And I had a talk with Mr. Hemminger, he told me what happens if there are private roads in a development that usually within two years they come to the City and want the City to take them over and then that becomes a problem. Okay, the next thing I want to talk about is Arrowhead. The City is going to spend 4.2 million dollars to buy Arrowhead to prevent residential development and to keep green space. So why would you even think about accepting a plan that looks like that that's going to bulldoze down every tree, all the rolling terrain. The people on the East side of North Canton are calling that discrimination. We feel that the area that we live around is just as beautiful as Arrowhead and has every right to be preserved. Now I read in the CEDA that the developer has promised to keep as many trees around a 20' perimeter of the golf course. I was on that golf course Saturday. I was in a golf cart with other people and we had the permission of the man of course who gave us the golf cart. We counted six trees that are involved in this. Six trees on the south side that were within 20 feet. The east side the trees are all in the wetlands and they're very scraggly looking so they probably should be cut down. On the west side is where the high school is, I didn't count them but there were very few trees and they were all on the other side of the easement anyway. So to me this is a meaningless offer because it really only involves six trees. Okay, I also took pictures of the trees, could you bring the pictures up, I want to pass it around Council. Those are pictures that were taken on about less than 1/4 of the golf course. There are 14 pictures, they're all a different view. They are beautiful old trees and with that development plan they will be gone. I ask you please to table this vote tonight until things can be clarified as to why it doesn't meet the zoning, why the condos and apartments aren't filled in and there's also some question, a big, big question I have is the public going to have a public hearing before the annexation is accepted. Thank you.

Mr. Snyder: Anyone else in the audience wishing to speak? Sir, step forward, state your name and address for the record.

Lee Bell and my address is 7549 Angel Dr. NW, North Canton. I reside in Bob-o-Link and it's actually just coincidental that I'm here. I had sent a letter to Bob DeHoff about, I'd say a month ago or a little more, unrelated to anything going on here, I just sent him a letter to say how much I liked the plans for several reasons. And I love golf courses and I love trees so I don't want anybody to take me wrong but if the area is to be developed I just think he's done a, he and Bill Lemmon have done a wonderful job. The area's going to have some real nice blocks where the housing's surrounding the blocks. I know you've seen that. It's going to have housing surrounding the ponds. I think nature, hopefully, I think the plan is to preserve nature as much as possible. The black horse fencing is very attractive. The walking paths, bicycle paths, I just think it's a real attractive neighborhood so I sent a letter to Bob just saying how nice I thought it was, the club house, the pool, the amenities and told him that my family and I were interested. So I'm here just to say you know everybody likes golf courses and we like trees but if the area is to be developed I think it's a, I think the plan and I don't know about the density or anything like that, I've only seen you know the brochure and talked to some people but I think the plan is very well designed. What I like to is it's more like a plantation where you don't have traffic going through it. Where I live now in Bob-o-Link we have problems with people, I assume people driving through the allotment and throwing out papers and bags from Taco Bell and this and that, it's kind of frustrating. I assume it's not people that live in our allotment. And here, my understanding is there would be no pass-through. There'd be an entrance and exit and you wouldn't have other neighborhoods driving through and I just think it's very well designed and very well done and so I'm a supporter of it.

Mr. Snyder: Thank you sir. Anyone else in the audience wishing to speak to the Council. Mr. Kindy, step forward state your name and address for the record.

Ronald Kindy, 9 Bentley SE, North Canton, 44709. I'm speaking tonight to support the annexation proposal of The Villages at the Sanctuary. In light of the fact that the golf course is

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going to go away anyway it makes excellent sense to have a total planned community become reality on that parcel of ground. I greatly appreciate the concerns of the city as to zoning and land usage. I also believe that any city USA would love to have a similar land tract to be in their city. The developers have demonstrated a great caring commitment to planned residential and commercial land developments in the past. The opposition's short sightedness reminds me of the cornfields developed which became Washington Square. If not cornfields then what better than what is now Washington Square. The reasonably rapid occupancy of both residential and commercial areas is a great testimonial to the value and integrity of these developers. And what a great asset it has become and thanks for the tax base contribution. It seems to me that all the prime objections vanished as quickly as they appeared and those who would rather pick corn can do so and while they are at that they can give up on their city resident benefits. I think it disrespectful that some could vote to exclude those future homeowners within The Sanctuary from becoming citizens of North Canton. It's going to happen one way or the other. You better believe every surrounding township anywhere USA would grab this planned development in a flash. Looking out to the future and not knowing what our tax base might become and what portion of that will be supported by commercial or industrial businesses we might look at larger residential base to share the burden. Thank you.

Mr. Snyder: Thank you sir. Anyone else wishing to speak to the Council? Sir, step forward, state your name and address for the record.

Richard Dowding, 256 Hume St. NE, North Canton. Two things I want to bring up tonight. My first question is where's the four million dollars coming from to buy the golf course?

Mr. Snyder: Is that a question sir?

Mr. Dowding: It's a question, can anyone answer that for me.

Mr. Snyder: Yes sir, I can. We will initially issue short term year notes, one year maturity at a time, which the law allows us five years to do. So each year after, for the first five years, it most probably will be issued in one year increments. At that particular time, after five years we're required at that point to move to debt service so we will either issue bonds or use internal money. It has not been decided yet. But for the immediate need, it'll be issued in a one year note.

Mr. Osborne: May I reply to something as well?

Mr. Dowding: Yes

Mr. Osborne: The short term notes and I might have to depend on Julie is the least financial impact to the City. I believe the debt service on that would be about \$90,000.00 a year...

Mr. Snyder: Mr. Osborne, excuse me. We're not going to have debate. If you'll answer the gentleman's question...

Mr. Dowding: I'd like to hear what he says sir.

Mr. Snyder: Well, sir, we do not allow debate during public speaks.

Mr. Osborne: I'm not debating ...

Mr. Snyder: You are ...

Mr. Osborne: I'm just providing more information on what the debt service will be ...

Mr. Snyder: well, sir, go ahead continue.

Mr. Osborne: those first five years that - we can achieve the lowest interest rate on the notes. As Mr. Snyder, the President just said of Council, we're allowed to do that for five years. But at the five year mark we're required to get long term debt just as Mr. Snyder said. The interest rate will be higher, we'll be upwards around 4%, 5%.

Mrs. Herr: That's what it is now but five years from now we don't know what it will be.

Mr. Osborne: Yea, we don't know five years from year. So consequently, say it's 5% you're looking at 4 million dollars, you're talking \$200,000. a year just to pay the interest. That's

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not to pay the principal so you're probably looking at \$300,000. a year starting at year five so I'm presuming that the first five years we'll just tread water and pay interest on the note until we decide to refinance it for a long term bond.

Mr. Dowding: That's what I was afraid of. Secondly, do you, do any of you have any idea of the problems that may be involved in running a golf course. Do you have any idea what you're getting into with something like this? My second or my third question is last meeting we had the men from the gas, the gas brokers here to talk about a plan where next winter perhaps we wouldn't have such high gas bills. Has been referred to any committee, is there any action going to be taken on their suggestion?

Mr. Osborne: If I may answer that Mr. President. Mr. Dowding, that was just kind of a primer to get people thinking along those lines and to acquaint them with what neighboring communities are doing. I do hope that we can get back into that discussion. We're so bogged down with a lot of heavy issues here that it's kind of put on the back burner.

Mr. Dowding: Thank you.

Mr. Osborne: As far as your previous question about do we know what we're getting into with a golf course ownership. I had the opportunity to meet with a very successful owner of golf courses here in Ohio, he owns a, and I won't mention his name, but he owns a private course that's very well thought of in the area as well as a public course and he also owns one in the Columbus area. He has offered his services to meet with Council in private to explain the ins and outs, the unexpected costs, the concerns – a lifetime of his experience managing golf courses. The gentleman is very successful. I'm not going to mention his name. I have made this presentation to the President of Council and I've asked that we set up an executive session some time here this week. This gentleman wants to make his advice available in a private setting which I understand and I am hoping that Council will accommodate this gentleman. He has no interest in the golf course himself but he's taking I guess his 40 years of business and golf course management experience, very successfully I might add, and a civic minded effort. He would like to pass on his expertise and I hope Council will avail itself to his advice and...

Mr. Dowding: Thank you. I hope Council listens to him too. Thank you.

Mr. Snyder: Anyone else in the audience wishing to speak to the Council. Yes sir, please step forward, state your name and address for the record.

Joe Blubaugh, 256 Glenwood SW and I guess I'd like to speak briefly to the Arrowhead issue since I'm a resident near Arrowhead in the west side and I've been a strong proponent of procuring Arrowhead and I think we should continue and do that and we should buy it and not get into any other kinds of arrangements. I think it's a once in a lifetime opportunity to provide all sorts of opportunities for all members of the community, east side or west side. I enjoy the new walking path on the far east side. I think the folks on the east side could enjoy Arrowhead if the city gets that piece of property and we can then find ways to use it. If a golf course doesn't work, you can shut it down and make a lot of other things out of the park but I don't think we can ever, we'll ever have an opportunity again to buy this kind of land for the entire city and for the use of all of the citizens. And I appreciate what Council's doing to bring that about. Thank you.

Mr. Snyder: Thank you sir. I appreciate your comments. Is there anyone wishing... sir step forward, state your name and address for the record.

Rich Kuntz, 615 Briar Ave NE, 44720. I just got three comments. Number one, I'm proud to live in North Canton. I've lived here all my life practically and I don't think there's a better community or a more growing community than North Canton anywhere around and I'm proud to live here. The only thing I get a little bit disgusted with is every time I come to one of these meetings I've never so much dissension and bickering among you professionals and it's really a

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disgrace. On the water or on the plan for the south course, I got a lot of mixed emotions about it, but I think that it should be held open or submitted with - not be submitted until they have a public hearing on it (excuse me) so everyone can have a voice in it. Number two - last year when I was up here I was fighting against a water increase rate for seniors and so forth and we didn't have the money then, but all of a sudden we got the money. And I understand what Chuck just said about getting the loan and so forth for the next five years. But you know there's a lot more to someone in their 70's and 80's when they had their water rates increased than a golf course. And I think also Arrowhead probably will be a good buy and a good thing for North Canton if they again, as this gentleman said back here, does anyone up here know how to run a golf course. It's going to take a lot of effort. There's a lot expense. I worked at a golf course. You've got a lot of upkeep and maintenance. You've got a lot of people to hire. You've got to get a club manager. If you're going to have dinners and so forth you're going to need a chef. You really ought to look into it but I mean I think it's a great thing for North Canton. And like I said the last thing is a friend of mine called me that evidently is reading a lot in the paper about everything that's happening in North Canton and they - kind of was a big joke at their council meeting that again it seems like our professionals can't get along or ever discuss anything or ever come to a term without an argument. And that's the only thing that I feel resentful for that I think because everyone up here, that I know personally, is a professional. But I yet I think that a lot of the things that you guys and ladies discuss should be cleared before you bring it out here on the floor so there's no - not so much dissentment; because it really looks bad and I just think it needs to be cleaned up. But I'm - again like I said, I'm proud to live in North Canton. Thank you.

Mr. Snyder: Sir, one point I might want to tell you though so that you realize, the water rates, we're restricted by the law. The money from the water rates is only used for water. There'll be no water fund money used at the Arrowhead or anyplace else. It's used strictly for the replacement of the waterlines or the water treatment plant. The water fund is totally separate. But I do appreciate your comments. And a - but I just don't want you to think that we're raising the rates or in the future if we ever raise the rate, it's due to possible the interest that we are charging or paying for the Arrowhead. But thank you for your comments.

Mr. Kuntz: Yea, thank you.

Mr. Snyder: You're welcome sir. Is there anybody else in the audience wish to speak to council? Okay, seeing none...

OLD BUSINESS:

8. Mr. Osborne moved and Mr. Foltz seconded to **read by title only, third reading** of Ordinance No. 40-03. All members present voting:
Yes: Osborne, Snyder, Foltz, Kiesling, Lindower and Magel.
No: 0

Ordinance No. 40-03 - Third Reading

Ordinance No. 40-03 amending the General Personnel Regulations of the Personnel Handbook for the City of North Canton, adopted by Ordinance No. 92-78, as amended, by the addition of a Travel Policy.

Mr. Snyder: Chairman Lindower.

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Mr. Lindower: Yea, this is the - here again is to replace or I'm sorry to add into writing in the Travel Policy in the city handbook establishing travel policies and rates and so forth.

Mr. Snyder: Okay, any other comment? If not ...

Mr. Osborne moved and Mrs. Kiesling seconded to **adopt the third** reading of Ordinance No. 40-03. All members present voting:

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

No: 0

9. Mr. Foltz moved and Mrs. Magel seconded to **read by title only, third reading** of Ordinance No. 41-03. All members present voting:

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

No: Osborne.

Ordinance No. 41-03 - 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 groundwater quality evaluation of the East Maple well field.

Mr. Snyder: In the absence of Chairman McLaughlin, as you all know this is the third reading, that we will do quarterly reporting on the East Maple well fields. They were ruled clean and we are monitoring over the next 12 month period. And we hope that we do end up with a viable well field in a - on that side of town. Any other comment?

Mr. Osborne: Mr. President, I'd like to make a couple comments.

Mr. Snyder: Sir, please.

Mr. Osborne: I have some grave concerns about trying to develop East Maple at this time. There's the issue of drying up existing wells in the area - existing private wells, which the city would wind up being responsible supplying city water to. I believe the city should be investigating the Oster property. As I've shown in past meetings, it's situated in a area - this is shown on Ohio Department of Natural Resource maps located in the county, as the highest source of water. We need to be exploring that. That one well field could supply the entire city needs. As I mentioned also here a few weeks ago, I stepped off the distance from where we last stopped the pipeline on Bachtel, I walked it all the way out to East Maple that lies abeam to the property. And I also went down to where the pipeline begins, down there at Everhard Road where it runs through our Water Treatment Plant that we put in last year at 1.2 million dollars and I walked it down the tracks to abeam with the Oster property. That distance is half of what it is going to the East Maple field property. Granted we have to do a boring underneath the Interstate 77, but on balance I think you're looking at the same expense whether you try to hookup East Maple or the Oster property. Given the history we've had out there at the East Maple well field, I had a resident here and this is just here say because I haven't been able to document it, I was told there was old maps, turn of the century maps, that described that area as a dump. But I've been to the Historical Society, I've been to the Regional Planning Commission, I've been to the city or the County Engineers, looked at aerial maps, I haven't been able to document that. So I don't want to pass on something I haven't been able to factually prove. But that's my concern about East Maple. Also, last Fall when we were going through with the possible sale of Oster, this council committed that they would investigate Oster and to date I've seen nothing moving through. So thank you very much.

Mr. Snyder: Just one point.

Mrs. Magel: Mr. Pres...

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Mr. Snyder: Pardon me Mrs. Magel. One comment to Mr. Osborne's last remark, that's not true. I've been working very closely with Mayor Rice's administration over the last two and half months and he has not yet prepared - completely prepared to it deliver to Council, but they are doing both testing and hydrology tests and so forth. So we will have that information. Contrary to your belief that is being done at the request of the Council President and the chairman of water. Mrs. Magel...

Mr. Osborne: Well I believe that I said that I've heard of that the city has not started any...
Mr. Snyder: Inaudible...want that clear. Mrs. Magel.

Mrs. Magel: Yes, I'm rather familiar with what's being going on on East Maple. It's a stone's throw from my home and I was involved in it throughout the entire three years. We're getting off point here. We're not in any way shape or form discussing developing the East Maple Street well field.

Mr. Snyder: No, we're testing.

Mrs. Magel: We're testing it.

Mr. Snyder: We were mandated by EPA to test it if we decide to develop it.

Mrs. Magel: Thank you.

Mr. Snyder: Mr. Foltz.

Mr. Foltz: Just to follow up to a few points. And Member Magel you're correct. I remember walking the hills with Mike Sumser and pointing to spots that we were going to do core samples on and looking at topography maps from a hundred years ago and they haven't changed. That's the facts of the matter, they haven't changed. There's not a dump there. As far as I remember, I think Rich Steinhebel verified this a month ago, this was a certified well field. All we're doing is - unfortunately we had some situations there that contaminated one of the monitoring wells. We want to get this back to a clean, certified well field. And I'm very much in favor of this.

Mr. Snyder: Thank you sir...

Mr. Osborne: I didn't say that the topography had changed. I've looked at all those maps as well and I agree with you, the topography hasn't changed. The same stream flows through there, the Nimishillen I believe it is. So I just wanted to clarify that.

Mr. Snyder: Any other comments?

Mrs. Magel moved and Mr. Lindower seconded to **adopt the third reading** of Ordinance No. 41-03. All members present voting:

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

No: Osborne.

NEW BUSINESS:

10. Mrs. Kiesling moved and Mrs. Magel seconded to **read by title only, first reading** of Ordinance No. 49-03. All members present voting:

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

No: 0

Ordinance No. 49-03 - First Reading

Ordinance No. 49-03 authorizing the Mayor of the City of North Canton, through the Board of Control, to enter into a Cooperative Economic Development Agreement and Annexation Agreement ("CEDA"), by and between the City of North Canton, Stark County, Ohio ("City") and Plain Township Board of Township Trustees ("Township").

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Mr. Snyder: Chairman Kiesling.

Mrs. Kiesling: Yes, like the Mayor stated earlier, we received an updated CEDA agreement Friday afternoon. My understanding is our attorneys are okay with it. Plain Township is okay with it. I assume the Mayor and the administration if they aren't okay with it they'll speak up. The changes from the previous one or last week, Bob-O-Link Manor Apartments were removed. They weren't in the original - the first draft. Somehow they ended up in the second draft. The current - they're out of the third draft. They will not be involved in the CEDA Agreement. The second point is McKinley agrees to maintain the trees, which Mrs. Baughman spoke about, the 20 foot perimeter around the allotment. And I've not gone and counted trees - I apologize. They promised to try to keep it to a natural contour. And I see Washington Square and I know they do a wonderful job. And I realize that you know they want to put homes in and they bought the land. They're not going to be able to save every tree and that is depressing, I agree completely. However, it is their property and they've been willing to work with us and Plain Township and I believe they will do their best to preserve as many trees as possible. The second - third point is that the zoning approval needs to be clarified that they will take the zoning and the variances out of the CEDA agreement. They will submit a plan to our Planning Commission, the Planning Commission will have a public hearing on the zoning specifically, then it will come to council for approval. So in the end council will approve the zoning - what they're requesting, the R50, the R70, the RMFA and RMFB. And the last one was the right of way that Kathy had - that we talked about last week. She wasn't quite sure about the amount of right of way, because now that we are going to annex it, Applegrove improvements - more of the improvements will be our responsibility because more of Applegrove will be in the city. And they did go ahead and clarify it with the County Engineer and increase the right of ways a little bit - 15 feet on the north and up to 25 feet on the south of Applegrove and this is per the County Engineer, what they have designed at this point. Questions from Mrs. Baughman, the roads. You know I - the roads that's first time anybody's ... The roads aren't in our zoning. So I don't - I guess I don't know how to answer that question. What's wrong with the roads?

Mrs. Baughman: They don't meet the zoning.

Mrs. Kiesling: As far as what?

Mrs. Baughman: The width.

Mrs. Kiesling: The width of the roads don't meet our zoning?

Mrs. Baughman: They're private roads.

Mr. Snyder: No, they - in order to - if they intend to bring them to the city they have...

Mrs. Kiesling: If they're going annexed they have to be.

Mr. Snyder: they have to meet our standards.

Mrs. Kiesling: Right.

Mr. Snyder: That's in the subdivision regulations. They have to be built - what is our streets 33, 35 feet wide?

Mr. Benekos: The width of the streets, 31 feet back to back. The right of way is 50. If you look in the plan, I believe it's Exhibit "C", it shows 50 foot of right of way, which is required by the subdivision.

Mr. Snyder: Right and they have to meet the subdivision regulations in order to submit a plan.

Mrs. Kiesling: So that plan, like we talked about, will still go to the Planning Commission and if they have any of these concerns, which they originally had one in the pre-preliminary plat, which we've tried to clear up as far as the vacation of Woodside or the dedication of Woodside. Where we had spoke about that last week, we're going - they have agreed to let us dedicate the end that currently is in Plain Township in case the high school would ever want to put a new driveway from the back of the high school north to Applegrove. So they have agreed to dedicate their part of Woodside and eventually we'll have to come back and decide what we're going to do with the other side of Woodside. That will have to be a separate - whether we're going to vacate it or dedicate it. At this point we haven't decided. That's a totally different issue. They've agreed to whatever we

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would like to do. They've agreed to dedicating what's in Plain Township currently and will be coming into North Canton. And public hearing - we answered your public hearing question, right?

Mrs. Baughman: Inaudible...

Mrs. Kiesling: As far as the CEDA. Now Roy and I - go ahead, maybe Roy can answer this better. Excuse me.

Mr. Snyder: First of all you're required - our Charter requires, there'll be a public hearing...

Mrs. Kiesling: Right.

Mr. Snyder: at the Planning Commission. There'll be a public hearing at Council.

Mrs. Kiesling: Right.

Mr. Snyder: There'll be a public hearing at Council to accept the annexation. The Charter is very explicit, no CEDA, no government body can exercise any different from the Charter. That is totally up to the people of North Canton, voted by the people of North Canton. So there will be at least three public hearings relative to that property. That is required by the Charter and it cannot be usurped by any CEDA or any written agreement entered into by the Mayor or the developers of the township. Only the people, the voting citizens of North Canton, can change the Charter. I...

Mayor Rice: Jon, can I add one thing to that please?

Mr. Snyder: Please Mayor, go ahead.

Mayor Rice: Just for further clarification. I think Jon's absolutely correct from the city's standpoint. We would still have our same public hearings we always would. However, my understanding with a CEDA and to be totally up front with you so there's no surprises, one thing a CEDA does because normally in an annexation, an annexation petition is submitted to the Stark County Board of Commissioners. They're the first ones that review it and act upon accepting or denying it. As I understand it and I'm not an attorney, but this is how I understood from our attorney working on our - the city's behalf, when a CEDA goes to the Board of County Commissioners, while they do have a public meeting to vote on it, a CEDA does eliminate the need for a public hearing before the County Commissioners, which they would normally have in a normal annexation. So that to my knowledge right now that's the only public hearing that is lost. But there is a public hearing lost at the county level, okay, but not at the city level. And I - to the best of my knowledge that's how it works. So there is - I don't want you to think here and then find out at the county level that they don't have their public hearing and think we're misrepresenting something. But I - to the best of my knowledge there is no public hearing before the commissioners. However, they would have to deal with this in a public forum at one of their public meetings. But they don't have per say public hearing for it. Okay. If I - are you done Marcia?

Mrs. Kiesling: No, go ahead.

Mayor Rice: My only comments here, I think this document currently is pretty close. We tried to get it close to what council's input was and your desires here a couple weeks ago. And that's what the administration has been trying to do is get your concerns and desires on paper for you. Clarification on Bob-O-Link apartments, again I'm not an attorney, but as I understand it from our attorney, talking to him today, they are a part, the way this is written, the apartments are a part of the annexation. However, they are not a party to the CEDA.

Mrs. Kiesling: They don't have sign on this - ... inaudible... on the CEDA.

Mayor Rice: If you notice they're described as the property.

Mrs. Kiesling: Right.

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Mayor Rice: Okay. They're not a signatory to the CEDA, because none of the CEDA affects them.

Mrs. Kiesling: Right.

Mayor Rice: But when the annexation petition is filed with the county..

Mrs. Kiesling: They'll be ...

Mayor Rice: for the sanctuary it will also include the apartments. So they're part of the annexation but not the CEDA if you follow me on that. Okay.

Mrs. Kiesling: Yea.

Mayor Rice: Clarification there. The only other item quite honestly and I didn't have a chance to ask our attorney this, but the one question I do have on this document and maybe - I think Tom is here, of the - the attorney for the developer. But Tom, at the end of Section 5 on page 5, if you've got yours in front of you, at the end of page 4, top of page 5, basically says, that last sentence, it says, that in the event that after appropriate and necessary hearings on the applications described above and they're talking about the rezoning hearings and the variance hearings, and the recommendation of both the City of North Canton Planning Commission Board of Appeals, the North Canton City Council denies the requested zoning classification and variances, McKinley shall have the right to terminate its obligations under the within agreement. Could you explain to me what you mean by that? Does that mean you would void the CEDA or that's possible?

Unidentified: Yes...

Mayor Rice: And if that's the case how do you void a CEDA? Because those activities would not take place until after the property is annexed and to the best of my knowledge you can't undo an annexation, but I don't...

Unidentified: Well...

Mayor Rice: once it's granted. I'm sorry, go ahead.

Tom Winkhart: If it can please the Council. My name is Tom Winkhart, I'm an attorney for McKinley Development Company, the developer. Basically you're right Mr. Mayor, that the concept with respect to zoning hasn't changed throughout this. What was clarified at really at the request of North Canton's attorney, was that it be very clear in the CEDA that in fact there would be the same zoning procedure that we would be going through if this property were already in the city and that would be an application for a zone change, the opportunity for a public hearing before Planning Commission, Planning Commission's recommendation to City Council and City Council's ultimate approval or denial - acceptance or rejection of the recommendation from Planning Commission.

Mrs. Kiesling: Tom, they can't hear you in the back. Sorry. Just pick it up and speak into it.

Unidentified: Use the mic.

Mrs. Kiesling: Thank you.

Mr. Winkhart: Okay, is that better?

Unidentified: Yes.

Unidentified: Much better.

Mr. Winkhart: Okay. You want me to go through that again? Alright. The original intent of the CEDA as was drafted, was to provide and it's stated that the developer would go through the normal zoning reclassification and variance procedure. An application for reclassification to the Planning Commission and an application for variances to the Board of Zoning Appeals. It was contemplated in the previously - in the earlier versions that that would have happened prior to final passage of the CEDA. That became a point of confusion and probably rightfully so. So this version, at the request of North Canton's Attorney, was clarified to make it very clear that after the CEDA was approved, after the annexation was approved, then the developer would have standing and the right to make those zone change applications and variance applications. I guess what would happen and you're right in your - in the procedure and the logic, the CEDA would be passed, would be attached to the annexation petition, the annexation would be approved and then the developer would make zoning application. I guess to the extent that there are agreements of the developer in here and there are specific ones with for instance the development plan. The developer is agreeing to develop the

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the development plan. The developer is agreeing to develop the development in accordance with the development plan. If the zoning isn't approved, then obviously the multi-family zoning would not be available nor would the R50 zoning be available. So the developer didn't want to get into a situation where it was obligated to develop R50, R70, RMFA, RMFMB, if in fact that zoning had not been approved. So...

Mayor Rice: And so the development plan would be - when you have - when your phrase here that McKinley shall have the right to terminate its obligation within the agreement, you're talking about the terms of the CEDA not the annexation. Because you understand the annexation will have already been concluded.

Mr. Winkhart: Right, it's this agreement.

Mayor Rice: Just this agreement.

Mr. Winkhart: So it would not be obligated to develop in accordance with the development plan.

Mayor Rice: Okay.

Mr. Winkhart: Which okay, it's common sense, but better to have it in than not.

Mayor Rice: Right. Okay, I understand. Thank you.

Mr. Snyder: Mr. Mayor, is it my understanding or am I premature in my thought, that the Board of Trustees in Plain Township have concurred with this plan?

Mayor Rice: I cannot answer that at this point in time. Like I said we got this - last we all got it was Friday evening. I have not gotten any definitive confirmation from the Trustees whether they agree to this or not.

Mr. Snyder: Thank you...

Mayor Rice: So I don't want to speak for them at this time.

Mr. Snyder: I appreciate that. Thank you. Inaudible... Mr. Foltz...

Mrs. Kiesling: Yea, go ahead Doug.

Mr. Foltz: You finished? Just some comments on my end and try to address some things here with the public. There's been a lot of questions asked. First of all, this property is not for sale. Arrowhead's for sale, that's why we're buying it, that's why bid it and I'm 100 percent for that at our price that we gave to the Bob-O-Link people - excuse me, the Arrowhead people. Second thing, it's outside the city. If there's going to be development adjacent to our properties and it's going to be developed anyway, I want it in the City of North Canton. I think we - our services are excellent. I'm not going to get into a comparison with Plain Township because we have good neighbors there. But I don't think we take a second class rating to anybody in this county. So I'm very comfortable with our city services. And as a new development we're not going to have to do anything other than to plow the streets. I think some of the questions answered what were the size of the streets - well they're 50 foot right of way. I would not be in favor of this if there was a bunch of condominiums being put in here at this point. I'd like to you know the vacated street - the dedicated streets for the city. The other thing, a couple years ago, a year or so ago I should say, when we got wind that McKinley Development was being involved with this land, is we got a perpetual easement with the City for Weber and Briar to protect the residents there. I remember those meetings. And I gave you guys my word, there are not going to be a thoroughfare streets that's going to create traffic congestion on the existing Weber and Briar streets in North Canton. And I think we've held up our end of the bargain here. And Mr. Lemmon and Mr. DeHoff, I don't know I'm - I had some letters on the table here I was just pouring through and we don't need a big presentation here, but do you know the approximate price of the housing there at R70? Do you have an idea? Yea sure.

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Mr. DeHoff: We have some at the - on the low end in the 225 range. Am I right Bill? The prices keep going up. And then up you know over 300,000. Can I just address the variances that came up? The variances that we have requested I believe are identical to the variances that we requested and were granted for Washington Square in the village home section. And that was - we're not going to need all those variances for all those lots in R50. But we would like the flexibility if someone would like a larger home, someone would like maybe a build out to the back, to have the flexibility to accommodate that in the R50 zone only, which is - thank you Miriam you showed it very graphically here, the lots in yellow. I think it's important when you say what variances you're requesting you also state are we doing better than the R50. In the R50 zone for the record, the required width at the building line is 50 feet and in our proposal it will be 60 feet - 10 feet wider. Lot frontage required is 35 feet and as shown on our plan, our development plan, it's 42 feet, which is 7 feet more. The only two areas that we're asking for a variance from your regulations here is on the front yard setback. Again to require - that would accommodate a little larger home and from that the required is 35 feet, we're requesting 25 feet. And on the other variance on the total of both side yards the requirement is 15 feet and we're asking for 12 feet or a difference of 3 feet. I think if you drive through the village homes section at Washington Square, you can see some of those lots, even though we had variances, approved for all the lots, a very small number of those lots actually required the variance. Does that answer your question?

Mr. Foltz: Yes, yes it did. Thank you. And just to finish on some of my points - and I've been through this with assisted living in my neighborhood, with churches in my neighborhood; and everyone loves green space. But if there's going to be something developed behind my house and the developer is telling me that the low end housing is going to be 225,000, the low end, and I think you people have very nice homes there that live on these streets, I don't know what they go for, I'm sure they're around that, I'd be quite pleased with that. Because that's going to do nothing but enhance my property value. That's the low end. If they're building \$350,000.00 houses in there and my property abuts, my property can do nothing but go up. And I made reference to this the last committee meeting and some of the other previous meetings, Washington Square was a working development. It was Maytag, Council Member Magel got involved and it's an excellent development now, I think we're all proud of that here in North Canton. And that's what we're doing here. There's not a PUD here. We took that out of our zoning. I don't feel it's congested. Assisted living has been removed. If I'm going off the CEDA agreement here, out of the 107 acres to be developed, 94 acres are single family. That's an excellent ratio. I'm not quite sure of the RMFA or RMFB zoning ... exactly that's going to shake out, but it's going to be about 12½ acres for the whole development. I'm for it. Maybe it's not perfect. Maybe there needs to be some "t's" crossed and "i's" dotted, but I think the administration has looked at it and worked hard with Plain Township on this and that's the key. You know we got to get this so that Plain Township is happy and signs this also besides for McKinley and us as a council body. I guess that's all I have to say at this point, other than I feel pretty assured that McKinley Development will work with me on a park for our residents there. And we'll get the two to three acres that we need along this retention area that's buildable so that the children and other residents there can recreate. Thank you.

Mrs. Kiesling: Thanks Doug.

Mr. Snyder: Alright may I have a motion to adopt the first...

Mr. Osborne: I'd like to speak something here wait a minute.

Mrs. Magel: Inaudible...

Mr. Snyder: I thought you were done.

Mr. Osborne: Mr. Lindower, do want to speak first or...

Mrs. Magel: Inaudible...try...

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Mr. Osborne: I thought we were going to go just right down the line here.

Mr. Snyder: Dave, you have something to say?

Mr. Osborne: Mrs. Magel.

Mr. Lindower: Well the only thing I would say and I'll add my two cents worth here. I agree with Doug. I think the upscale housing in that particular area - I live on 7th NE and represent Ward 2, I feel that's it's going to be a positive addition to the area. Of the things that were of concern that I think have been addressed is the road cut throughs and I would have to also mention there Woodside NE, which is not proposed to be a cut through street, which has been brought to my attention several times and there were some questions about it. This being the first reading I would have to say in view of the fact that we're later on down the road going to have some public hearings and so forth, I feel that if there are questions that need to be addressed by the residents or possibly council members or other city officials, Mr. Matthews, who represents the city in this particular issue, I would like to have be able to attend the meetings also. Whereas he can answer the questions directly posed to him. Many of the questions that are being asked of me, I'm not an attorney either and I have very little working knowledge of the ins and outs of a CEDA program. However, if there are issues that are of concern I think they should be responded to by legal representation in public - in public meetings and on record. But as far as the development itself and having any objection to it being in my neighborhood or in that particular ward, as Councilman Foltz said, whether we annex that area or not up there, there is going to be development there. Apparently it's not working that well up there as a golf course. I tend to think sometimes myself that maybe golf courses are not really money making ... or businesses in the State of Ohio with the weather conditions we have. So it's obviously going to be developed anyway. In view of that I really have no objections to the type of housing that's going in up there after looking at Mr. DeHoff's and Mr. Lemmon's proposals here and their modifications to the plans that they've proposed to this point. That's all I had to say.

Mr. Snyder: Thank you sir.

Mrs. Kiesling: I would just like to say that I think it's going to be a beautiful neighborhood and neighborhoods build beautiful communities. And like Doug has said that they went overboard at Washington Square trying to please Council, but I wasn't on at that point, and everything that the community wanted at that point. I think if you ask Dave there may be some more quirks we can work out through the process, but I'm all for giving it a first reading tonight and getting on with the process.

Mr. Snyder: Okay, thank you. Mrs. Magel.

Mrs. Magel: And now for the other side of the story. Mr. Benekos, I'd like to know if our Exhibit "C" is anything different than what was presented to Council...

Mr. Benekos: I'd didn't look it over in detail, but in general it appears to be ...

Mrs. Magel: Is this the big thing that's on the Mayor's that's in the...

Mr. Benekos: Right.

Mrs. Magel: Okay. So it hasn't changed?

Mr. Benekos: Not to my knowledge, no.

Mrs. Magel: Okay.

Mr. Benekos: I think the date on that they show here is June, 2002 on this...inaudible...

Mrs. Magel: June, 2002. That helps me. Thank you. Okay, page 3 of the CEDA, at the bottom, the Township and the City hereby approve the development of the McKinley property as generally set forth in the development plan. And that's what we're agreeing to right now - we,

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Council, before it went to Planning, before it went to the variances, Council is saying we in general set forth, we agree with this development plan. I just been - found out that this development plan was from June of 2002. I hope that you would understand that December 18, 2002, would be at a later date. We had a meeting December 18, 2002, it was Council of the Whole meeting, it was on a Wednesday - Ordinance and Rules, Claims, it was to discuss a PRD, that was the whole purpose. D.B. Hartt was down here, the Planning was here, the Zoning Board of Appeals were here. This is the exact - this is a transcript of that meeting. I didn't want to mark up my original transcript. I'd like to read what occurred at this meeting. This is page 4, so a lot of discussion had been going on. Mr. Flechtner - I hope we all understand Mr. Flechtner is North Canton's President of Planning. These are not my words, these are his words. I think from a planning prospective without this, a PRD or some group development language, we could never approve a development like was submitted before the Planning Commission in a preliminary view for the Bob-O-Link allotment development. There is just no mechanism in the current zoning or in this other than the PRD or some modification of that language. So -- Mr. Osborne - Okay. Miss Kiesling - Can you get specific? Miss Kiesling - Can you get specific? Is it lot sizes? Is it open spaces? Mr. Flechtner - It's everything - it's everything, open space, your subdivision requirements if you were to subdivide it and that wasn't the intent because there private streets. To subdivide it you would dedicate streets and I assume you could subdivide with private streets as well, but in doing that going through the subdivision regulations you would require 5 percent (and that's what Doug is talking about is park) land dedicated to the city for park purposes or money in lieu of (that's another thing we could have or money in lieu of). And that's at the direction - discussion, discretion of council, that's page 4. Page 5 (Mrs. Magel is falling off her chair right now.) Did you - are you insinuating that Bob-O-Link was going for a PRD? Mr. Flechtner - The plan we reviewed, the only way it could be approved by would be through a PRD process because lot sizes somewhat were reduced, setbacks were reduced, there was no dedication of land, private streets were proposed; and therefore, open space was laid out in conformance with what you would expect in a PRD. Okay. Then he goes on, but that proposed plan that we reviewed was not dedicating the land, it was just providing open space which under the current regulations there's no mechanism to accept that. Did I say page 5? I think this is page 6. Mrs. Magel - Honestly Mr. Flechtner, that's news to me. Flechtner - What? Magel - I was told it was strictly an R50 and an R70 and it was not going to go. Flechtner - No, the setbacks were reduced from what the R50 and R70, yea. Mrs. Magel - Just from my prospective I was told the exact opposite. Flechtner - But the plan before the Planning Commission and again it was not official. Magel - Right. It was just a cursory view and our initial comments to it. And you know I think in general and I've got other members of Planning Commission here, but you know for the most part it did look like a reasonable plan. But under the current zoning there was no mechanism to permit that. This is a PRD. Not per me. As you could see I was saying I was told it wasn't. This is the President of Planning telling me, at a meeting, this particular thing that was proposed in June, I hear in December was a PRD. Now I hear it really wasn't changed. So I went through - council went through all of this to remove the PRD from the book just to have four council members vote for a CEDA that puts a PRD in. Did I say that? No. The President of Planning was speaking to me. Second of all, we're going to agree to this development plan. I just told you it's a PRD. No I didn't, Mr. Flechtner did. What's in an RMFA and an RMFB, that red area there? That's only 12½ percent of the plan. I don't agree to anything if I don't know what 12½ percent of it is. I have to know the full picture or I can't vote. I don't know what's in this. I know they're condominiums and apartments. That's all I know. How many, what the density is, I don't know. And why don't I know? Why isn't it in the package? The third thing is, I would like know why our lawyer is not here. I think Mr. Lindower alluded to that. I'm not a lawyer and neither are we. There's some questions need to be answered here and we just don't know. And as to has Plain Township agreed to this? I heard they never even saw it. And I don't know, where was there a promise for the contour of the land?

Mrs. Kiesling: A promise?

Mrs. Magel: I thought that's what you said, they promised...

Mrs. Kiesling: Oh just the tree - what it said the in the CEDA.

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Mrs. Magel: I missed it. There's a contour of the land in there?

Mrs. Kiesling: No, those specific words are not in there, no.

Mrs. Magel: Okay.

Mrs. Kiesling: You're right. Those were my words.

Mrs. Magel: Okay. The other thing, I agree that if this should be built, it should be built in North Canton. It's just I want to make sure what I'm doing is correct here. This No. 5, the Proper Procedures, that we alluded to, all I'm asking is to put in writing. I guess I'd be asking Mr. Matthews, to please give me the format of everything we're going to do. What are we doing here? When do we have a public meeting? When does it go to planning? I want to make sure it's not simultaneous. I want to make sure it's separately. It's just things you'd need to ask your lawyer and I would like to ask your lawyer. Lastly, to lighten things up, I'd like to tell you how I think about this CEDA. It reminds me of a poor girl like me who marries Joe Millionaire, and Joe Millionaire says, sure honey we'll get married, but you have to have a prenuptial agreement and I say, oh Joe, no problem as long as I get to write it. I'm done. I'll keep my day job.

Mr. Osborne: Alright, I guess it's my turn here. As far as the references to the PRD, I think any development can basically fit into whatever you want to call it. Just because the development plan seems to fit a PRD, doesn't make it a PRD. I mean I understand the a - this same development fits under our R50 and our R70. So I think the remarks about the President of Planning are taken out of context. They told us at the meeting that the PRD (a Planned Residential Development) was a good tool for them. It provides a lot of flexibility. It provides a lot of ongoing oversight. You can stop the plan in the middle of it and renegotiate - the city can if they don't like what's going on. It allows them to develop the property and based on the characteristics of the terrain, you can save certain terrain features, the developer can, and not be penalized by setting aside a certain acreage because you want to preserve that terrain feature. It allows them to get a little denser over here. It's up to the developer to make the most attractive development here. They're trying to sell homes. They're trying to make it as attractive as possible. So I don't want to put a label on this and say well this is a PRD and it can't fit under our existing zoning. Besides that's all been taken out. This is a very fine development. I have been involved in this or tried to stay involved since the first week as a councilman. I - my very first week I met with the Mayor cause we were trying to see if we could get the water rights to the property. And I felt there wasn't good communications going on, so I would listen to the Mayor. I'd go down and see Mr. Lemmon. I'd say this is what I'm hearing from the Mayor, what do you understanding. And shuttled back and forth a few times and it just died. I don't know what happened there. It's disappointing that we didn't get the water. But I've seen the evolution of this project from day one - it's a beautiful development. I'd say most of us here have children, probably are married, probably have kids, where do you want them to go to buy a house? They have to have someplace and I'd like them to stay here in North Canton and have a nice home. As far as the roads I'm assuming that they're going to stay in the city forever - I mean stay in the development forever. I do think it's amusing though to say that they have to meet our subdivision regulations, cause when we vacated Grassmere we violated our own subdivision regulations by vacating Grassmere. So the subdivision regulations seem to change at somebody's whim. Some of the earlier speakers seem to have taken my thoughts that I announced in previous meetings. Community CEDA (Community Economic Development Agreement) - my understanding of a CEDA is that it's designed to reduce the impact of lost revenue to a township and that's really for their - the reason for their creation. No municipality can plan a budget and then suddenly realize that goodness we just lost you know, two million, five million in revenue because we've been - had a portion of our township annexed. So this - the CEDA is designed to allocate the loss of revenue over a long period of time. I have consulted other councilmen in other communities about this and the councilman I talked to, one of them stands out in my mind as I explained all this, these are really not Plain or township issues, these are developer issues. There are processes in place, they have worked time after time. This is a fantastic development. I would go door to door to push and support this, but I

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don't want to put the moniker of CEDA on this and bless it here. Everything in there except the agreement not to annex the north side of Bob-O-Link, that's the only item that deals with a township issue. And I've been told by both the Township Administrator and one of the trustees that if they had simply removed that and amended their petition, they could of sailed right on through. I also have concerns and I haven't mentioned this earlier, I did mention it last year to the developer, the limited entrance. You know everybody's saying we're going to minimize traffic and all this. Well you're going to concentrate traffic right there on the entrance to Apple - on and off Applegrove. And god forbid if there's sometime of - type of real bad accident and you need to get fire protection in there or police in there and there's a blockage of the road, because that's the only way in and out of the development. I've talked about the sewer. I was given assurance that it would be written into the agreement that the lift station could be easily converted to a gravity system when and if or when I should say the county builds their trunk line farther north. I'm willing to live with lift stations for a period of time until the trunk line is run north from the county. I had made a suggestion that the developer set aside some funds so 10 years from now, 15, whatever it is, as that money is set aside and builds interest, it would pay to cover the cost that city will eventually have to bear to connect the subdivision lift station to that trunk line. It's just a short distance, but at the present time there's a great deal of risk for the developer. It has to be put in the ground very deeply. You're going to have to lower the water table in order to accomplish all this work. And while there's still people in the area who have wells, you're going to dry up their wells for a period of time while this is being - the work is being done. I would expect in 10 or 15 years when the trunk line comes up, a lot of those people will have been converted over to city water, you won't have a dewatering problem. So that risk will go away for the city whenever they - we do hook into the trunk line. But you do - you still have the expense of putting in the connector line. There are processes in place, they've worked time and again. It's a fantastic development. I think it would move fine if everybody knows all the facts. I think it's a given it's going to be a referendum and if there's individuals out there that want to put this and let the entire city vote on it, I think it would fly - go through with flying colors and I would work door to door to support it. It's a fantastic development. But I'm not going to put the title CEDA on it because it's - there are already mechanisms in place to move this through fruition. So it's a - I guess that's all I have to say. Thank you very much.

Mr. Snyder: A couple short things before we call the question. Number one, I'm somewhat perplexed. If Washington Square was developed under R50 and R70 that was not a PRD and I don't - I thought they said it was likened to that. That was my only question there.

Mrs. Magel: Well that PRD wasn't even in play back then.

Mr. Snyder: Well it isn't now - it's not in our zoning. I mean there is no PRD even if they wanted one. But that's - I mean that's ...

Mrs. Magel: These aren't my words.

Mr. Snyder: No, I know. I'm just...

Mrs. Magel: You were at that meeting.

Mr. Snyder: Yea, I know, I realize it. But I'm just saying - Number one, and the other thing I'd like to address and I can't help but reiterate, there is no power, be it the Mayor, the Township Trustees or the developers that can circumvent the system that is in place. You cannot accept that plot plan or that particular development that goes through planning, public hearing, accepted by council. I don't care what anybody tells you, it's impossible. The Charter prohibits it and it will not happen. They can draft anything in there they want, but that's just like Christmas you hope for a lot of gifts, but it's not going to happen. That will be submitted to planning, it will be approved by planning or denied, it will come to council and will require the vote of council after a public hearing. That's number one. Number two - I apologize, Member Lindower did request to me when I spoke to him at about 3:30, that the counsel for the city's annexation, he is the counsel for the CEDA annexation only, Mr. Jim Mathews, he would like to have him here. I did place a call; he was called to Canton court. But we will make sure that he is here in the future for you. And my apologizes to you, but when I did ...inaudible... and that was that. And will take care of that. But that's all I have to say. And at this time I will call the question...

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REGULAR

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Mrs. Kiesling: What do you think? I'm...

Mr. Foltz moved and Mrs. Kiesling seconded to **adopt the first reading** of Ordinance No. 49-03. All members present voting:

Yes: Snyder, Foltz, Kiesling and Lindower.

No: Magel and Osborne.

11. Mr. Osborne moved and Mrs. Kiesling seconded to **read by title only, first reading** of Ordinance No. 50-03. All members present voting:

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

No: Magel.

Ordinance No. 50-03 - First Reading

Ordinance No. 50-03 repealing Ordinance No. 2940, as amended, known as the Zoning Ordinance for the City of North Canton, Ohio, and to revise and enact a new Zoning Ordinance as Chapters 1121-1191 of the Codified Ordinances of the City of North Canton to promote the public health, safety, convenience and prosperity or general welfare by implementing those regulations provided for in Sections 713.06 through and including 713.15 of the Revised Code, including, but not limited to, the use of buildings and other structures and land for institutional, residential, business, industrial, and other uses; by regulating the area and dimension of lots, yards and other open spaces; by regulating and restricting the location, bulk, height, design and land coverage of buildings; by regulation and limiting the density of population; and for the aforesaid purposes to establish districts of such classification, number and dimensions as may be considered for the implementation of comprehensive planning and to provide regulations and procedures for administration, amendment and enforcement thereof.

Mr. Snyder: Chairman Osborne.

Mr. Osborne: Thank you Mr. President. This has been a long road and I'm still at this moment confused. I have basically deferred to the vice chair on this issue because council has just followed her suggestions carte blanche. The last I've heard from Mr. Hemminger that he no longer wanted to be a go between, between D.B. Hartt the consulting company on this zoning and council. That he had some concerns about the revisions referencing open space that were going to be inserted. That there's a possible conflict with our subdivision regulations. I guess council encouraged the vice chair to secure the - a word document from D.B. Hartt - electronic format and she was going to be making the corrections. And even though she's sitting right next to me here, we just do not talk. So I'm going to have to defer to her and see where this is at. Mrs. Magel...

Mrs. Magel: Well council, if you follow me carte blanchely I will tell you to - not to vote for that book. If you just voted for a CEDA or for a PRD and - you don't know zoning. Vote it down.

Mr. Osborne: Are you done Mrs. Magel?

Mrs. Kiesling: I'd like some elaboration I guess.

Mr. Osborne: I guess so as well. The meetings she quoted here that we had December 18th, I brought down Miss Kris Hopkins from D.B. Hartt to explain PRD's. We had Mr. Hemminger in here. We had just about all the Planning Commission in here. We had the Zoning Board of Appeals in here. And in an attempt to answer everybody's questions, I was hoping we could make some headway there. We had three council members who failed to show up for that meeting, although they have continued to say

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they have questions. I had another meeting in January, a committee meeting, solely for discussing the zoning. Again, three council members failed to show up who continue to say they have lots of questions, but they didn't show up. So at that point I have stepped back. I have let Vice Chairman Magel have free reign. Just please pass some kind of basic core zoning to provide some protection for the city. We are very exposed as ...inaudible... came about with the Arrowhead situation. Twice we've come back thinking we're up to date with all the corrections as suggested by the vice chair. I thought we were going to vote March 10th on this because I had made a special trip to downtown Cleveland to pick up an electronic version and a hard copy of the zoning that had been agreed upon to that point. That included the removal of the PRD and numerous other eliminations throughout the book. And was told that everyone had to have a book, I only had one for the Law Director and one for myself. So we've come back again. There were additional corrections, which I stepped back and just let Mrs. Magel make her suggestions - everyone was onboard. And I'm totally flabbergasted now that even with these so called last minute changes and they were last minute, I guess I need elaboration too, I don't know where...

Mrs. Magel: Inaudible...book

Mrs. Kiesling: Inaudible...

Mrs. Magel: I can't see...

Mrs. Kiesling: Inaudible...there...

Mrs. Magel: Okay. Mr. Batista has the updated book. I put in all the changes, color coded it, worked my head off this weekend. It's got everything that we were to add, delete or change.

Mr. Snyder: Vice Chairman Magel - excuse me Mr. Osborne. May I make a statement here? It's my understanding and I don't have the tape of the council meeting, but it was my understanding that we as a council at that particular time, including Mr. McLaughlin, had decided - had asked you and for lack of a better word charged you, I don't mean that disrespectfully, charged you to make those needed changes. Which you've done here.

Mrs. Magel: Yes sir.

Mr. Snyder: Which I'm very appreciative of. And it was my understanding that the adaptation to the ordinance would be this book...

Mrs. Magel: Yes sir.

Mr. Snyder: As it's presented by you today. Is that correct?

Mrs. Magel: That's my understanding ...inaudible...

Mr. Snyder: Now are you comfortable with that as the vice chairman?

Mrs. Magel: Yes, oh yea. I...

Mr. Snyder: I would - it would be my suggestion and I hope Roy we can do that, I would like to adopt this book as you've done it. Now I don't know what we're going to have to do to provide - council is aware, as we went through line by line, you possibly might have a hard copy that's been redacted to her comments.

Mrs. Magel: Take the front page - the very...

Mr. Snyder: Oh yes, right here.

Mrs. Magel: Okay. Completely color coded what deleted, added...

Mr. Snyder: And a - and I would - it would be my desire, my hope as part of this committee, as I know it's been a very arduous exercise, some five years we've been doing this, we do accept this zoning code as you present it. If you're comfortable with it

Mrs. Magel: Yes.

Mr. Snyder: and with your permission I would ask that we do - the ordinance reflect the fact in the minutes that we are adopting this. And it's my understanding you do have...

Mrs. Magel: I just received it today.

Mr. Snyder: a disk and you are willing to make that disk compatible to this book? Am I saying that right?

Mrs. Magel: Inaudible...do the best I can. I just received it today.

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Mr. Snyder: Well I don't mean - I mean it's going to be a six-week process to go through this zoning. And do you - are you comfortable with the fact that at the end of the six-week period you'll be able to do that?

Mrs. Magel: If not I'll give you a report.

Mr. Snyder: I appreciate that.

Mrs. Magel: In the interim.

Mr. Snyder: Then if I may go ahead with this Chairman Osborne, I would suggest that we make the adoption as Mrs. Magel presented, if that's alright with you sir.

Mr. Osborne: Well again I'm thoroughly confused. I talked to D.B. Hartt Friday, I was going to drive to Cleveland and pick up the electronic word document, she said she had already mailed it and Mrs. Magel would have it Saturday. Now you're telling me you just got it today.

Mrs. Magel: Yea.

Mr. Osborne: Okay. I do have a letter here for the Law Director, I have a question. And by letting or by having the city do this - these corrections in house, are we totally absolving D.B. Hartt of any kind of accountability or responsibility for this legal document? And is the city assuming some liability here in case there's...

Mr. Batista: I don't see it as a liability question. It's a document being prepared. It's readily - if there are any problems with it, it's readily amended. I just don't see how you can get the liability issue out of this. It's a zoning ordinance.

Mr. Osborne: Well granted, I understand it can be easily amended. In fact that's why I will - willing to approve anything we can get going through here. But in case there's an issue that comes up and it's a conflict and it results in litigation or a lot of bad blood, is D.B. Hartt totally absolved now since we've taken over making the corrections ourselves?

Mr. Batista: If there was litigation over the legality of that ordinance, let's say if somebody attacked its constitutionality, I don't believe D.B. Hartt has any liability.

Mr. Lindower: Neither do we.

Mrs. Kiesling: Yea, neither do I. It's the seven of us that are deciding on it, not D.B. Hartt.

Mrs. Magel: Actually it's in - the book addresses that. If anything in here is illegal...

Mr. Snyder: Yea, they're held to harmless. Yea, I mean they're agents to the city. We hired them and we have the right to accept or deny their suggestions. And we did choose, it's my understanding Roy we just chose to ignore their suggestion ... and for our own.

Mr. Foltz: Right.

Mr. Snyder: No different than one of your clients ignoring your suggestion.

Mr. Batista: Exactly.

Mr. Snyder: Doing as they please.

Mr. Batista: I draft the contract and if the client doesn't like it and modifies it so be it.

Mr. Snyder: That's basically - I think that's probably where we're at.

Mr. Osborne: Well we paid them \$52,000.00 and now we're going to bail out on them for a - to save a couple hundred dollars. I...

Mr. Snyder: I think the spirit is missing here. I believe and correct me if I'm wrong...

Mr. Foltz: That we agreed to this.

Mr. Snyder: Mrs. Magel, we've just simply tailored that to fit the North Canton City. Is that correct? Is that - am I being too simplistic there?

Mrs. Magel: Well we ...inaudible...

Mr. Snyder: We did it as a group. Things we didn't think were applicable to the city we struck them.

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Mr. Batista: Inaudible... a custom draft ...inaudible... North Canton.

Mr. Foltz: Jon...

Mrs. Kiesling: Right, we all...

Mr. Batista: It's not an off the shelf...inaudible...

Mr. Foltz: I thought we revised it.

Mr. Snyder: Yea.

Mr. Foltz: We all were agreed that Member Magel had a working document of this...

Mr. Snyder: Yea, that's what I thought.

Mr. Foltz: and if this is what's presented tonight I'm in full favor of it. I don't know how much - what else we have to discuss.

Mrs. Magel: Well you can check that list ...inaudible...

Mr. Snyder: Well I have no question. I...

Mr. Foltz: You know I don't know why there's even a question at this point.

Mr. Snyder: I mean we're indebted to you for your service and I appreciate that. And that's my suggestion we move it along. So I'm looking for a motion to adopt that book to the ordinance.

Mr. Osborne: Well one ...inaudible... - like I said, Mr. Hemminger has some concerns about the - her definition of open space.

Mr. Lindower: Make a motion, I'll second it.

Mr. Osborne: I have the subdivision regulations right here and open space is already defined in our subdivision regulations. And as I mentioned, we could be creating a conflict.

Mr. Snyder: Okay.

Mr. Osborne: We don't need to define a definition for a term in multiple locations with different definitions. So Mr. Hemminger has that concern and as does D.B. Hartt when I talked to them. So again we can go back and add this if we feel there's a need in the future. But since it's already addressed in our code somewhere, why try and recreate it and create some conflicts.

Mr. Foltz: Jon...

Mr. Snyder: It's my understanding the reason we addressed open space, because as a city we've taken the short end of the stick too many times. Open space has turned out to be simply cisterns and ponds...

Mr. Foltz: Yea.

Mr. Snyder: and they donate that as the park land...

Mr. Foltz: Right.

Mr. Snyder: and we end up with the responsibility of taking care of these properties and they're of no viable use to the residents of this city. Is that what this - Mrs. Magel is that what that addressed?

Mrs. Magel: Well no - well it - well that's one thing. We're talking apples and oranges here. This called a sub regulation, this is called a zoning.

Mr. Snyder: Okay.

Mrs. Magel: In this zoning book we had several references...

Mrs. Kiesling: To open space.

Mrs. Magel: to open space. Now for the third time Chuck, we'll go over this. If this book has references to open space...

Mrs. Kiesling: This book has seven definitions.

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Mrs. Magel: This book has to have the definition. We can't say refer to sub regulations.

Mr. Osborne: Regulations often times do that. And we're going to create a conflict here. Public open space - whoever subdivides shall dedicate or reserve land for public open in all subdivisions. Where public open space is required by the adopted plan, the subdivisions shall conform to the plan for the development of major streets and thoroughfares and for parks and other open public grounds. Now it's got here a minimum of 5 percent of the net area of the subdivision shall be dedicated for public parks, playgrounds or other public open space or for the use of the residents within the subdivision. In lieu of dedication of such lands and this is what we got into last time, whoever subdivides may pay in cash to the City for use in the development of public open spaces a sum equal to the value of 5 percent of the area of the subdivision for park, playground or other public purposes, except that where the amount to be dedicated for such public use is less than one acre. Whoever subdivides shall donate in cash as herein prescribed. The value of such land shall be construed at its true value in money. And then it goes on to talk about location - such open spaces shall be located adjacent to other such areas and adjacent subdivisions, wherever possible in order to provide for maximum use of the area and shall be shown on the preliminary plat. The commission shall not approve a site which is undesirable for the proposed use. It goes on to talk about historic landmarks - historic landmarks shall be preserved. A residential or commercial subdivision as provided for in Section 1107.02(j)(3), shall pay in cash only as prescribed herein for public open space.

Mr. Snyder: Where is the conflict between that statement and the statements in the zoning book?

Mr. Osborne: I don't know.

Mr. Batista: Then why did you read it to us?

Mr. Osborne: Because I'm making it clear...

Mr. Foltz: Jon, let's just...

Mr. Osborne: That it's already addressed.

Mr. Foltz: Jon, let's make a motion to accept this 50-03...

Mr. Snyder: I'll accept it...

Mr. Osborne: Well I'll make a motion too, anything...

Mr. Foltz: I make the motion.

Mr. Osborne: This has gone on for six years.

Mr. Foltz: Is there - do we need a second Jon?

Mr. Snyder: Please.

Mrs. Kiesling: Second.

Mr. Snyder: Madam Clerk, call the roll.

All members present voting:

Yes: Snyder, Foltz, Kiesling, Lindower...

Mrs. Magel: Well you guys aren't listening to me ...

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Yes: Magel and Osborne.

No: 0

Mr. Snyder: Thank you.

12. Mrs. Kiesling moved and Mr. Lindower seconded to read by title only, first reading of Ordinance No. 51-03. All members present voting:

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

No: 0

Ordinance No. 51-03 - First Reading

An ordinance authorizing the Board of Control of the City of North Canton, through the Director of Administration, to advertise and receive bids according to specifications now on file in the office of the Director of Administration and the Mayor, through the Board of Control, to enter into a contract for the Dogwood Basin Concrete Trough project and declaring the same to be an emergency.

Mr. Snyder: Chairman Foltz.

Mr. Foltz: Yea, as it reads it's Dogwood basin concrete trough to clean that area up, make it a little safer. Jim, did we ever get a figure?

Mr. Benekos: Yes, 35,000 - not to exceed.

Mr. Foltz: So that's what you need?

Mr. Benekos: Yes.

Mr. Foltz: Can we add this to this ordinance is - would that be the correct way to do this?

Mrs. Kiesling: I think it's in there.

Mayor Rice: It's in there...

Mr. Snyder: Well that's funded for 100,000 already.

Mrs. Magel: Yea, it's in there.

Mr. Foltz: It's in there already, I'm sorry.

Mr. Snyder: There's money in fund for that. Is there not a 100,000 in fund for that?

Mr. Foltz: A 100,000 is...

Mrs. Magel: Inaudible...

Mr. Benekos: Inaudible...it's in the fund but...

Mrs. Kiesling: Well he's taking it from the different funds, right.

Mr. Benekos: It's from the same fund, but this particular project we limited it at 35,000.

Mrs. Kiesling: Right.

Mayor Rice: Inaudible... in the ...inaudible...

Mr. Foltz: 35,000. So if they're going to spend any more they'll have to come back...

Mr. Snyder: Come back. Yea, that's alright.

Mr. Foltz: and contract out for the other retention basin. That was my point. Okay. So if everyone's aboard with this I'm in favor of it.

Mrs. Kiesling: Good.

Mayor Rice: They moved on this one too quick.

Mr. Osborne: Mr. President may I make a comment?

Mr. Snyder: Please sir.

Mr. Osborne: I didn't get a chance to finish earlier. I have not seen that definition for open space that Mrs. Magel wants to propose. I don't if anybody else...

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Mrs. Kiesling: Yea, we've seen it.

Mr. Snyder: We got it.

Mr. Batista: Inaudible...common on...

Mr. Osborne: It just says add definition of open space. I don't know what the definition is.

Mrs. Magel: I read it ...inaudible... I gave it to you and it is right there.

Mr. Osborne: Okay.

Mrs. Magel: I'm not hiding anything.

Mr. Osborne: Okay.

Mr. Snyder: Okay. Is there any comments on that? If not...

Mr. Foltz moved and Mrs. Kiesling seconded to **adopt the first reading** of Ordinance No. 51-03. All members present voting:

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

No: 0

Mr. Foltz moved and Mrs. Kiesling seconded to **suspend the rules** for Ordinance No. 51-03. All members present voting:

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

No: 0

Mr. Lindower moved and Mrs. Kiesling seconded to **adopt under suspension of the rules** Ordinance No. 51-03. All members present voting:

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

No: 0

Mr. Snyder: Thank you.

13. Mrs. Magel moved and Mr. Lindower seconded to **read by title only, first reading** of Ordinance No. 52-03. All members present voting:

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

No: 0

Ordinance No. 52-03 - First 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 engineering services for the design of the South Main Streetscape - Phase 4 Project and declaring the same to be an emergency.

Mr. Snyder: Chairman Magel.

Mrs. Magel: Yes, as you know we have the streetscape down to Rose Lane and now we will be entering into an agreement where we're widening at Everhard, which will take us up to East Hill, that leaves a gap in between. So while we're at it what we're doing is we're just engineering - we're going to engineer the project that would fill in that gap. But when the money tree comes in or I'll pitch in with Joe Millionaire, cause I wrote the...

Mrs. Kiesling: Prenup...

Mrs. Magel: prenup. If and when we get the money and choose to, it will all be engineered. And one thing that's nice about that it'll be engineered at the same way so it will be, you know it will look nice. Since this is the first reading I must say it comes from line - budget line item 5825, for the amount of money at \$37,900.00.

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Mr. Snyder: Okay. Any other comments? If not...

Mrs. Magel moved and Mr. Foltz seconded to **adopt the first reading** of Ordinance No. 52-03. All members present voting:

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

No: 0

Mrs. Magel moved and Mr. Foltz seconded to **suspend the rules** for Ordinance No. 52-03. All members present voting:

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

No: 0

Mrs. Kiesling moved and Mrs. Magel seconded to **adopt under suspension of the rules** Ordinance No. 52-03. All members present voting:

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

No: 0

Mr. Snyder: It must be the heat...

14. Mrs. Magel moved and Mr. Lindower seconded to **read by title only, first reading** of Ordinance No. 53-03. All members present voting:

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

No: 0

Ordinance No. 53-03 - First Reading

An ordinance authorizing the Board of Control of the City of North Canton, through the Director of Administration, to advertise and receive bids according to specifications now on file in the office of the Director of Administration and the Mayor, through the Board of Control, to enter into a contract for the Fair Oaks/Rose Lane SW Street Rehab project and declaring the same to be an emergency.

Mr. Snyder: Chairman Magel.

Mrs. Magel: Yes, this is going to come out of three budget lines. This is work that we had already approved earlier in our budget - 5529 for 35,000; 5929, 130,000; 7552, 130,000 - for a total of \$295,000.00 for yet another street that we will get done for our constituents and glad to do so.

Mr. Snyder: Thank you. Is there any comment? If not...

Mrs. Magel moved and Mr. Lindower seconded to **adopt the first reading** of Ordinance No. 53-03. All members present voting:

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

No: 0

Mrs. Magel moved and Mrs. Kiesling seconded to **suspend the rules** for Ordinance No. 53-03. All members present voting:

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

No: 0

Mrs. Kiesling moved and Mrs. Magel seconded to **adopt under suspension of the rules** Ordinance No. 53-03. All members present voting:

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

No: 0

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Mr. Snyder: I held my comments just to make sure it passed, but thank you all. That street is in sorely need of repair. If you driven it you can see it's a washboard effect - you can get lost in the swale. Thank you for your support on that.

15. Mrs. Magel moved and Mrs. Kiesling seconded to **read by title only, first reading** of Ordinance No. 54-03. All members present voting:
Yes: Osborne, Snyder, Foltz, Kiesling, Lindower and Magel.
No: 0

Ordinance No. 54-03 - First Reading

An ordinance authorizing the Board of Control of the City of North Canton, through the Director of Administration, to advertise and receive bids according to specifications now on file in the office of the Director of Administration and the Mayor of the City of North Canton, through the Board of Control, to enter into a contract for the Hower / Orchard / Witwer NE Waterline Replacement Project and declaring the same to be an emergency.

Mr. Snyder: That is a budgeted item for 2003. It's a main line needs replaced. I think the budget line is 290 and this is one of the major projects that we are undertaking this year relative to water. And I would urge your support of the same. Any comments?

Mrs. Magel: 290 - 290,000 out of 7552.

Mr. Snyder: Thank you very much. If not...

Mrs. Magel moved and Mr. Osborne seconded to **adopt the first reading** of Ordinance No. 54-03.

Mr. Snyder: Thank you.

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

Mrs. Kiesling moved and Mrs. Magel seconded to **suspend the rules** for Ordinance No. 54-03. All members present voting:
Yes: Foltz, Kiesling, Lindower, Magel, Osborne and Snyder.
No: 0

Mrs. Kiesling moved and Mrs. Magel seconded to **adopt under suspension of the rules** Ordinance No. 54-03. All members present voting:
Yes: Kiesling, Lindower, Magel, Osborne, Snyder and Foltz.
No: 0

16. Mrs. Magel moved and Mr. Foltz seconded to **read by title only, first reading** of Ordinance No. 55-03. All members present voting:
Yes: Lindower, Magel, Osborne, Snyder, Foltz and Kiesling.
No: 0

Ordinance No. 55-03 - First Reading

An ordinance authorizing the Mayor of the City of North Canton, through the Board of Control, to enter into a franchise contract for a three (3) year period commencing July 1, 2003 and terminating June 30, 2006, for the collection of residential garbage, rubbish, recyclables and yard waste in the City of North Canton.

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Mr. Snyder: As you know the administration negotiated a very favorable contract. We're going to be using the same hauler that we're using - Republic Waste. And there's an actual reduction in the cost with the inclusiveness of leaf recycling - the Mayor's recycling program, it will run six weeks this fall. This was an additional charge that is included in this. It does include the recycling of curbside recyclables. And the cost of I think 8 dollars and...

Mrs. Magel: 50 cents.

Mr. Snyder: 50 cents. Which I think is almost unprecedented. And as well if you want backyard pickup it's about \$11.00. So that is a service that is well received and I'm sure going to be well appreciated from the residents of the City of North Canton. This is a franchise agreement, it requires three readings.

Mr. Lindower moved and Mrs. Magel seconded to **adopt the first reading** of Ordinance No. 55-03. All members present voting:

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

No: 0

17. Mrs. Kiesling moved and Mrs. Magel seconded to **read by title only, first reading** of Ordinance No. 56-03. All members present voting:

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

No: 0

Ordinance No. 56-03 - First Reading

Ordinance No. 56-03 authorizing the Mayor of the City of North Canton (Grantee), to enter into an agreement with the Ohio Department of Natural Resources, through the Chief of the Division of Forestry (Department), to apply for, accept and utilize a grant in the amount not to exceed \$15,000.00 to purchase and plant shade and/or ornamental trees along its public rights-of-way and declaring the same to be an emergency.

Mr. Snyder: We're asking this be adopted on an emergency basis to allow them to apply and accept the grant of 15,000 and that will be used as it says for I think for dogwoods and so forth that the city ... the administration is planning to use.

Mayor Rice: There's dogwoods and evergreens.

Mr. Snyder: Evergreens.

Mayor Rice: Inaudible...we used before.

Mr. Snyder: And there are areas that I know - I know Mrs. Magel needs some trees in some areas and hopefully some areas down in that 4th Ward that may need some nice trees along there to shelter that sun...

Mrs. Magel: Hey...

Mr. Snyder: Coming over that pool at night. But - that anyway...

Mrs. Magel: So moved.

Mr. Snyder: Thank you.

Mrs. Kiesling: Second.

All members present voting:

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

No: 0

Mrs. Kiesling moved and Mrs. Magel seconded to **suspend the rules** for Ordinance No. 56-03. All members present voting:

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

No: 0

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Mr. Lindower moved and Mrs. Kiesling seconded to **adopt under suspension of the rules** Ordinance No. 56-03. All members present voting:

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

No: 0

18. Mrs. Magel moved and Mr. Lindower seconded to **read by title only, first reading of** Ordinance No. 57-03. All members present voting:

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

No: 0

Ordinance No. 57-03 - First Reading

Ordinance No. 57-03 authorizing the mayor of the City of North Canton to enter into an Agreement by and between the City of North Canton (City) and St. Paul's Roman Catholic Church (Church) for the use of a garage owned by City and located at 225 Harmon Street SW and declaring the same to be an emergency.

Mr. Snyder: As we talked about last week, that is the garage that is attached the property that we purchased on Harmon Street, that we refer to as the blue house. They've asked to store some of their yard equipment in there and they will be responsible as well as responsible for securing the premises that house their equipment. And if there is not comments on that...

Mr. Lindower moved and Mrs. Kiesling seconded to **adopt the first reading of** Ordinance No. 57-03. All members present voting:

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

No: 0

Mrs. Kiesling moved and Mr. Lindower seconded to **suspend the rules** for Ordinance No. 57-03. All members present voting:

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

No: 0

Mr. Lindower moved and Mrs. Kiesling seconded to **adopt under suspension of the rules** Ordinance No. 57-03. All members present voting:

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

No: 0

19. Mrs. Kiesling moved and Mrs. Magel seconded to **read by title only, first reading of** Ordinance No. 58-03. All members present voting:

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

No: 0

Ordinance No. 58-03 - First Reading

An ordinance authorizing the Board of Control of the City of North Canton, through the Director of Administration, to advertise and receive bids according to specifications now on file in the office of the Director of Administration and the Mayor, through the Board of Control, to enter into a contract for the purchase of radio dispatch consuls/equipment, racks and furniture for said equipment for use by the Police Department and declaring the same to be an emergency.

Mr. Snyder: We spoke about this last week. This will take approximately six months to get. So I'm asking it to be passed on emergency basis. This will allow a new consul in the - equipment in the police dispatching. At present you know we have two dispatchers

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and we only have one consul to talk to and if there's someone talking to the sheriff or another law enforcement it makes a very difficult situation. So this will give us the ability to do that. And I would - if there's no comments or questions ...

Mrs. Magel moved and Mrs. Kiesling seconded to **adopt the first reading** of Ordinance No. 58-03. All members present voting:

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

No: 0

Mrs. Magel moved and Mr. Lindower seconded to **suspend the rules** for Ordinance No. 58-03. All members present voting:

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

No: 0

Mrs. Kiesling moved and Mr. Foltz seconded to **adopt under suspension of the rules** Ordinance No. 58-03. All members present voting:

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

No: 0

Mrs. Magel: Mr. President.

Mr. Snyder: Mam.

Mrs. Magel: This is the first reading so I may say it's out of budget line 5550, for the amount of 115,000.

Mr. Snyder: Thank you, I appreciate that. I'll mark that down. These next two ordinances - I would ask you to indulge me on this. I was somewhat remiss last week when I presented them to you that I did not ask that they be passed on emergency. However, in talking to the Director of Finance, who talked to the Director of Recreation, we are already almost six months into the year 2004 as far as the booking of our facilities at both Dogwood and the Civic Center. And if this would require the normal six-week's reading and 30-day waiting period we will be into the 2005 rentals. So consequently, the people that have rented will be at the old price. However, I'd ask you to consider passing it on an emergency; that we do take advantage of the new rates on that. Which we are still low on ...inaudible... so. I'm going to ask, does anybody have any problem since there are only six of us here?

Mr. Osborne: I'll make a motion.

Mr. Snyder: Okay, I do appreciate that. Well I'll have to - do you have a motion for the first reading of 59-03? Thank you. Is there a second?

20. Mr. Osborne moved and Mrs. Magel seconded to **read by title only, first reading** of Ordinance No. 59-03. All members present voting:

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

No: 0

Ordinance No. 59-03 - First Reading

Ordinance No. 59-03 establishing rental rates and policies for rental of the North Canton Civic Center and repealing any and all legislation passed previously and inconsistent with this ordinance.

Mr. Snyder: If there are no questions - we are raising the rates about what, 8½, 9 percent I think it was - it was a minimal raise. It had not been done since sometime in the early 90's I believe.

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Mrs. Herr: Yea, early 90's.

Mr. Snyder: And as Mr. Osborne did point out rightfully last week, we should be looking at this on a probably somewhere in the 24 to 30 month rate as well as most all city fees. Because we are low on that and our wages are not - have been consistent with inflation, but our costs of what we're charging have not. So I'll ask you to - for a motion to adopt the first reading of Ordinance No. 59-03.

Mrs. Bittle: Excuse me.

Mr. Osborne: Motion.

Mrs. Bittle: Mr. President...

Mr. Snyder: Mam.

Mrs. Bittle: We didn't have the motion to amend yet.

Mr. Snyder: Oh, I beg your pardon.

Mrs. Bittle: We had a motion to read but not to amend.

Mr. Snyder: Thank you Madam Clerk. May I have a motion to amend Ordinance 59-03 to accept the emergency?

Mr. Osborne moved and Mr. Lindower seconded to **amend Ordinance No 59-03** to include an emergency clause. All members present voting:

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

No: 0

Mr. Snyder: Thank you for that.

Mr. Lindower moved and Mrs. Kiesling seconded to **adopt the first reading, as amended**, of Ordinance No. 59-03. All members present voting:

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

No: 0

Mr. Osborne moved and Mrs. Kiesling seconded to **suspend the rules, as amended**, for Ordinance No. 59-03. All members present voting:

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

No: 0

Mrs. Magel moved and Mr. Foltz seconded to **adopt under suspension of the rules, as amended**, Ordinance No. 59-03. All members present voting:

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

No: 0

Mr. Snyder: May I have motion to read, first reading of Ordinance No. 60-03, as amended to accept the emergency?

21. Mr. Osborne moved and Mr. Lindower seconded to **read by title only, first reading, as amended**, of Ordinance No. 60-03. All members present voting:

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

No: 0

Ordinance No. 60-03 - First Reading

An ordinance establishing the rate schedule for the Dogwood Park Shelter located at 241 Seventh Street NE and establishing a security deposit rate and key deposit rate and repealing Ordinance No. 19-03.

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Mr. Snyder: And that's the same reflection, about 8. - 7, 8., 9 percent increase on the Dogwood rates. Is there any comment? If not...

Mr. Osborne moved and Mrs. Kiesling seconded to **adopt the first reading, as amended**, of Ordinance No. 60-03. All members present voting:

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

No: 0

Mr. Osborne moved and Mrs. Magel seconded to **suspend the rules, as amended**, for Ordinance No. 60-03. All members present voting:

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

No: 0

Mrs. Magel moved and Mr. Osborne seconded to **adopt under suspension of the rules, as amended**, Ordinance No. 60-03. All members present voting:

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

No: 0

Mr. Snyder: I just would like to say that's 10 consecutive ordinances passed 6-0. I'm not quite as good - I don't we can get 61-03 to pass as easily, but we're going to give whirl.

Mr. Osborne: Mr. President, may I say something here?

Mr. Snyder: Please.

Mr. Osborne: Before we move on. I'd like to acknowledge Mr. Dan Hughes in the front row there. I can see we're going to be creating some fireworks here. I'd like to read a letter I've written to the...

Mr. Snyder: Mr. Osborne, may I ask you, sir, before we can do that I have to get it read on the table - then I'll give you time to do - read that letter and your comments.

Mrs. Kiesling: Guess so.

Mr. Snyder: Would that be alright with you sir will that...

Mr. Osborne: Well I'd like to make a motion that we table this and I would like to elaborate as to why.

Mr. Snyder: Well - yea, you can - how's that work?

Mr. Lindower: We haven't read it yet.

Mr. Snyder: Do I have to first get a motion - I first need a positive motion then you can - I need a motion to read by title only, then I'll come to you and we'll address your situation.

Mr. Osborne: Okay.

22. Mr. Foltz moved and Mrs. Magel seconded to **read by title only, first reading** of Ordinance No. 61-03.

Mr. Snyder: Madam Clerk, call the roll on that.

All members present voting:

Yes: Snyder, Foltz, Lindower and Magel.

Abstain: Kiesling.

No: Osborne.

Ordinance No. 61-03 - First Reading

Ordinance No. 61-03 authorizing the Mayor of the City of North Canton, through the Board of Control, to enter into an agreement for the purchase of the premises known as Arrowhead Country Club, located at 1500 Rogwin Circle SW in the City of North Canton, Stark County, Ohio (Permanent Parcel #56-08084) at a cost not to exceed \$4,200,000.00

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Mr. Snyder: Go ahead Mr. Osborne, now you can make your motion sir.

Mr. Osborne: Okay. First I'd like to talk a little bit about this issue.

Mr. Snyder: Now wait a minute, you're out - you got yourself ahead of the - The committee chairman ...inaudible... You either have to make a motion to table and have it seconded and receive four votes or you'll have to wait your turn till the committee chairman reports on it I think. I'm not trying to obstinate with you, I'm just trying to find the rule. So if you'd like to make or if you'd like to make the motion at the time after it becomes your turn, it's entirely up to you.

Mr. Osborne: Okay, I can wait.

Mr. Snyder: Okay.

Mr. Osborne: Cause I'd like to explain.

Mr. Snyder: That's fine, that's not a problem. Now I will - before we will - then we will come to you as we do. But relative - as the chairman of finance and property, I will report and then I will entertain any comments from the council. Number one, I'm sure there's people and I've heard tonight and I've heard through the city that the city is paying too much for Arrowhead. Well I would like to tell you and I've been criticized, I did have the honorable pleasure to serve as its president some four years ago. And unfortunately Mr. Hughes has brought it through some tough times and you've done a nice job Mr. Hughes. In 1999, it was entertained to sell the property and the property including the building as it states - as it sits was 3.5 million. In 2002 the property was commissioned to be appraised. The land only was appraised at \$4,100,000.00. So the land has appreciated quite a bit in three years. The building itself, according to the Auditor's Office, and Mr. Mayor correct me if I'm wrong, does have an appraisal in excess of a million dollars.

Mayor Rice: I believe so. I think in the appraisal that was done it was - the county had the building appraised at roughly 1.2 .

Mr. Snyder: Right. At that point it's somewhere in the neighborhood of 5.3. Our asset purchase which we've offered - which we've proffered to the Arrowhead Country Club, does include its chattels and of course - but that is not limited to just the kitchen and the restaurant facility. But that in itself with just cursory view and having no professional knowledge of its value, I would guess it to be in excess of \$100,000.00. So the property has a raw market value of I would think, if we needed to sell the asset, of at least 5.2 million. So we are not, I don't believe at this particular time, overpaying it. Arrowhead Country Club, in its existence since 1946, has been an excellent corporate neighbor to the City of North Canton. They applied in 1998 and was successful in the Fall of '99 to obtain a liquor license and to date, it's my understanding and I would think the Director of Administration will confer to me, that we have yet to have a police call to that facility relative to alcohol. We do get there to answer your alarm at least two to three times a week, but that's alright. They do presently and I want ...inaudible... I have no idea what their income tax base is, but they do presently pay taxes to the county of about \$35,000.00 per year. So if the city does take it over that will go away. However, you must understand, the impact to the neighborhood alone, and these are sheer raw guesses, they are not professional estimates that Mr. Benekos shared with me some months ago and I'm sure he could come up with the exact number. The environmental impact to the neighborhood alone would be between 2 ½ and 3 million dollars for the city to build infrastructure to accommodate housing or to accommodate the runoff coming from there. For a city the size of North Canton to purchase a 105 acres of pristine land is almost unprecedented. It belongs and will belong to the citizens of North Canton no matter what side of the city they live in. Should it be bought and left strictly as a park? Well I don't think so. We do owe fiduciary a responsibility to the people should we choose to buy the property, to have the property worked in some form of asset. I've argued that point when we talked about Oster. When you have a non-working asset it is of no benefit to the city nor its citizenry. And I think the Mayor and you know I was pleasantly surprised that he did offer his support and lend his advice along - and its been no secret that I thought that the city should have a municipal golf course and I think we should operate it that way for the time being because it is a revenue producing asset. How much? I have no idea. I do know how many

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rounds of golf are played there, but I am not an expert. It was said here tonight does the City know what it's getting into? Well I wouldn't think that the Council nor the Administration would be foolish enough to employ someone who has no knowledge of golf course or its operation or food service or its operation. We just passed rental increases. Our facilities that we rent for weddings and parties are always booked. That provides a very nice facility be it that the City rents it, be it that a private restaurateur operates it as a restaurant that will serve the citizens and the City of North Canton and its surrounding environment as a public facility. The pool, I have no idea, but it could offer a very fine southwestern pool that the residents of the City could enjoy. The golf course, as I say, I would think that it would bring at least at 35 to 40 dollar a day ticket. The other advantages are, we are protecting the 105 acres. Someday there is no land in the City of North Canton of any consequence. I would - I am sure as everybody said, people would jump at the chance as they said to bring a 104 acres of developed land into the city. We are bringing a 105 acres of beautiful green grass along with probably near 2 million dollars worth of property and improvements to that land. So consequently I don't feel that we are being foolish in our endeavor. Should we just purchase the property and leave it sit, possibly that would not be the smartest answer. I know that we've talked about having concerts on there on the weekends. We've talked about winter sports. We've talked about a non-invasive park or be it an arboretum or be whatever it is, but I think at the worst case scenario and I'll probably get hung, it's an election year, at the very very worst case scenario and we run out - we would happen to run out of money, and I don't see that happening, at least I hope not when I'm around anyway, but we're borrowing the money - at the worst case scenario, I would think that we would go to the public and explain our problem. Because I've had overwhelming support from my own ward constituency, from different people in the city, that we could possibly consider a recreational levy to pay for the proper, but we cannot go wrong. The cost in dollars and cents and interest alone to the city should be somewhere in the 160 to 180 thousand dollar venue. I would think that we could be able to generate that type of money just to pay the interest alone. However, borrowed money needs to be repaid. There are I'm sure if we charged the administration, which they're willing to do, with seeking for grants and for different funding that the Mayor has spoke to people about, I'm sure that figure will come down. We hear talk, well the Hoover Company is moving, this and that. I don't know that. I mean they're a thriving operation over there and I hope they continue. But to sit here and let pass an opportunity to give to your children and their children and so forth. And as people who are in this room who used to be as a child sled ride on there and take their grandchildren over there to sled ride; I think it would be a great mistake. So consequently I'm very passionate about it. I think the situation as private golf courses go, it's a different world today. People don't have the time unfortunately to join and stay in private country clubs. They would like - they're very proud of their facility there. They've courted the city. They've been very kind to the city. They'd like the city to have it so that they can continue a tradition that those people have built since 1946. And I'm sure the membership of Arrowhead Country Club would be very proud of the fact that as stewards of that property, the City of North can take it over and make it and continue and perpetuate it into eternity. I don't envision homes on there, but I do envision a lot of children, a lot of people doing a lot of things. And there's very few cities our size, as I say, can enjoy a 100 acres of land. And that's all I have to say and I will open it to council at that particular time.

Mr. Osborne: May I speak Mr. President?

Mr. Snyder: Please.

Mr. Osborne: Okay, I'll start with this letter I've written to Mr. Snyder here. The City of North Canton's motivation to acquire the Arrowhead Country Club property has been driven by the desire of many in the city to preserve the property and keep it in its present condition as either a golf course or as open space for the community. I feel that the proposal by the City of North Canton has interfered in the natural market forces that were already playing out in the bidding process for the purchase of the golf course and that the City of North Canton should not proceed with its offer to purchase the golf course. I say this because in the letter that was faxed to the city today, it is clear that there is an interested bidder for the golf course property who was - an earlier bidder would like to continue the operation of the golf course and maintain the property as it has existed for more than

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sixty years. The City of North Canton should back away for the present path it appears that it has chosen and let market forces play out before deciding a further course of action. The City of North Canton has two lines of defense. The city does have zoning in place which should guide everyone in the acceptable uses of the land. If the zoning is not effective, the city has a second line of defense and that is the power of eminent domain. This would provide the ultimate protection for the city from unwanted use of the property. In the meantime, I would highly recommend that the City of North Canton allow concerned parties to play out their options before the city intervenes. I ask that City Council table its vote on the purchase of Arrowhead Country Club. The letter that was faxed today to the Mayor and City Council is from Mr. Larizza. He runs the Chippewa golf course in Doylestown. It's a public document so I guess I can state that - Dear Mayor and Member of Council. This is to confirm my conversation with Mr. Snyder, wherein I indicated that Chippewa Golf Corporation would be interested in assisting in the efforts of the City of North Canton to acquire and perhaps operate Arrowhead Country Club as a golf course. While I made a proposal directly to Arrowhead, it was apparently rejected in favor of the city's proposals. As an aside, please note that I am bound to a confidentiality agreement with Arrowhead covering information they shared with me. So I would ask that you refrain from inquiring as to any of the unless we have Arrowhead's permission. Now given that Mr. Larizza is aware that he is walking a tightrope here and he doesn't want to end up in litigation, but he says here - goes on further to say, my intent if I did purchase Arrowhead, would have been to operate it as an 18 hole golf course, keep it green and pay our own taxes. He told me he would even put that in the agreement with the City. He would even put in deed restrictions that would prohibit ever selling the property for development. Now I know I'm going to probably have some objections here, but the best I've been able to find out that there were only two bidders. Again I'm not saying there were two bidders. One of the bidders put in two bids. One of them not far from our bid, full of contingencies cause he was rushed at the last minute. He amended his bid to be far lower than our present bid. There was a developer that also put in a bid. I don't know whether he wanted to take on the city and litigate the zoning issue. I don't intend to reveal exact figures, but the city is paying substantially more than the free market was playing out. And all I'm asking is that the city - we have two lines of defense here. We have our zoning. We either believe in our zoning, as shaky as it is, or we don't. And if we can't support our P&I zoning there, then we're in jeopardy all over the city for probably any other P&I areas that would litigate over time and if it - if the city came up short and the situation was going to turn against the wishes of the city, there's always eminent domain. And in an eminent domain process all of this information would come out. Now I have here a letter from myself to the Law Director, I have asked that Arrowhead release all the bids that have been given. We have a public right to know. We're trying to protect the public's interest here. And what is there to hide? Now the Mayor talks about he wants to do community and economic development all the time. Why are we jumping ahead and preventing another businessman from establishing in the community, paying taxes? And he would certainly be motivated to provide service, to provide a top notch golf course and to make it a profitable operation. The city cannot run this profitability. Now the other day Mr. Snyder quoted two different figures for maintenance of the golf course. I know one of the them was exorbitantly high - 400, 600 thousand a year. Later he spoke publicly and said 200 to 300 thousand a year. Now if you're talking about running this golf course, that figure is just mowing the grass and maintaining it, that's not running the golf course. If the city were to buy this, if you honestly want to figure a fair financial analysis on this, we should figure immediately repaying the debt in a long term bond. So you're looking at interest debt of starting out 200,000 a year coupled with interest payments of probably another 100,000 the first year. And if - just to mow the grass and keep the place from deteriorating you're talking and I've received more updated figures on this from grounds superintendents, we're looking at probably 150, 180 thousand a year. So if you're looking at 300 thousand just for the debt and interest, plus another 180 grand for the maintenance - as I mentioned earlier in the meeting, I have a very successful entrepreneur who is running three golf courses at the present time who would gladly sit down and talk about maintenance costs, the pitfalls. And I've made - he's made this offer and I passed it to Mr. Snyder. It's unfortunate that Mr. Snyder hasn't immediately scheduled an executive

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session so this gentleman could provide some expert advice. Now through this whole process - actually the very first week of the process, I asked that the Mayor, who was a active member at that time and the Law Director, who is an abutting property owner, recuse themselves and they did not hesitate. Mr. Batista brought in another attorney and subsequently Mr. Rice, who I understand did take himself out of the negotiations, took a further step and resigned his membership. All the information that council has been receiving on this has been way of the President of Council, who has contacts with the country club. He has related various bid offerings to me in private conversations and some in executive session - I won't get into those. But I also made a request that the President of Council recuse himself in this. He's a former member of the country club. He's a former abutting property owner, he just moved several months back from there. He's a former president of council. And he also himself attempted to buy this country club three years ago. And I wonder if Mr. Snyder would tell us what he offered on the property three years ago. The City is well protected. We will rescue Arrowhead as a last resort. But we have given the country club no reason to negotiate with anybody else, because we've come in there with a tremendously high bid. And I see nothing in this appraisal that said that this is just for the property. How can you buy the property and not be buying the assets that sit on it? Let the free market forces come into play here. Now I know for a fact the other two bidders have not offered anywhere near the 4.2 that we've offered. So why should the Arrow Club - Arrowhead negotiate with them? They should work with those bidders. We should not be in there bailing them out and that's really what it is. They haven't received the offers that they've wanted from other bidders. The city has gotten hysterical here, stampeded with inflated figures. Initially results were being passed to council that this may go for 5, 6, 7 million dollars. Everybody got hysterical and thought we were going to lose it. Again we have zoning, it means something. The city hesitated initially to immediately stamp out concerns about the fact that the property could be developed. They did - the Law Director did come out with a opinion a few weeks after the press got a hold of it. The zoning is worth something. And we've always had eminent domain. And if it resulted in an eminent domain process, all these facts that are being hidden or ignored would have to come out. And at that point if we've exhausted all opportunities to preserve the golf course for another entrepreneur, then I would not have a problem paying the 4.2. But we've jumped in there way too early. I want to assure the citizens, just as I spoke when this first started, it is a jewel for the city. It's always been a jewel for the city and I would not let it fall to development. But please let the market work out. It's unfortunate that they have not received bids as high as they've wanted. Certificated members have had many years of good life there, golf, meals and like a lot of us who have bought into the stock market, we've come up with certificates - stock certificates that really aren't worth what we had hoped they would be worth. So I ask that we delay this, let market forces come into play. There are plenty of mechanisms on the city's behalf to protect the property and protect the city and protect the citizens. Thank you.

Mr. Snyder: May I, before we go any further, I'd feel remiss if I didn't clear up a couple issues. Number one - my private business, it has nothing to do with the city. I file a disclosure with the State Ethics Commission. And I did inform - I called the State Ethics Commission, I have no ethics violations. I've not been there - I spoke to Mr. Hughes one time in December asking him the bid deadline. Can you confirm that Mr. Hughes? Have I - I spoke to once about the bid deadline only. Have I interfered with any to your knowledge with your board or any ...

Mr. Hughes (speaking from audience): Not to my knowledge.

Mr. Snyder: So I would ask and I have not passed those figures. However, the figures to maintain the property I was - I did tell you I had the esteemed pleasure of being the president and I can tell you exactly what it costs to maintain that property, I have figures in my home and I know exactly. And you would be - unfortunately maybe you could do it, you don't work. But you could probably go over and cut the grass around \$150,000.00 a year. But somebody who does that for living unfortunately cannot do that for \$150,000.00. I do - I forgot one important point that I wanted to point out, at 4:30 I did receive a call from our Law Director, Mr. Batista, I just want to inform council that we've notified by the Council of Arrowhead that there is a councilman who is tortiously interfering in a contract, who has also committed promissory estoppel and if it continues, the Board of Directors of Arrowhead Country Club will file suit against that councilman. So whomever you

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are I would suggest that you quit and cease because you are not authorized by the Council, the Mayor or the Administrator to do such. However, the reason that I was privileged, Mr. Batista has done all the negotiation through Mr. Kurtzman. Am I correct on Mr. Batista you calling it for me as I am the immediate supervisor of the council?

Mr. Batista: Yes, the...

Mr. Snyder: So anything I know to pass to you comes from Mr. Batista. I first call the Mayor as a courtesy, he is the chief enforcement man of the city, I tell the Mayor, we discuss it, I tell Council. That's the process. That's the reason. Just because I happened to be the president at one time there, as I told you before, I do have friends. People still have some respect for me and I do respect the people, as I always will, at Arrowhead Country Club. And the last time they tried to sell it there were - people interfered in it, put it publicly and it did cost them the sale or they wouldn't be here today to sell it. So I was very cautious that I did not talk publicly about that. Unfortunately some other members of council feel that they're qualified to execute sales and they don't have that ability. And as far as the price, it's an arms length transaction. They own the property. They're a private entity. They can ask anything they want. They're not bound by law to disclose anything to us. How much money they owe, what they got to do with their money, that's not our business. We're willing to pay 4.2 million dollars for the property. If there are four affirmative votes of council it will continue. That's all I have to say. Mr. Foltz, do you have a comment?

Mr. Foltz: Yes. Thank you, Jon. So where to start. Now is not the time to get cold feet. We sat in these executive sessions and wondered what could ever happen to that property. Thankful for the opportunity we could bid on this property, having the resources that we do, now is not the time to get cold feet. Real estate in North Canton does nothing but go up and that's the best investment that you can have right now, especially with the down cycle in our economy. That's the bottom line. We're not doing this with smoke and mirrors here. I do not want to be a council person 25 years from now regretting the day that we lost this opportunity for our citizens, our community. It might not ever happen again. It's available for sale, we put a bid in, we're thankful the high bid and I'm very much in favor of purchasing this property. Let's talk about recreation. Recreation costs money - recreation isn't free. If you buy land or you get land donated through subdivision regulations for a park, you got to put a play structure on it, you got to put a bathroom on it, you got to put tennis courts on it, you have to invest in a basketball court, before you know it you're spending 300 to 400 thousand dollars in that park if you do it right. But that parkland, that recreational source is a vital part of our community. When you think of community, you look at the services that we give our constituents through government, through their hard tax paying dollars, you look at the wonderful businesses we have in this city, you look at our outstanding neighborhoods and a vital, essential part of that is our parks. We have an opportunity here to buy this property and I believe to make it a public golf course. I'm very much passionate and in favor of that also Jon. And we have such a community here, they're very passionate in what they believe in, whatever the cause may be and I firmly believe they'll step up and golf on this course and they'll make it want to work. Because we've ventured down that road for them to protect their interests. Because once again, because the land was available to be purchased. And then they can step up to the plate and golf there and reduce our costs. But recreation costs money. Dogwood pool does not make money. We invest in capital improvements there, we have to pay lifeguards there, we have a salary there for our park people, utilities, everything else. But you know what, it's a wonderful facility and I equate the golf course here, the buildings that they have, in the same venture. I don't know if anybody read the USA Today last week, but the biggest grossing restaurant in the nation is in Central Park in New York City - Central Park. There's no limit to what we can do with this property as far as a restaurant, renting it out for people to use. What a wonderful asset to have our constituents be able to rent this clubhouse out, possibly use the pool - the possibilities are endless. Like I said I'm very much in favor of this. I don't want to be redundant, I think everyone knows how I feel about it. So there's no question in my mind I'm very much supportive of this and will vote yes.

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Mr. Snyder: Thank you Mr. Foltz. Mr. Lindower, do you have any comments?

Mr. Lindower: Briefly, I'd just like to say I agree with Mr. Foltz. One of the issues that came up that was quite a concern was the integrity of that property down there with respect to the adjacent property owners down there. I think if purchased the city, having full knowledge of better than probably 250 petitions we received from folks down there, that the integrity of that property would be protected down there. And I do think that it would be an asset to the city as it stands. Thank you.

Mr. Snyder: Thank you sir. Mrs. Kiesling, would you like to comment?

Mrs. Kiesling: I'd like to comment even though I'm not voting. I do live...

Mr. Snyder: Please, that's alright.

Mrs. Kiesling: I do live four houses off the course and what happens to this course is obviously very important to me as a homeowner. The truth is we wanted - the very first time I heard it was up for sale we wanted it because we wanted to prevent development - that was our first thought. We were scared to death that something would happen to it. And then as time worn on we all got pretty excited about the idea that it was going ours and it was going to stay green and we could do whatever we wanted with this 105 acres. And it has obviously excited all of our - a lot of residents. I realize it sits in Ward 4, but I've heard from many many people across the city of how they'd love for us to buy this. And then this other - this fax came in today and this owner of Chippewa knowing that he's interested, has obviously - I can understand where Chuck's going with this on the assumption of 4.2 million dollars is a lot. Julie has very much stressed concern over it in our executive sessions - it's a lot of money. And over the next few years we might not do as many capital improvements - you know streets, roads, curbs, gutters as we'd like to because we're going to spend 4.2 million. We're going to pay a lot of interest over the years to purchase this property. And that to me is a little discouraging because my street has original waterlines and the street hasn't been done since it was dedicated. So it would be really nice to have my street done. So I'm - I think a lot of people are really in the middle on this. And to get back to our original goal was to keep it green. And if we know that somebody else would buy it and keep it green, that definitely sounds like a great idea and I've thought a lot about this weekend. And I talked to a lot of residents this weekend. And Mr. Blubough is a friend of mine - Joe, who spoke earlier. And a lot of people have really brought it home that yea, I originally wanted to keep it green, but now we just really want it. And I tried to take myself out of the picture because of where I live and I guess that I understand the people want it. And 4.2 is a lot and maybe you would have to put a levy on and a lot of people stated to me they wouldn't mind a levy. So at this point I understand the money issue with Chuck and things. It would be nice not to have to spend 4.2 million and keep it green, which was our original intention, most definitely, that would be wonderful, but as the months progressed I think other things have happened and not only keeping it green, but owning it has become a priority for the seven us and for a majority of the citizens here in North Canton and for me living four houses off it. So I can understand why you all want to keep this moving and I understand Chuck's point too. So it's hard.

Mr. Snyder: Thank you. Mrs. Magel.

Mr. Osborne: May I - oh, excuse me.

Mr. Snyder: Mrs. Magel. I saved the last for best.

Mr. Foltz: He didn't have a chance to talk tonight.

Mrs. Magel: I'm hard to miss, I know that.

Mr. Foltz: You leave an impression Member Magel.

Mrs. Kiesling: Yea ...inaudible... Joe Millionaire.

Mrs. Magel: Joe Millionaire. I'd like to tell you that my parents used to always tell me watch out for the phrase, grass is always greener on the other side. This is unbelievable. Is the golf course on the east side greener grass or on the west side so much more greener than it is on the west - east side?

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This gives new meaning to the word the grass is always greener. I think I am the only one here that's being consistent in trying to give the - all the citizens and maybe it's cause I'm at large, for I have to consider the entire pool. But so far I'm hearing and I won't mention names, but I bet this is being recorded, so you'll - see me two weeks from now and I'll tell you this is what I wrote down. I don't envision any homes there. I envision lots of children - that's what one of you said. One of you said I'd hate to see it fall to development. The other one said what we really wanted to do was prevent development - we were scared to death what would happen there. Where was this conversation maybe two hours ago? Let's be consistent. We're putting a PRD on the west side and I - my colleagues are never going to - I'm not going to let them live this one down. They put a PRD on that golf course

Mr. Foltz: It's not for sale.

Mrs. Magel: and paid 4.2 for the other one.

Mr. Foltz: It's not for sale.

Mrs. Magel: Okay, now how do I really feel about the golf course? I think Jon and I have been talking about this golf course for how many years?

Mr. Snyder: Inaudible...five years I guess. Six years maybe.

Mrs. Magel: This is a once in a lifetime, we can't pass this up. This is going - just because you put a PRD on my side that doesn't mean I'm going to punish the other side.

Mrs. Kiesling: We appreciate that.

Mrs. Magel: I can't tell you how many times we bantered things what we could do with this property - the good things for people of all ages, what this property could do. And we have a person on here who's very enthusiastic, Doug. And I think he would make sure that - we got to make sure that this could give the golf course a chance. What are you smiling at? I just think what we could do for - I understand 4.2 million, but what do we get for it? We get forever a park for us that we can use. So I'm for this 100 percent. I would like to make one other statement...

Mr. Snyder: Please.

Mrs. Magel: And that would be to the president. You have my full support as president. There's no way insults should be hurled at this meeting. If you have something personal to say it should be said elsewhere. Throwing accusations around I think is completely unprofessional. And I'd just like to say as I've said before, you have my support.

Mr. Snyder: I appreciate that. Mrs. Magel, I'd liken it to people who seem to swear when they speak, unfortunately they're vocabulary is somewhat impaired. And when you're not real knowledgeable of facts it's better just to make them up because they sound good in the press. But I - and whoever - that's just - but I appreciate your statement, that was very kind and I do appreciate the support of my fellow council members.

Mrs. Magel: You were referring to his statements?

Mr. Snyder: Yes mam.

Mrs. Magel: Not mine...

Mr. Snyder: No, not yours. Your...

Mrs. Magel: Okay.

Mr. Snyder: I still love you. That's alright.

Mr. Osborne: Mr. Snyder, may I make another comment here?

Mr. Snyder: Please.

Mr. Osborne: Okay, everybody's missing the point here.

Mr. Foltz: Okay.

Mr. Osborne: We have interfered in the market process here.

Mr. Foltz: No we haven't.

Mr. Osborne: You have a prospective buyer out there, Arrowhead will have to deal with that buyer other buyers. You're preventing an entrepreneur, a businessman, from coming into the community and paying taxes and giving you what we've all started out wanting here to begin with. If Arrowhead was not up for sale we wouldn't be beating down their door to be buying it. This just popped up because they're in a fire sale here. They have no choices.

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Mr. Snyder: Sir, I would warn you be very gentle with your comments as to anything relative to Arrowhead Country Club. You are actionable - you have no facts, you have no figures, you have no knowledge of Arrowhead Country Club. I would caution you sir, as the President of Council, to please do not malign the Board of Directors or Arrowhead Country Club.

Mr. Osborne: I am not maligning them...

Mr. Snyder: You most certainly are sir. Inaudible...

Mr. Osborne: I have had feedback from you for four months over this.

Mr. Foltz: Jon...

Mr. Snyder: Inaudible...you can continue sir, go ahead ...inaudible...

Mr. Osborne: That's fine. I have talked to my attorney about this, I have talked to, in this case Mr. Larrisa's attorney, there is no contract. We have not voted in public on this and it's not a contract. And if you want to know my attorney's name it's Robert Cyperski.

Mr. Snyder: I could care...inaudible...

Mr. Osborne: I don't want any threats.

Mr. Snyder: I didn't threaten you.

Mr. Osborne: Well...

Mr. Snyder: You do that all on your own sir.

Mr. Osborne: Well I'm just giving you the facts. Isn't it a fact you were president? Isn't it a fact that you made a bid on the property?

Mr. Snyder: That's public knowledge.

Mr. Osborne: That you used to live there.

Mr. Snyder: Yes.

Mr. Osborne: That you used to be a member. So how am I misrepresenting anything?

Mr. Snyder: Where are my - where's the conflict?

Mr. Osborne: I didn't say there was a conflict, but there's the appearance. Anyway everyone's missing the point. Why does the city have to jump in and make an offer that was far ahead of a prospective business owner out there? Now I have a suggestion to sweeten the offer, the city could purchase a conversation easement to help sweeten whatever offer another purchaser would offer on it.

Mrs. Kiesling: Which we talked about in executive session and it never came to light. So...

Mr. Osborne: Well they had talked about a community reinvestment act, but it became - it was described that you have to build something before you can qualify for that. Now our Finance Director has concerns over this. You want to make a comment Julie?

Mrs. Herr: I think everyone is aware of my position on this. I'm not overly excited to spend 4 million dollars on something that we're not going to see a return that's going to cover at least just the interest on it, let alone the principle that we have to pay down. With the current economic situations and the fact that next year we're going to have to budget for at least a 2 million dollar payment for Hoover Company to - because of the settlement agreement, that's something that we're going to have to address in the budget next year. And with paying back 4 million dollars that debt service is just money that's going to come off the top of capital projects. So that means less money to do different projects within the city. And I just want to make sure everyone is aware that this is going to have a financial impact down the road. It's not going to bankrupt the city, it's not going to you know be the end of North Canton, but it will have a financial impact. And I just want to, you know make that clear to everyone that when it comes time for budgeting next year there's not you know well you know I want to see this project, I want to see that project. There's going to be "x" amount of dollars, "x" amount taken off the top for the debt service and the rest will be left over for projects. So I just want to make everyone aware that there is going to be a financial impact for the city for the you know next year and years come.

Mr. Osborne: And I'd like to add that we already discovered in December our revenues are down. We could - we have offered a bailout for Arrowhead here. They have - they're not forced to deal with their reality. There are other bidders out there who would come in and maintain the golf course.

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And I'm quite frankly appalled that Mr. Snyder you would not be open to input from the entrepreneur that I mentioned earlier - has years of expertise. So I think it's going to be a no that you do not want council to...

Mr. Snyder: I didn't say that sir - I didn't say anything. Number one, the subject of the management of a facility that we don't even own I think is a little premature. Now if you're referring to the same gentleman who tried to buy it before, I told you I would gladly - I've known him for 20 years, I'd gladly talk to him. But consequently he is also you know I've ...inaudible... it doesn't interfere - it doesn't have anything to do with this vote. This vote is whether the city wants to purchase Arrowhead. There will be an additional vote, on the recommendation of the Mayor, should we hire a management firm or Mr. Larissa or Mr. Jones or somebody or Mr. Foltz or whomever we decide we want to operate or Mr. Fano who lives close there. You can't vote Dick you live, you're within a stone's throw of the Arrowhead so you have to. That's right. So - but I'm saying, that's another vote for another issue. You again are assuming, as to quote you, cause you have great extensive law background, so you're assuming if it's not evident, so it's not in fact and I have never said I would not consider. However, to hold an executive session just to talk to somebody is not the answer. That - the procedures don't work that way.

Mr. Osborne: Well you would want to talk ... this and learn what you're getting into before you...

Mr. Foltz: Jon...

Mrs. Magel: This is off point.

Mr. Osborne: before you already own it.

Mr. Foltz: Jon, I think we've all had adequate time to voice our opinions. I make a motion we accept Arrowhead for 4.2...

Mr. Osborne: No one on council has any facts about this whole issue ...inaudible...

Mr. Foltz: I made a motion Jon.

Mrs. Magel: Second.

Mr. Osborne: what we have learned.

Mr. Foltz: And we have a second.

Mr. Snyder: Okay, we have a motion and second sir - discussion. Okay. Madam Clerk, call the roll.

All members present voting:

Yes: Foltz, Lindower, Magel and Snyder.

Abstain: Kiesling.

No: Osborne.

REPORTS:

Mr. Snyder: Thank you. Comment, Director of Law.

Mr. Batista: A couple of things. Number one, on the CEDA situation. As I think you're all aware, I've had a long term professional relationship representing Mr. Lemmon. As a result I've had to disqualify myself and I've totally stayed out of the entire issue of the

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Sanctuary. I had deferred to Mr. Treadon, we just found out Mr. Treadon had not done a conflicts check at his law firm, his law firm represents McKinley Development Company, one of his other partners. So Mr. Treadon should not be opining on this issue either. So if any issues come up that without - outside the scope of Mr. Matthews, who has been working on the CEDA agreement itself, and we need counsel, I would like to have council's authority to use Mr. Kurtzman. He's done a nice job for us on Arrowhead and I would like to be able to use him as a resource. Would you like to have a vote on this?

Mrs. Kiesling: What about Mr. Matthews?

Mr. Batista: I said anything outside of the scope.

Mr. Snyder: Outside of the scope.

Mrs. Magel: He said outside of the scope.

Mrs. Kiesling: Outside of his scope, got you. Sorry, I didn't hear that part. Inaudible...

Mrs. Magel: Yes.

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

Mrs. Magel: Motion.

Mr. Snyder: Mrs. Magel, is that a motion?

Mrs. Magel: Motion.

Mr. Snyder: Is there a second?

Mr. Lindower: Second.

Mr. Snyder: Roll call.

All members present voting:

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

No: Osborne.

Mr. Snyder: Thank you.

Mr. Batista: Number two, I have not had an opportunity to comment. I think you all received a copy of my letter of March 28th to Attorney Robert Cyperski in regard to the potential tax payers' suit involving the traffic light. I have some concern and it primarily goes to Mr. Benekos' comments in regard to - in the solicitation of the letter from Miss Jaynes from the Ohio Department of Transportation, she was operating on the assumption that she looking at an 1145 square foot restaurant, which was a sit down restaurant. And apparently it is very common knowledge that a Swensons is not a sit down restaurant. And that opinion that was secured from the Ohio Department of Transportation, I believe was done on the basis of some very faulty or poor information. And I think Mr. Benekos wrote an excellent letter that I was able to append to my opinion and it seems that the warrant for the traffic light at Wilbur is more than justified. That's all I have.

Mr. Snyder: Thank you sir.

Mr. Lindower: Is that issue resolved then Roy?

Mr. Batista: Excuse me.

Mr. Lindower: Is that issue as far as the tax payers' suit resolved then?

Mr. Batista: Well nothing - it's...

Mr. Lindower: It's - no basis to it.

Mr. Batista: the 14th of April and I haven't heard anything.

Mr. Lindower: Okay.

Mr. Snyder: Director of Finance.

Mrs. Herr: No report.

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Mr. Snyder: Director of Administration.

Mr. Held: No report.

Mr. Snyder: Mr. Mayor.

Mayor Rice: Just two quick things. Kathy, would you please make sure if Gene doesn't have, I was just thinking, a copy of that new book would you get that - the zoning book.

Mrs. Magel: He has it.

Mayor Rice: Oh, okay. Well whoever's got it...

Mrs. Magel: Make sure Gene gets it.

Mayor Rice: Whenever we get it make Gene - make sure - I don't know whether he does or doesn't, I'm not aware of him having it if he's got one. So he can look through it too before you guys finish voting on it.

Mrs. Magel: Good idea.

Mayor Rice: Appreciate it. The only other question, just an FYI for council, we have some interested citizens here. The bids came in, I think Friday, on the Middlesworth Phase 1. Due to the Engineer's diligence in getting those out early, we got very competitive bids on Phase 1 at only about 900, I forget the numbers, about \$915,000.00.

Mr. Snyder: That's about 400, 500 hundred dollar savings.

Mayor Rice: Yea, it was budgeted at 1.4 or so. By getting early, as Jim thought last year, getting it designed last year and getting out early this year, we believe helped us get very competitive bids. And that project will probably get started in about 30 days or so.

Mr. Snyder: Great.

Mayor Rice: So...

Mr. Snyder: Now who was the successful bidder on that?

Mayor Rice: Robertson - right - Robertson Excavating, who...

Mr. Snyder: That's the guy that's been doing ...inaudible...

Mayor Rice: Jim said has done other jobs.

Mr. Snyder: done other jobs for us. Didn't he do that South Main pipe and that?

Mr. Benekos: No, that was Wenger Excavating. Robertson did Lindy...

Mayor Rice: Oh Lindy - Linwood Circle.

Mayor Rice: But he's done a lot of work in Engineering Department. He says they're a quality contractor and will do a good job. So...

Mr. Snyder: Good, okay.

Mayor Rice: That looks good and we're ready to go.

Mr. Snyder: Mr. Engineer, you have any comment?

Mr. Benekos: No report.

Mr. Snyder: Thank you. Madam Clerk.

Mrs. Bittle: No report.

REPORTS - COUNCIL:

Mr. Snyder: Mr. Foltz.

Mr. Foltz: I've said enough tonight Jon.

Mr. Snyder: I appreciate your support and everything. Mr. Lindower.

Mr. Lindower: Nothing.

Mr. Snyder: Mrs. Kiesling.

Mrs. Kiesling: No report.

Mr. Snyder: Mrs. Magel.

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Mayor Rice: Hurry up ...inaudible...

Mrs. Magel: Did I mention I'm upset about a PRD?

Mr. Snyder: Yea, you did.

Mrs. Kiesling: You did, several times.

Mayor Rice: Yea.

Mrs. Magel: Okay, I was just wondering. No report.

Mr. Snyder: I appreciate it. Mr. Osborne.

Mr. Osborne: No report.

Mr. Snyder: I have nothing.

FINAL CALL FOR NEW BUSINESS:

Mr. Snyder: Is there anybody else wishing to speak to the council this evening? Mam...

Unidentified: I have a quick question.

Mr. Snyder: Sure...

Unidentified (speaking from audience): Inaudible...all laid out and all so pretty. How come this corner isn't laid out and also pretty? Why don't we know what is going in there? Because that's right next door to a lot of houses too.

Mr. Snyder: I couldn't honestly and I don't know if maybe somebody can answer, I know that when it's submitted to planning it will have to be filled in.

Unidentified: Right.

Mr. Snyder: I mean you can't just - I don't know if they know. I believe they originally planned some type of units and they went to...

Unidentified: Yea, assisted living, but...inaudible...

Mr. Snyder: Yea but they got rid of that and they went to apartments. So I don't know that they've updated it but I'm sure that the engineering - the office and the planning office will make sure that that is a...

Unidentified (speaking from audience): And then they're going to open that other end up at Woodside and ...inaudible... to go into that area?

Mr. Snyder: No mam. I don't believe Woodside is designed to be opened.

Unidentified: She said ...inaudible...

Mr. Snyder: No, they're going to leave a 20 foot piece from the school to Applegrove.

Mrs. Kiesling: Dedicate it.

Mr. Snyder: Dedicated, but they're not actually going to open it.

Mrs. Kiesling: Which means in the future they could put a road in.

Unidentified: Okay, then everybody that's going go in this top corner is going to either go in off of Applegrove or come all the way down around ...inaudible... and then up from that corner?

Mr. Snyder: No mam. There's only one - only two entrances to that property, both of them are off Applegrove I think.

Unidentified: Yea...inaudible...Applegrove and down ... and over this way to where this corner is, the circle, that's the only other way.

Mr. Osborne: There's only one entrance.

Mr. Snyder: Only one?

Mr. Osborne: Yes.

Mr. Benekos: There's two.

Mayor Rice: No, there's two.

Mrs. Kiesling: There's two but one's...inaudible...

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Mr. Osborne: There's a lane in and a lane out.

Mayor Rice: There's two and my understanding is there's a high probability of entrance going into that ... corner.

Mrs. Kiesling: Up by ...inaudible...

Mayor Rice: But there very well will be an entrance in there too.

Mr. Osborne: But just serving that multi family, not serving all those 200 homes.

Mayor Rice: Not necessarily, it may come through to that corner. Like I said I don't know I have seen the final plans. But you could have a way through there too, I don't know ...

Unidentified: Well I would vote with Kathy. I don't think anybody ought to vote on anything till they know what's going in there.

Mrs. Magel: May I suggest maybe density that's going in there would be a ...

Unidentified: PRD.

Mrs. Magel: PRD.

Unidentified: Inaudible...bad word.

Mrs. Kiesling: It has to go through planning and we have no PRD.

Mr. Foltz: There's no PRD through planning...

Mrs. Kiesling: So it can't be... what.

Mr. Foltz: There's no PRD through planning.

Mr. Snyder: Is there any other person in the audience wishing to speak?

Mrs. Magel: Is says we agreed to it.

Mr. Snyder: Okay. On behalf of the Council I appreciate the citizens coming. Inaudible... patience for through the evening and I hope we voted the way ...inaudible... meeting adjourned.

Mrs. Bittle: Jon, can I call the roll?

ADJOURN:

Mrs. Kiesling moved and Mrs. Magel seconded to adjourn the meeting. All members present voting:

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

No: 0

The meeting ended at 9:50 p.m.

PRESIDENT OF COUNCIL

ATTEST:

CLERK OF COUNCIL