

RECORD OF PROCEEDINGS

COUNCIL OF THE CITY OF NORTH CANTON REGULAR

Minutes of

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, April 28, 2003

CALL TO ORDER:

1. The meeting was called to order at 7:00 p.m. by President of Council Jon Snyder.
2. The opening prayer was delivered by Rev. John States, Congregational United Church of Christ.
3. All present recited the Pledge of Allegiance.

Mr. Snyder: Will the Clerk please call the roll.

ROLL CALL:

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

Mayor's Court Receipts: March, 2003

Mr. Snyder: The first thing on the agenda is the consideration of the Mayor's Court Receipts of March, 2003. We've given it to you in the packet and you seen them last week. If there's no further comment, I would move that - I would ask for a motion to accept them as presented.

Mr. McLaughlin moved and Mrs. Kiesling seconded to approve the mayor's court receipts as presented. All members present voting:

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

No: 0

6. Committee Reports

Community & Economic Development: Refer to the minutes on file in the Council Office of the Community & Economic Development Committee meeting held April 21, 2003.

Finance & Property: Refer to the minutes on file in the Council Office of the Finance & Property Committee meeting held April 21, 2003

Street & Alley: Refer to the minutes on file in the Council Office of the Street & Alley Committee meeting held April 21, 2003.

Water, Sewer & Rubbish: Refer to the minutes on file in the Council Office of the Water, Sewer & Rubbish Committee meeting held April 21, 2003.

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

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

No: 0

7. Recognition of Visitors

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

Judge Sara Lioi: Thank you President Snyder. Sara Lioi, Judge of the Stark County Court of Common Pleas. I thank you for this opportunity to speak to council this evening. I promise I'll only take about 60 seconds. I'm here to enlist your support for the sales tax, which I think you all know is on the ballot, it's coming up a week from Tuesday and it's a quarter percent sales tax. Public officials from the county have been going to different meetings of different municipalities, townships, to enlist the support of leaders, such as you are in this community, for the sales tax. Just to give you an idea of what we're facing from the court's prospective. I looked at our statistics from an eight year period from 1995 to 2002. The civil case load in our court increased by 98 percent; the criminal case load by 65 percent. So the cases keep coming. Yet as you know, many of the agencies in the county sustained reduced budgets, anywhere from 18 to 20 percent roughly. As you probably read in the paper, I know I'm speaking to the choir here, preaching to the choir here in North Canton because the citizens in North Canton have I think traditionally supported the tax, but the sheriff has taken the biggest hit in the county. I'm just here simply to enlist your support to ask you as a council to endorse this tax - at least to consider endorsing the tax as leaders in the community. If you have any questions I'd be happy to answer them. If not, thank you very much.

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, April 28, 20 03

Mr. Snyder: Thank you, Your Honor. Appreciate you coming. Is there...

Mr. Osborne: I would like to just add, if I may Mr. President...
Mr. Snyder: Please.

Mr. Osborne: I would highly encourage and endorse the tax increase for the - to the residents of the city and hope it does pass to alleviate this crisis we're about to enter.
Mr. Snyder: Appreciate that.
Judge Lioi: Thank you.

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

Dave Kinkema: My name is Dave Kinkema. 8401 West Wadora, North Canton 44720. As you know West Wadora is not within the city limits of North Canton, but I believe my 27 years as executive director of the YMCA and the many leadership positions that I've held within this city show my commitment and love for North Canton. I'm here in support of the CEDA agreement and the Sanctuary development. I think it's not only needed, I think it's critical for the positive growth of this city. We need a positive point right now. As you drive up and down Main Street, we need some help. I could give a basic sociology lesson on how the hole in the donut keeps getting bigger and if you don't increase the borders and you project your mind's eye five, six, ten years down the road, we've got some very very serious problems. So I urge your support of the CEDA agreement and the Sanctuary development. Thank you.

Mr. Snyder: Thank you sir. Anyone else wishing to speak? Sir, please step forward...

Mr. Foltz: I like that analogy to a donut and he's absolutely right.

Greg Mencer: 1471 Ellesmere NW, North Canton, Ohio. This is a copy of the letter I sent on February 28, 2003, in supporting the CEDA agreement. Some of the highlights that I would mention is instead of saying CEDA, let's talk about a cooperative economic agreement. Cooperation agreement and what this city really needs, even though we are lucky in consideration of our other neighbors, is economic development. I think some of the points that I've highlighted in there -- It establishes a relationship with Plain Township that is much needed. I think if you look south, it's taken a long time, but Canton has finally seen the need for economic development and they've worked out one of the biggest CEDA's with Canton Township. It increases the land acquisition and potential tax revenue for North Canton, which is also much needed. It provides homes that currently don't exist except in our borders like Jackson Township. People that want to buy houses in this 200 to 350 as has been presented range, probably have to go outside our borders to find those homes. And without that we can't attract - maintain the citizens that may want to relocate and move up and also attract other people that would add to also the income tax of this city. I think I'd point out that - and at the last meeting I - seemed like council did a lot of talking about things that the Planning Commission should be considering and this is a truly a vote on the CEDA agreement, that would be the next step. And obviously you all reviewed recently your ordinance and things like that so that the Planning Commission would have to take care of. You need to get through this first step and let the system that you have in place take care of the second step. And I think that - one thing I am concerned about, with the lack of concern about economic development period, is that at some point, maybe not you, but your predecessors will have to consider increasing our tax rate from one and half to two percent. And I think anybody who is against this project would surely vote - not like to see that happen, which would affect all of us. So I thank you for your time and I hope you consider some of these suggestions.

Mr. Snyder: Thank you sir.

Mr. Foltz: Thank you.

Mr. Snyder: Sir, would you like to come forward?

Norman George: My name is Norman George. And I live on 1352 Lorrell Avenue SW. I'd like to make a comment about the Arrowhead situation. That - there only really a select few that have the ability to recognize financial opportunities when they present themselves and for that I commend this council and their bid for the Arrowhead Country Club and golf course. My son-in-law is an avid golfer and reminds me to make the comment that should North Canton continue Arrowhead as a golf course open to the public at reasonable prices, that tee times would be full and a real money maker for North Canton. Hopefully all the efforts of those involved in encouraging North Canton to take advantage of this opportunity for the residents of this and greater area, will not be disappointed. Thank you very much.

Mr. Snyder: Thank you sir. Mam...

Jean Sinclair: Hello, my name is Jean Sinclair. And I live 306 Gaslight Circle SE. And I'm here to violently oppose the car wash that's going in at Maple and Woodside. When I first heard about it through my neighbor, who is also here and a businesswoman, because she got a letter from the Super Wash Company saying it was going in, that's the only way I knew about it. And so I quickly and so did she, which she will talk for herself, called City Hall. And I was given the name of a man that I spoke to on the

RECORD OF PROCEEDINGS
COUNCIL OF THE CITY OF NORTH CANTON

REGULAR

Minutes of

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held

Monday, April 28,

20

03

Planning Commission and he told me that it was a done deal and there was nothing that could be done. Well I first would like to tell you why I'm opposed to it and I don't know why anybody hasn't thought of this. I think it's extremely dangerous. You're talking about a block from the school. I don't know how many of you walk along this area. There's a lot of traffic to begin with and they're talking about a four bay car wash going in on little narrow Woodside and Maple. Now you have a lot of children walking there. I had very little time, I had like two days to try to even knock on some people's doors. They said the traffic when Hoover lets out, the high school, is monumental. So first of all there's a danger to schools, which this Jim - his name was Jim ...inaudible...

Mr. Snyder: Benekos.

Ms. Sinclair: Yea, that's his name. Told me that nobody had thought about that. Well I found that very strange. I could be on the Planning Commission alone and think about that first. So they didn't think about that. So the other thing is the traffic pattern will be horrible. The reduction to the property taxes probably - if I lived in those condominiums or around there I would - I don't know how I would ever even sell my house. The Planning Commission told me that it's done when it's sent to you and there's no control because it's zoned for that. Well I find that hard to believe that you have, even though it's zoned for business, that you have no control over if something is dangerous to children, lowers property value and is aesthetically extremely ugly. The Super Car Wash said in their letter that 50 - they choose the demographics and so forth and that 50 percent of the people are elderly. I'm 71 years old, I guess I ...inaudible... elderly, but I - and they said they want to make it convenient to get to a car wash. If you can drive you can drive a little further and I think that's ridiculous. And I can't believe that you have no control. I had two people that were coming, I - we couldn't get many people coming. They called City Hall and they were told City Council had nothing to do with the Planning Commission. Is that true? Does the Planning Commission decide what goes in here? I don't understand it. Now I just have maybe a couple other things. I also heard that a - I was told you had no control over what goes in. I also heard that there was an ice cream place going to go in and it was rejected. I don't know if that's true or that's rumor, two people told me that today. I don't know if that was your Planning Commission. I have no idea who this Planning Commission is, but they're doing a terrible job. And I think it's terrible and I want an answer as to whether you have no control over this. They said the only way they could do it is if there was enough outrage and outcry. Well I don't think anybody is - I had two people not come tonight because when they called they said City Council has nothing to do with this.

Mr. Snyder: Inaudible...

Ms. Sinclair: We were never told about this.

Mr. Snyder: Let me - if I may Mrs. Sinclair and I apologize, I'm not an attorney, nor I'm in fact - I am someone knowledgeable as I served for ten years on the Planning Commission. Unfortunately that piece of property meets the zoning requirement for a car wash - it is zoned I believe B - General Business B, which permits drive through. Which would be banks, which will be ice cream stores, which would be car washes. So it does meet the required zoning level to open that. It did receive, I believe, three affirmative votes of the four or five affirmative of six, I'm not sure. I don't...

Ms. Sinclair: Of what? Of the Planning...

Mr. Snyder: of the Planning Commission. The Planning Commission is composed of five commissioners that review all site plans and all that type of thing. They voted in the affirmative, I believe, 5 to 1. I don't have the minutes...

Ms. Sinclair: Well excuse me, that means they could of rejected?

Mrs. Magel: 3, 1 and 1...

Mr. Lindower: It was 3 to 1...

Mr. McLaughlin: It was 3 to 1 with 1 abstaining.

Mr. Lindower: Right.

Mr. Snyder: 3, 1 and 1 - 1 abstention.

Ms. Sinclair: So that means they could of rejected it?

Mr. Snyder: Yes mam. Unfortunately, cause it - your particular property and I assume you mean where you and the doctor live on Gaslight, is not contiguous to that property.

Ms. Sinclair: I'm not talking for me. I'm talking for the city...

Mr. Snyder: Oh, alright. Well and I don't know - it did not change the zoning level, so consequently the abutting property owners were not required to be notified by the commission. That - those are the rules of the zoning ordinance of the city.

Ms. Sinclair: Okay...

Mr. Snyder: The council, if it's a simple request to - a site plan, which they presented, which met the zoning requirement, it met the building standard by the Engineering Department and the Permits Department, it can be built with no one else's permission. Now I don't know what type of relief as a citizen you might have. I defer to the Law Director, if in fact there is any relief that they have.

Mr. Batista: No. For a guy that's not a lawyer you did a pretty good job...

Ms. Sinclair: Well...

RECORD OF PROCEEDINGS

0203

Minutes of

COUNCIL OF THE CITY OF NORTH CANTON

REGULAR

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, April 28,

20 03

Mr. Snyder: I say I don't know what the - I don't know if you have common relief in the courts or there's any means of appeal for the council. I've never had that instance come up. But a...

Ms. Sinclair: Well, okay. I know I've been told this and I'll go along with you've said. But this Planning Commission obviously does have the right to reject it.

Mr. Snyder: Yes mam, they do. Now let me state this. They have the right to reject it, but the proponent or the party requesting the permission to build the building also has the right to go to Common Pleas Court if they arbitrarily and capriciously refuse to do it if it does meet the zoning level. You cannot just arbitrarily say well I don't like you or what you're going to do over there so you're not going to put your business. If it meets the requirements of the zoning and the building permit, they can ...

Mr. Osborne: May I say something?

Mr. Snyder: could not refuse them at that point.

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

Mr. Snyder: Please.

Mr. Osborne: It's the council that sets the zoning in various parts of the city. Possibly that area needs to be changed to GBA, which would preclude a drive-in . I too was disappointed to hear that a drive-in was going there.

Ms. Sinclair: Disappointed is a mild word.

Mr. Osborne: Well I'm trying to be politically correct here. I was disappointed as well. I agree with you, the streets are very narrow. The main east west thoroughfare or East Maple is very narrow. The connector streets are very narrow. And just as you said, it's close to schools. There - this is area is starting to get overrun with car washes - there's two that's going north, there's one going south. I was really hoping that you know you'd get a little office building in there or something. And I would almost recommend that council look into rezoning some of that other area right there to maybe GBA or something. We don't need more congestion and traffic right in that - those streets, they can't handle it.

Ms. Sinclair: It's appalling to me.

Mr. Osborne: And it's right next to residential areas.

Ms. Sinclair: I mean has nobody, this Planning Commission, whoever these people are, do they not know. You're talking about school buses. You're talking about all these cars. And you've got people coming out of four bays of car washes.

Mr. Osborne: But to answer...

Ms. Sinclair: Why would North Canton want that?

Mr. Osborne: But to answer what Mr. Snyder was saying. Given a certain zoning exists, the city can be sued if you just arbitrarily pick and choose what you want to put in there.

Ms. Sinclair: Well why...

Mr. Osborne: So if GBB allows this range of uses, we have to be very careful. So I guess it comes - it does come back to council.

Ms. Sinclair: Yes.

Mr. Osborne: Maybe it should be rezoned.

Ms. Sinclair: Yes. That's why I'm saying, why did it ever get zoned like that?

Mr. Osborne: It's probably been like that...

Ms. Sinclair: Now I'm not blaming you guys, but somebody along the way zoned it that way.

Mr. Lindower: It used to be a service station.

Mr. Osborne: It's probably been like that for 20, 30 years.

Mr. Snyder: It was a filling station...inaudible...

Ms. Sinclair: But does anybody ever look at - but back when it was a filling station...

Mr. Snyder: It was zoned GBB.

Ms. Sinclair: life was different too. Yea...

Mr. Snyder: Well, I realize, but the problem is you cannot - that's called spot zoning. You can't take - again take and deny those people their right. It was zoned - it was originally a filling station, it was G - General Business B to allow the drive through. And it remained that way because no one requested the change. To just automatically take a piece of property and deny the people the total highest and best use of the property, again you know you're disenfranchising them. And please I'm sympathetic to what you're saying. But I don't know and I would say in order to take this further ...

Mr. Foltz: It's on the north of the street.

Mr. Snyder: I would think the - ask the councilman of the ward, which is Mr. Lindower, to probably follow up with our Law Department. And I don't if there's anything we can do for you or not mam. If there's any...

RECORD OF PROCEEDINGS
COUNCIL OF THE CITY OF NORTH CANTON REGULAR

Minutes of

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, April 28, 20 03

Ms. Sinclair: I don't think there is...
Mr. Snyder: Well...

Ms. Sinclair: But I don't have any compassion for their rights. I think the rights belong to the citizens of the North Canton.

Mr. Snyder: Well I appreciate that. But again you know we have to follow along the rules, we have to play within the rules, which we're trying to do.

Ms. Sinclair: Well I know.

Mr. Snyder: But we will, if it helps you at all, the only relief I may be able to offer you right now, and Mr. Lindower would be sympathetic to you I'm sure. Mr. Lindower - Councilman Lindower, would you mind following up on that?

Mr. Lindower: No, I ...inaudible...

Mr. Snyder: I don't know if there's anything left, but...

Mr. Lindower: I might add also, I received three phone calls today in regards to that property out there.

Ms. Sinclair: Well that's because I went and told all those people. I went to three people, that's all I could get to. But I'll...

Mr. Lindower: Okay. And I full - I'm sorry, I fully understand their problem. My personal feelings parallel theirs. I'm concerned about the safety and so forth. But I advised both of those people that called me that that's beyond my control at this point without changing the zoning. And at this particular point in time I doubt if that zoning is going to be able to be changed to prevent that.

Ms. Sinclair: I'm sure it isn't. But I - you know the old adage, you can't fight city hall and I know you can't, but I'm angry and I'm sure you know I'm angry, I mean I'm really angry because I think its been totally overlooked. And when the man that I spoke to said nobody thought about the children, I thought it was ridiculous. I'm not speaking because I live back in Gaslight Circle, that isn't my point. The point is we're destroying - I think it's terrible. So I had to get it off my chest and I'll...

Mr. Osborne: You're just speaking out of common sense.

Ms. Sinclair: And I was - I mean - well to me it does...

Mr. Osborne: Yes.

Ms. Sinclair: but obviously it doesn't to most.

Mr. Osborne: Can I get your name again?

Ms. Sinclair: Jean Sinclair.

Mr. Osborne: And you live - live on where?

Ms. Sinclair: Gaslight Circle.

Mr. Osborne: Okay.

Ms. Sinclair: So I've really restrained, I'm sorry I even shouted, but I really am really upset about this and I just wanted.

Mr. Snyder: Mrs. Sinclair, a possibility, and I might offer you this, a good possibility if you contact Mr. Rinoldi, who owns that property, owns the glass station immediately to the east of that, and have him give you the number of the people who are anticipating building the car wash...

Ms. Sinclair: Oh yea, that will do me a lot of good.

Mr. Snyder: and I would simply say, invite them down to talk to you.

Ms. Sinclair: Oh yea.

Mr. Snyder: You know when you're in business the last thing you want is to antagonize or jeopardize your potential...

Ms. Sinclair: Well one woman speaking out they really don't care. I know.

Mr. Snyder: Well I don't know, I wouldn't say that. Most good business people are sympathetic to their respective patrons. It's hard to run a car wash without people's cars to be washed.

Ms. Sinclair: Well I know, but they can do without mine.

Mrs. Magel: May I ask you something?

Ms. Sinclair: Yes.

Mrs. Magel: I live on East Maple.

Ms. Sinclair: Okay.

Mrs. Magel: I am extremely disturbed with this.

Ms. Sinclair: Good. But we can't do anything about it.

Mrs. Magel: I understand. But I'll tell you I only found out today too. We don't get transcripts now from Planning, but I did get the jest that there's a car wash and it's 24 hours a day.

Ms. Sinclair: Oh, great.

Unidentified: And there's five bays.

Mrs. Magel: Five?

Unidentified: Five bays.

RECORD OF PROCEEDINGS

Minutes of

COUNCIL OF THE CITY OF NORTH CANTON

REGULAR

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, April 28,

20 03

Mrs. Magel: We had no details.
 Ms. Sinclair: Oh, I'm sorry.
 Mr. McLaughlin: Yea...
 Mrs. Magel: I don't know if there's four, five...

Mrs. Kiesling: Rick has the letter.
 Mr. McLaughlin: Yea, I've got - this is...
 Ms. Sinclair: She has the letter - she has the letter.

Mr. McLaughlin: Mrs. Sinclair was good enough to call me and give me the letter...
 Mr. Foltz: Inaudible...
 Mr. McLaughlin: And I think if you look at the minutes of the Planning Commission, which I pulled out, there's only like six ...

Mr. Lindower: I've got them here.
 Mrs. Kiesling: We've got them...
 Mr. Foltz: It's in your packet Kathy.

Mr. McLaughlin: six questions - it's in your packet - you just got them in your packet...

Mrs. Magel: There's no transcript.
 Mr. Foltz: No, I know.

Mr. McLaughlin: There's just six little questions and one of them Mr. Pachmayer brought out it said, he was concerned about the traffic and noise for the - for the traffic for the residents. Despite it the commissioners previously turned down a request for an apartment in that area. After that nothing was said. The only thing Mr. Shanabruch asked that the car wash people speak to neighbors as a nice gesture, which the commissioners feel it would be a common courtesy. Mr. Black said he didn't do it, but they would as courtesy. But this to me is not a courtesy after the fact of sitting around...
 Ms. Sinclair: They didn't speak to the neighbors.

Mr. McLaughlin: Right. And this is the letter that you gave me over the weekend that...
 Ms. Sinclair: No, no ...inaudible...

Mr. McLaughlin: Okay, she - this is the letter that they gave me that they sent out saying that they want to use the car wash or whatever. I think it was kind of a bad taste and as of - if you look at the minutes or whatever, I don't think, and I could be wrong, but there was nothing addressed about...
 Mrs. Kiesling: No, I was there. It was...
 Mr. McLaughlin: buffer zone or anything like that in the minutes.

Ms. Sinclair: And this Jim - Oh, I thought I wrote his name - what's his last name?
 Mr. McLaughlin: Benekos.
 Mr. Snyder: Benekos.
 Mayor Rice: Benekos.
 Mr. McLaughlin: Benekos. He's right there.
 Mrs. Magel: He's right there.

Ms. Sinclair: Where is he? Oh, you're the man I spoke to. And you told me that I could go to the Planning Commission meeting this morning at 8:00 and I said great, I'll be there. And I said am I allowed to speak? And he said no. So what's the point of going to the Planning Commission meeting? I'm not allowed to speak. Nobody wants to hear my voice on the Planning Commission.

Mr. Benekos: They don't have a public speaks portion on the Planning Commission.

Ms. Sinclair: Well I understand that, but I don't know why. I mean we are the people. I mean you're planning for us. And I don't understand. I know I'm picking on everybody, but I'll tell you I don't understand. I'd change - I'd change it so quickly you wouldn't recognize it. But - so I got it off my chest. So thank you for listening to me.

Mr. Foltz: Thank you.

Mr. Snyder: Thank you Mrs. Sinclair. I think this lady here back and then mam you. Please, mam...

Peggy Romine: Hi.
 Mr. Snyder: Hi.

Ms. Romine: I'm Peggy Romine. I live at 415 10th Street. And we have a concern around that area about the skate board course that we have over there. It's really a very dangerous thing. We almost hit a child last week because there were two kids fighting on the corner and this about second or third grader comes flying across the pool parking lot not even looking. There's bad language going on, which I don't think is good for our children growing up. And I was wondering if we could do something about some

RECORD OF PROCEEDINGS

Minutes of

COUNCIL OF THE CITY OF NORTH CANTON

REGULAR

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, April 28, 2003

sort of monitoring system or something. I know it's a really big thing to ask. But I'm concerned about our insurance possibilities with somebody getting hurt. When we were walking past, my husband and I, one of the kids not wearing any safety gear at all fell and hit his head and he was out for a couple seconds before he was moving. And he was cussing and swearing and carrying on when he got up and then he decided he was going to go home because he really did hurt himself. And I'm just very concerned about this. There's a lot of children coming to and from that court that don't even pay attention. They're so interested in getting over there to court, which is really a good thing. You know keeps them off the TV and everything. But we need something to help protect our children - they're coming to and from.

Mr. Osborne: Can I get your name again mam?

Ms. Romine: Peggy Romine.

Mr. Osborne: Romine and you live on?

Ms. Romine: R O M I N E.

Mr. Osborne: What street do you live on?

Ms. Romine: 10th...

Mr. Osborne: Okay.

Ms. Romine: 10th and Dogwood. One of the mothers that was bringing her child over to the court even blew past the stop street on 10th and Dogwood, with her kid hanging onto the back of her car on a skateboard. It's like - but it just - it scares me. So that's what I was wondering. Okay.

Mr. Foltz: Thank you.

Mr. Snyder: Thank you mam, I appreciate your comments. Mr. Foltz.

Mr. Foltz: If I may address that. First of all I'm 100 percent for that skateboard facility. If there's something we need to do as far as maybe some more regular patrols by our police force, I'd be more in favor of that. Unfortunately, things are going to happen with that facility cause it's not supervised. I don't think it can be for us to assume a recreational use liability. And a...

Unidentified (speaking from the audience): There's not some kind of a monitor ...inaudible... something ...do like...inaudible...

Mr. Foltz: No, no. I think we would be more liable if we supervised it than if we don't. But my concerns are obviously if kids are in the Dogwood pool parking lot or just crossing the street not watching, that's unfortunate. It happens everywhere in the city with small children or youthful children you know nine, ten years old, whatever. But the only thing I can say about the language if Administrator Held if you would send some just regular patrols down there and kind of keep an eye on things, establish a police presence, I think that's the best we can hope for. I've had some discussions with Kim Cooksey and the Rec Board concerning some very small vandalism that's occurred. And here again it's a few people that might ruin it for a majority of the kids that use it. I was never so happy than when it was built that we could tell our kids, hey listen you can get off the Y property, the front of City Hall, the benches on other business establishments and there's a place for you to go and skateboard. So I think that's worked out tremendously as far as where our youthful kids can use skateboarding devices.

Unidentified (speaking from audience): Inaudible...it scares me

Mr. Foltz: Right.

Unidentified: It's also very dangerous ... inaudible... that these children over here fighting and you know you're watching so they don't come out ...inaudible... a car you know that scares me...inaudible...

Mr. Foltz: Yea, I understand - I understand. It's like the analogy if someone kicks the ball across the street and the kid will run out and get it and the car is traveling down the road. You know...

Unidentified: It's a little bit different than that because you have a large group of children in one spot. And that's you know that's okay, that's good, they're all ...inaudible... they're out there doing something. But your mind is going to go towards that. I'd just feel horrible if I hit somebody's child. I know that if it were my child getting hit I would be very upset and the first person I would come to would be the city. You know and I mean...

Mr. Foltz: I think a lot of it is too is the parental judgement. You know if I had a - if my child is six or seven years old he wouldn't be down there by himself or her.

Unidentified: No, mine wouldn't either. But there ...inaudible...

Mr. Foltz: You know here again we can't legislate good parents. So there's a lot of angles to this unfortunately. So that would be my suggestion, unless the administration has something further to say about it. But thank you for bringing the concerns up and we'll see what we can do about it.

Mrs. Magel: Doug, I think a lot of the problem is coming to and from, not necessarily the park itself.

Mr. Lindower: That's where it is.

Mrs. Magel: Am I correct?

0267

RECORD OF PROCEEDINGS

Minutes of

COUNCIL OF THE CITY OF NORTH CANTON

REGULAR

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, April 28,

20 03

Mr. Lindower: I've received several complaints in regard to the same thing only it's been behavior of the youth on th street with skateboards and the roller blades. The actual use of the park I believe is pretty much controlled by the Police Department when it's possible and then their observations as they drive by. I had a boy actually ride a skateboard right out in front of me on 7th Street a couple of weeks ago. And when I stopped and challenged him about it of course he had a few choice words for me at the time too. But I don't think there's any way that we nor the Police Department can change the behavior of those kids other than enforcing the laws on the streets. That's the - and it comes right back to as Doug says, the parental control. If the kid is going to go to the skateboard park carrying a skateboard or his roller blades, that's what he's supposed to do, is carry them there and use them there. As far as riding those pieces equipment on the street, there's not a whole lot we can do about that.

Unidentified (speaking from audience): Well if the police ...inaudible... but they don't do that...

Mr. Lindower: Well...

Unidentified: they just look at them riding by. So we need to you know...

Mr. Lindower: I'm sure Mr. Held will refer that to the Police Department...

Unidentified: I hope so.

Mr. Lindower: But that's one of the issues that I've passed along to them also, is to try to drive by there a little more often and watch for those kind of violations because they are occurring. I live on 7th Street NE also and I see quite a bit of that myself.

Mr. Osborne: Mrs. Romine, I've had some concerns ever since they were going to put it in there. That's a very densely utilized park. I had hoped that they were going to locate that skate park somewhere else. And I collected a lot of information and passed it out at the time this expenditure was voted on. There's something that I noticed and since the day it opened. There is a sign up there cautioning everybody to wear safety equipment. There's even been various pictures in the newspaper you know featuring the activities that go on there and it's nearly 90, 95 percent of absolutely no safety equipment whatsoever. And we were assured here on council that the police would keep a close eye on that. And from what you're telling us it's not being done.

Unidentified: No, when I called in - I called in when I got home and I told the police ...inaudible... we almost hit a child over there. There were two children fighting, two high school boys fighting and that that really shook me up cause I almost hit this kid. She said well you didn't hit him did you? I ...inaudible... you know that's not really the point right now. I said there are too many congregated out in the street. You know so she said we'll send a police car around and I guess she did. I didn't see one come down Dogwood you know, but she said she was going to send a police car around and I'm assuming she did. But it's...

Mr. Osborne: So ever...

Unidentified: it's very scary.

Mr. Osborne: Everything you've cautioned us about we were assured would not take place there and I'm quite disappointed to see that it has turned out the way that it has.

Unidentified: Inaudible... now ...inaudible...and there's storage underneath there and they're storing things in there. I saw kids in there yesterday morning as I was going down Dogwood. He's got the rim off and he's crawled in there and he's pulling things out. I don't know what, maybe his lunch or whatever it was, but you know now...

Mr. Osborne: Sounds like there's absolutely no supervision there at all.

Unidentified: There is none - nothing.

Mr. Osborne: And the administration swore that this would be well looked after. There was EMS service right there to render immediate care. Did somebody from the EMS come over and tend to that child who passed out after hitting his head?

Unidentified: No, no one was there. Inaudible...we were walking past and we stopped and then by the time we had stopped he had gotten up and went over you know - choice words to his friends and then he went and got his stuff ...inaudible...because he was hurt and more choice words and said yea I'm going home and he went home. So...

Mr. Osborne: Well everything I cautioned about when I encouraged this council to maybe think about relocating that, appears to be coming true. And I guess when there's a law suit - that was my biggest concern...

Mr. Lindower: Inaudible... I'd like to add to that a little bit...

Mr. Osborne: liability for the city. So I hope the administration does follow through and gives that the utmost attention.

Mr. Lindower: If I could, I'd like to make one more comment on Mr. Osborne's referring to safety equipment not being used. There's no way the Police Department or the City can force those individuals voluntarily using that park up there to wear safety equipment. It's advisable, they're told to wear safety equipment for their own protection, but there's no way that anybody - one can force those kids. That's - that would be the same thing as telling somebody walking down the street with their shoes untied that it's breaking the law. It's not a possibility. We encourage that as much as possible. The thing I'm concerned about is the behavior on the street to and from that park. The skate park itself is only a few

Held Monday, April 28, 20 03

blocks from my home. I don't see a major problem up there at all other than the fact that occasionally those kids do get a little rowdy. They've changed the entrance to that fenced in area to the park side to keep the kids off of Dogwood.

Unidentified: That was a good idea.

Mr. Lindower: Right. And I think the Police Department does the best they can do as far as driving by and monitoring that. Where we're having the - where the police have a problem, is trying to catch them at 10th and Dogwood, try to catch them on 7th Street and on Dogwood Avenue itself on their skateboards. The kids know when they see that cruiser coming they're in the weeds someplace.

Mr. Osborne: Now quite surprised, there's a sign up there that says you will wear safety equipment. I mean the city cannot stop out there and say...

Mr. Lindower: There's no law that says you have to.

Mr. Foltz: No.

Mr. Osborne: and order people out of there if they don't have their equipment on?

Mr. Lindower: You can't enforce a law you don't have.

Mr. Foltz: No.

Mr. Lindower: You can't enforce a law you don't have.

Mr. Osborne: You cannot what?

Mr. Lindower: You can't enforce a law that isn't on the books.

Mr. Osborne: Well then why put that sign up there? It sounds pretty clear - you will wear safety equipment and these kids are just blatantly walking in and it's a joke I guess.

Mr. Lindower: That's all I've got to say about it.

Mr. Osborne: I would think that would be opening up the city if they're not enforcing their - maybe we should pass a law then that will require safety equipment at that facility to protect the city. I'll check with the Law Director on that. I hope I can get a legal opinion.

Mr. Snyder: Thank you. Mam you had - you wanted to speak mam?

Nancy Gladieux: Yea, my name is Nancy Gladieux. I live at 1025 Edgewood Street. And I'm the one that received this letter from the Super Wash - getting back to the car wash. I own a business on Maple Street and I think that's probably the only reason that I got it and maybe some of the other businesses received one as well. But I just wanted to reiterate everything that Mrs. Sinclair said - I agree wholeheartedly. And I think probably maybe the neighbors aren't complaining because they don't know about it.

Mr. Osborne: What business to you own mam?

Ms. Gladieux: Gladieux Galleries, interior design business.

Mr. Osborne: Okay.

Mrs. Magel: That used to be my place of business - World of Computers.

Ms. Gladieux: Good - yea.

Mrs. Magel: I was there for twelve years...

Ms. Gladieux: And I ...inaudible...

Mrs. Magel: So I know exactly what you're saying.

Ms. Gladieux: The other things is, that I don't know if Mrs. Sinclair mentioned, but the noise. There's five bays, not three or not four. Three of them are self serve and two are touchless automatic bays. This letter wants us all to come and use this. And it said that they have studied the traffic flow, the demographics, the convenience and about elderly customers - I don't know what that has to do with it. But anyhow, that's all I have to say. I hope there's something we can do about it. I think an ice cream place would of been a lot better choice than a car wash. Thank you.

Mr. Osborne: I'll be in touch with you mam.

Ms. Gladieux: Thank you.

Mr. Snyder: Thanks Nancy, I appreciate it.

Mr. Foltz: That entire section is probably GBB.

Ms. Gladieux: I'm forgetting my pen.

Mr. Snyder: No mam you can...

Ms. Gladieux: I have nothing more to say, don't get worried.

Mr. Snyder: That's alright.

Robin Bacopoulous: I'm Robin Bacopoulous. I live at 2123 Chestnut Hill Street NW. Okay. As an interested future resident of the Sanctuary, my husband and I would love to build our new home in North Canton. The design of the Sanctuary is incredible, especially with the open park, the ponds, the bike path, the clubhouse, for families to enjoy while preserving the nature. The most important reason we'd

RECORD OF PROCEEDINGS

0709

Minutes of COUNCIL OF THE CITY OF NORTH CANTON

REGULAR

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, April 28,

20 03

like to stay in North Canton is due to the excellent school system and also the quaint community. I'm aware of the outstanding quality of DeHoff Development and Lemmon and Lemmon, their commercial and residential projects. And I hope that this City Council will act favorably upon this proposed development. Thank you.

Mr. Snyder: Thank you very much Mrs. Bacapoulous. Anyone else in the audience wishing to speak? Mr. Berardi.

Victor Berardi: I'm Victor Berardi. And I live at 1355 Salway Avenue. While I read Friday's newspaper article on the Arrowhead with interest, I cannot say it surprised me to see such a story written. After all The Repository is in the business of selling newspapers and provocative above the crease headlines rouse public emotion and sell newspapers. This is not entirely a bad thing, as a healthy thriving democracy requires active civic participation and especially a free flow of information. To that end I'll try to provide a rationale, not emotional, prospective on many of the issues surrounding Arrowhead, so that informed, logical decisions can be made for the benefit of the community and its citizens. In a recent Business Week article, Jeffrey Garten writes to business executives about not only surviving during uncertainty and tough times, but in thriving as well. To truly thrive going forward, organizations must take educated risks to seize opportunities to enhance their products and assets. For North Canton Arrowhead represents one such opportunity. As I watched the PBS documentary on North Canton last night, I was struck by the fact that as long ago as World War II, money professionals were choosing to live in North Canton precisely because of the recreational and educational systems available. The same is true today and is reflected in our community's property values, crime rates and standard of living. These issues may not sell many newspapers, but they have value and must be considered within the context of this decision. I find it encouraging that our Direct - our Finance Director talks about being conservative and the need to make choices. This is true of any organization that obtains a significant, though previously unrealized asset and we should expect no less of our city government. The newspaper article however focuses on only one aspect of the decision. Conspicuously missing were concerns related to what costs, financial and otherwise, might be incurred if this property falls to significant development as a result of a no go decision by the city. An initial estimate puts costs to support development of this land in the millions of dollars. Not surprising since Arrowhead is surrounded by fully developed parcels where the sewer system was not engineered to accommodate runoff from new pavement and buildings. Nor were the roads planned to handle hundreds, if not thousands of extra automobiles. As noted by council, the city would be required to furnish these services, necessitating large capital outlays at the beginning of any such project with only the potential, though certainly not the guarantee of positive cash flows being returned over time. In nontechnical term, the city loses Arrowhead, has to pay for surrounding infrastructure improvements, never adequately recouping its costs, an entire quadron of the city is overwhelmed and the last remaining parcel of undeveloped land in the city is lost forever. This is truly a lose, lose, lose, lose, lose proposition. In financing the Arrowhead purchase the city has many published options, as it is in strong financial condition. The newspaper article notes a range of costs from about \$1.25 per month per household to a high of \$5.00 per month - about the cost of Whopper extra value meal. This is not to lessen the concern over costs any, but when the doom and gloom of the newspaper headline is cast in this prospective, it can be seen as an educated risk decision that is manageable and will not break the bank as trumpeted in the newspaper. Finally, I also hope Mayor Rice, and I apologize if you're working on things that I am not aware of, will work with potential benefactors to support this worthy civic endeavor. Perhaps a significant number of Arrowhead stockholders would contribute their proceeds to see the land and the Arrowhead name preserved. Perhaps successful medical, legal or real estate professionals are entering the phase in their life where they look to give back and having their name associated in perpetuity with this civic asset would be valued. There are some who will say because the city can't do everything, it should do nothing and this is a false choice. And considering all aspects of the decision, I believe you know the choice is clear, secure this asset for the benefit of the city. Thank you.

Mr. Snyder: Thank you Mr. Berardi. Anyone else in the audience wishing to speak to the council this evening?

Mr. Foltz: Well done.

Mr. Snyder: Thank you. Seeing none, I'll entertain a motion for the second reading - Is there someone there that wanted - Oh excuse me, I'll entertain a motion...

OLD BUSINESS:

8. Mr. McLaughlin moved and Mr. Foltz seconded to **read by title only, second reading** of Ordinance No. 49-03. All members present voting:
Yes: Magel, McLaughlin, Snyder, Foltz, Kiesling and Lindower.
No: Osborne.

RECORD OF PROCEEDINGS
COUNCIL OF THE CITY OF NORTH CANTON

Minutes of

REGULAR Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, April 28, 2003

Ordinance No. 49-03 - Second 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").

Mr. Snyder: Chairman Kiesling.

Mrs. Kiesling: Yes, as of last week when we spoke about the changes, we haven't officially made them, but Mr. Mathews is here. Would you like to get up and explain the one sentence that we talked about and then there's some others.

Jim Mathews: Good evening Members of Council and Mr. President. A couple members of the council, along with the Mayor, brought to my attention concern over one sentence in Article 4. of the proposed CEDA. That sentence reads, that the Township and City hereby approve the development of the McKinley property as generally set forth in the development plan. Having had a week or so now to discuss this with representatives - other representatives from the developers, I can represent to you that there is no problem - no objection to taking that entire sentence out of the CEDA agreement. So with that sentence deleted, the other sentences will just flow there in Section 4. So that eliminates that concern over that particular provision. In the event that council is prepared to proceed then and pass this thought its second reading, we will make sure that a final revised draft is completed for you that incorporates that modification to the proposed CEDA.

Mr. McLaughlin: Can we have that by next Monday night?

Mr. Mathews: That's no problem at all. Yes, indeed.

Mr. Snyder: Chairman Kiesling, if it is your desire to do that, I would ask you that you ask to have that particular CEDA that is in possession of council, be amended to exclude that particular sentence prior to the vote.

Mrs. Kiesling: Okay.

Mrs. Magel: The entire sentence is struck?

Mr. Snyder: The entire sentence is struck. And if you would please, read that sentence into the record so that it is - no question as to what they're going to strike from the CEDA.

Mrs. Kiesling: Okay. First is there second issue though that we want to talk about? We can do it all at the same time.

Mr. Mathews: There was another item brought to my attention by Mr. Benekos. It's a matter that he has addressed already to the Law Director, Mr. Batista. And that concerns section or Article 8. of the CEDA agreement. That paragraph begins by speaking to a current agreement between the City, Plain Township and Stark County - the Stark County Commissioners and that agreement is in fact an Applegrove street widening agreement dated back in April of 2002. The intent of that provision is to basically carry forward with the existing agreement between the three political entities. The concern brought to my attention by Mr. Benekos is that to some extent that paragraph may be read as modifying the existing agreement. I don't know that that's necessarily the case, but just to be on the safe side and to make sure that we're addressing everything up front as best we can without concealing anything - we're trying to avoid some problems for the future, with Mr. Batista's blessing I would suggest that a sentence be added at the end of that paragraph which would read as follows: To the extent the terms of this paragraph require the approval of the Stark County Commissioners, it shall be effective only upon such approval or otherwise deemed stricken. And again the purpose is there is to make it very clear that to the extent anyone interprets this paragraph as a modification of the existing agreement, we're going to have to get the Stark County Commissioners onboard as well adopting that. If for some reason however the County Commissioners did not accept these modifications, then what we're all back to is the existing 2002 agreement and this paragraph is stricken. I don't frankly foresee any problem or difficulty getting the County Commissioners' approval to this modification. After all once the CEDA is completed, the CEDA, together with the petition for annexation is going to all be submitted to the County Commissioners for their approval. I didn't know if you have any comments on that, I'm just throwing that out to you Roy.

Mr. Batista: I really think it's satisfactory.

Mr. Mathews: Yea, I don't think it's...

Mr. Batista: As long as council realizes you may be taking on a little bit additional financial responsibility.

Mr. Snyder: And am I to understand sir that this last addendum that we received is the actual time line for - that was faxed from your office is the actual time line to the process?

0211

RECORD OF PROCEEDINGS

Minutes of COUNCIL OF THE CITY OF NORTH CANTON

REGULAR

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, April 28,

20 03

Mr. Mathews: At the request of one of your members, I've prepared a brief description of the process. There's not a precise time line because we don't know exactly when certain things are going to be effective to trigger that process. But that was to give you a rough idea of where things go from here. After legislation is passed, we next move on to the joint hearing process and so forth.

Mr. Snyder: Okay.

Mrs. Magel: I have - can we ask questions?

Mr. Snyder: Please, please...

Mrs. Magel: Am I the person that you were referring to for the steps?

Mr. Mathews: You called me to speak about that and so did...

Mrs. Magel: Okay.

Mr. Mathews: Mrs. Kiesling as well.

Mrs. Magel: Okay. Well I typed, from up some notes that I was taking from you and apparently your 1 through 6 is exactly as my 1 through 7.

Mr. Mathews: Okay.

Mrs. Magel: I mean it's exactly right on.

Mr. Mathews: Yea, I just added a little more description as to why we're doing certain things.

Mrs. Magel: Right. That's...

Mr. Mathews: But you're correct, the general process is the same. What I...

Mrs. Magel: But #7 is vague, it never mentions the word planning. Whereas I have 10 steps below that. You kind of just lumped it all into one ...

Mr. Mathews: Yea, there's a reason for that. It's my understanding that part of - one of the reasons, if not the reason we're eliminating this sentence from the agreement paragraph 4, is that some of you may have had concern that someone was trying to finagle something and actually get plan approval by way of this CEDA. And that concern having been raised, I think it's now perfectly clear that this CEDA is not meant as any substitute for the planning and zoning process. It couldn't be as a matter of law and no one was trying to suggest otherwise. So if we all look at the fact that this CEDA is not intended to effectuate any zoning change, any zoning modification or even effectuate the planning process. The planning process is going to be carried out under your charter and the revised code and that's how it's going to be handled. It will have its own time line according to the standard procedures that followed for the planning process. And frankly it's really not an item any longer at all relevant to the CEDA.

Mrs. Magel: Did you take any objection to the ten steps that I had below that or...

Mr. Mathews: In looking at your description of the ten steps, I thought that you had added a few steps in the process. I don't know that final plan approval will come back to council on two occasions for three readings each time. That may be the case, but I don't foresee that happening. And the process of seeking some variances from the Board of Zoning Appeals, I don't believe will ever come back to City Council. That's a matter that rests with the jurisdiction of the BZA.

Mrs. Magel: The final plan never comes back to...

Mr. Mathews: I said I don't believe it comes back you twice for three readings both times. Certainly plan approval will come back here for final approval.

Mrs. Kiesling: But not after the variances?

Mr. Mathews: The variances should not make their way back to council.

Mrs. Magel: I don't have it here twice.

Mr. Mathews: Well that was my interpretation of your...

Mrs. Magel: I have it planning once and then council once.

Mrs. Kiesling: Public hearing on the variances.

Mr. Mathews: Inaudible... the planning process is not addressed in the CEDA, it's not effectuated through the CEDA. The CEDA is an agreement intended to express the cooperation between the Township and the City to see to it that this development is carried out. Ultimately this city is going to have the authority to handle its planning and zoning process under existing rules. And the developers are quite aware of that fact, that they will be going through all those procedures.

Mrs. Magel: Perhaps we could get some existing rules and then we'll know exactly what we're doing. One last question. On page 4 - my background is mathematics, I'm not a lawyer, so I need to clarify something. In mathematics the and means both and the word or means one or the other must be true for the statement to be true. On page 4 near the bottom, where it says city zoning approval, the fifth line up from the bottom, it is the intent of the city to allow the development of the McKinley property in general

RECORD OF PROCEEDINGS
COUNCIL OF THE CITY OF NORTH CANTON

Minutes of

REGULAR

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, April 28, 20 03

compliance with the development plan and in compliance with the requirements of the respective zoning district. Is it lawyereze to say that both of those have to take place for that statement to be true versus an or? I hope you understand what I'm saying.

Mr. Mathews: Well I do understand the differences between conjunctions and wording in the disjunctive. I can tell you that the intent of that sentence is as clearly expressed,

Mrs. Kiesling: The intent...

Mr. Mathews: it's to make it obvious to everyone the developers, this City Council, as well as Plain Township, that in order for this process to be completed, both the plan process has to be followed together with compliance with zoning districts.

Mrs. Magel: Both. Thank you.

Mr. Lindower: That makes sense.

Mr. Snyder: Are there any other questions of Mr. Mathews? Thank you Mr. Mathews.

Mr. Mathews: Thank you.

Mr. Foltz: Thank you.

Mr. Snyder: Appreciate your courtesy of coming this evening.

Mr. Lindower: Thanks

Mrs. Magel: Thank you.

Mrs. Kiesling: Mr. Mathews, can I have your copy just for a minute so I can read that additional sentence into ...

Mr. Mathews: You certainly may.

Mrs. Kiesling: Can I read your handwriting?

Mr. Mathews: Well, probably.

Mrs. Kiesling: Okay.

Mr. Mathews: Good luck.

Mrs. Kiesling: I'm a nurse, read doctors handwriting so – Alright, so we will amend the CEDA that we're looking at right at this moment. And we will take out Section 4., the sentence that says the Township and the City hereby approve the development of the McKinley property as generally set forth in the development plan. That will not be in the final draft of the CEDA - the third reading. And we will add, on page 6, Section 8., to the extent the terms of this paragraph require the approval of the Stark County Commissioners. It shall be effective only upon said approval or otherwise deemed stricken. Got it.

Mr. Snyder: That is a motion. Is there a second?

Mr. Foltz: Second.

Mr. Snyder: Clerk, please call the roll.

All members present voting:

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

No: Osborne.

Mr. Snyder: Is there any other comments on the second reading? If not I'll entertain a motion to accept the second reading...

Mr. Osborne: Inaudible...Mr. President, I'd like to make some comments.

Mr. Snyder: Please.

Mr. Osborne: The Sanctuary is a fantastic development. I support the development 100 percent. But to put this label on it, CEDA or Community Economic Development Agreement, I think is a misnomer. We are not allocating, dividing up, giving up any kind of revenue that has - that the property has generated in the past. And that is my understanding of a CEDA, it's to reduce the sudden loss of revenue to a township so they can reallocate their budgets over a ten, twelve year period. There are processes already in place that have worked time after time – the normal petition process before the County Commissioners, our Planning Commission, Council process, variance, Zoning Board of Appeals, there are processes already in place. As I've said, it's a very fine development. I would go door to door to support it if someone were to want to hold it up or block it or just to lend my support for it. But to put this fancy title on it, CEDA, everything in this agreement are developer issues and that is the reason. Maybe it's semantics, and I guess it is, but I don't - we already have mechanisms in place and they work fine and that's my reason for not being for the CEDA. And the Mayor was kind enough to point out that there is one public hearing, if I understood you correctly Mr. Mayor, that will not take place before the County Commissioners because this CEDA is in place. And a - so I'm not trying to be obstinate here. It's a fine project. It's upscale housing for the city. And that's all I have to say. Thank you.

Mr. Snyder: Is there...

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, April 28, 20 03

Mr. Osborne: I would like to say one other thing I guess before I close. Mr. President, I would ask that possibly you might want to consider abstaining on this vote. I have records where you received a sizable campaign contribution in 2001 from one of the developers and just for general appearance sake, I would suggest that you might want to abstain on this. I'm not implying there's any kind of improprieties, but ...

Mr. Snyder: There are none. I declared it. I sent it to the County Board of Elections. They know, I have no secret about that.

Mr. Osborne: Right. Well I think...

Mr. Snyder: No impropriety.

Mr. Osborne: If you want to declare it here...

Mr. Snyder: Well I - there - I don't have to declare anything, it's a matter of public record, that's why I made it that way. I have no problem. I file all campaign returns, as you know, you seem to want to snoop around in everything. You could of asked and I would of gave you a copy. But you don't have a job so you don't have nothing else to do. But that's fine. But I will say to the people that I did declare, if you want to know, and it's at the Board of Elections for any review and I've filed all my other things with the Board of - the Ethics Commission...

Mr. Osborne: Well I have a copy right here. I...

Mr. Snyder: Well I'm sure. You could probably pass that around.

Mr. Osborne: There's lots of public records, but unless people become publicly aware of them, they sit in archives and they're forgotten.

Mr. Snyder: Obviously. Pass it out, give it to the newspaper, I have nothing to hide. But I will not...

Mr. Osborne: Well I didn't say you did, but it's just...

Mr. Snyder: Well I'm not ashamed...

Mr. Osborne: if I received a sizable contribution from a ...

Mr. Foltz: Jon...

Mr. Osborne: and somebody had legislation before me, just for general appearance sake I would abstain on the vote.

Mr. Snyder: Well I don't think it will be a problem, you won't probably ever receive a sizable contribution. So I don't think you'll ever have a problem. But that's alright.

Mr. Osborne: But to honest with you I wouldn't accept them because I would be fearful of situations like this. I would feel obligated to people.

Mr. Snyder: I appreciate that. Thank you.

Mr. Osborne: I know it sounds funny and everybody can get a good laugh and - but fine, I...

Mr. Snyder: Is there a motion to adopt the second reading of Ordinance No. 49-03?

Mr. McLaughlin: As amended, yes.

Mr. Snyder: As amended, excuse me.

Mrs. Kiesling: Second.

All members present voting:

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

No: Osborne.

9. Mr. McLaughlin moved and Mr. Lindower seconded to **read by title only, second reading** of Ordinance No. 50-03. All members present voting:

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

No: 0

Ordinance No. 50-03 - Second 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 locations, 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.

RECORD OF PROCEEDINGS
COUNCIL OF THE CITY OF NORTH CANTON

Minutes of

REGULAR

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, April 28, 20 03

Mr. Snyder: Councilman Osborne.

Mr. Osborne: Thank you Mr. President. This is our second reading of our proposed new zoning code that has been in process for well over six years. It's gone through the third degree, been pared down, but it will still give us a core protection for the citizens. And to follow up on some of the comments, it will make development of Arrowhead - it will preclude the development of Arrowhead, it will make it airtight. Our current zoning was a little big ambiguous. This will clear up that ambiguity. And I'm happy to see us moving this process along. If we continue the a - moving it through the council, this should be effective I believe June 12th. Thank you Mr. President.

Mr. Snyder: Any comment?

Mrs. Magel: Yes, if I may.

Mr. Snyder: Please.

Mrs. Magel: I'd like to update the council. I think I left you off that I was mailed a disk from ...

Mr. Osborne: D.B. Hartt.

Mrs. Magel: There you go - D.B. Hartt, and I think at the time I had not received or received it that day, but hadn't even really opened it. I would like to tell you that for an update the disk is updated; I made the changes. I had to reformat some of the chapters because if you add or delete the pages get off. That disk is now in the office of, I believe, the Law Director. Okay, thank you. So that portion of it is done. The second thing, Mr. Law Director, being that there's been a letter about liability with my name on it, I would ask you if you would look through the procedures of Chapters 1171 through 1181 for the processes.

Mr. Batista: What are they?

Mrs. Magel: The zoning - the processes that we've been talking about just to make sure the 3/4's and the 2/3's and the - everything through the last forty years is not changed. That we're being consistent with what we had before. I would just feel more comfortable at that point that - since there was a letter written trying to put some liability on me personally and I don't appreciate it. But Law Director Batista, I would appreciate you if you would do that. Is it okay if I have the second reading now? Would you have time for the - to do that for the third reading?

Mr. Batista: Oh yea. It'll be two weeks?

Mrs. Magel: Yes sir.

Mr. Foltz: Yes.

Mr. Batista: Yea.

Mrs. Magel: Well at that point then I have - if council - if we could just agree that maybe these procedures would be looked at. So that we don't have any questions about what may be happening and things were going exactly as they should of been. Because I was not involved with Jim Benekos nor Gene Hemminger, I as you know, was taken off the committee at this time and I didn't do anything. Second thing is, Chairman Osborne, have you been working with the - we're supposed to be updating the money processes. Have you been working with that?

Mr. Osborne: The money processes ...inaudible...

Mrs. Magel: Well it's...

Mr. Osborne: the billing fees for the city?

Mrs. Magel: Yes, yes sir.

Mr. Osborne: I have talked to Gene Hemminger probably three times in the last six months. I have been expecting some - a list of fees and...

Mrs. Magel: Right.

Mr. Osborne: recommended up...

Mrs. Magel: Fee schedules.

Mr. Osborne: Fee schedules and I'm still waiting for that.

Mrs. Magel: Okay. But you're working on it?

Mr. Osborne: Yes.

Mrs. Magel: We do not need that for the third reading, do we?

Mr. Osborne: Oh, this has nothing to do with that.

Mrs. Magel: Okay.

Mr. Osborne: These are like building permit fees...

Mrs. Magel: Right. It's just - that does need updated. As you know...

Mr. Osborne: Yes it's been...

Mrs. Magel: it's been quite a long time.

RECORD OF PROCEEDINGS

0215

Minutes of COUNCIL OF THE CITY OF NORTH CANTON

REGULAR

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, April 28, 20 03

Mr. Osborne: It's been sixteen years. Just to update the audience Mr. President, if you don't mind...
Mr. Snyder: Please.

Mr. Osborne: To enlighten the audience what Mrs. Magel was referring to. We have been using a consulting firm out of Cleveland, D.B. Hartt. We contacted - contracted with them back in let's say - I guess that'd be '79 - six years ago - anyway a good long time ago. They have been making the changes as council has moved through this process. Council decided here about a month ago that they wanted to - I guess in effect sever that relationship. They didn't want to expend any more funds, since the city had exhausted its \$50,000.00 that it had paid them. And Mrs. Magel has agreed to make some minor changes to the document. So a CD was sent to her and she made the changes...

Mrs. Magel: Yes sir.

Mr. Osborne: and that's what she was referring to, if the audience didn't - was not familiar with what has been transpiring prior to that. So with that I'd like to move ahead and proceed with our second vote.

Mr. Snyder: Okay, is there a second to that?

Mrs. Magel: Second.

Mr. Osborne moved and Mrs. Magel seconded to **adopt the second reading** of Ordinance No. 50-03. All members present voting:

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

No: 0

10. Mr. McLaughlin moved and Mr. Kiesling seconded to **read by title only, second reading** of Ordinance No. 55-03. All members present voting:

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

No: 0

Ordinance No. 55-03 - Second 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.

Mr. Snyder: Chairman McLaughlin.

Mr. McLaughlin: Yea, as everybody knows our garbage contract is up as of June 30th. We come back with some new facts and figures for this year - for the next three years that deals with our recyclable program, our yard waste and our garbage. And I think that everybody is going to be proud that we can almost keep the same rates we have for another three years. So I'd like to get this thing going and so we have it in effect for June - July the 1st.

Mr. Snyder: Any other comment?

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

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

No: 0

11. Mr. McLaughlin moved and Mr. Foltz seconded to **read by title only, third reading** of Ordinance No. 61-03. All members present voting:

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

No: 0

Ordinance No. 61-03 - Third 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.

RECORD OF PROCEEDINGS
COUNCIL OF THE CITY OF NORTH CANTON

REGULAR

Minutes of

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, April 28,

20 03

Mr. Snyder: Thank you. I would only ask as we begin to comment on it, please hold your comment to anything new or germane to the issue. That we do not rehash what we've talked about the last four and a half months. Just - I mean that's all public document at this point. However, I do have a couple points that I'd like to bring up prior to any discussion from other council members. And I'd like the press to so note that we are buying the land and the buildings, we are not buying Arrowhead golf course. We are buying the land and the buildings only. Should we choose to operate the golf course on an interim basis or for whatever basis, will be the decision of the administration, not - At this particular time we are buying the land and the value of it. I feel, as I've told you, it's a good value ... some green space and so forth. However, there's been some comment as to whether the city can afford it. And everyone knows that I'm a great champion in fact of not owning a nonproducing asset. However, due to that situation we will decide, as we have some 30 days prior to this legislation becoming fully active and the Mayor will negotiate with Arrowhead as to their tenure on what their intentions are of either staying or not after this reading. I would say that we could always go to our reserve funds and purchase Arrowhead as a cash purchase, eliminating any debt service or any debt obligation the city would have. I'm not advocating it at this minute, but I'm saying that will be something that will be considered. It will be considered by the finance committee and brought to council. By doing that it eliminates the eighty to ninety thousand dollars of interest that the city would be incurring yearly over the next five years. It also possibly could open the door - and Law Director Batista is checking whether - what liabilities we have in allowing the administration to seek professional operators of the golf course as it stands today. And Mayor Rice is doing that as he is exploring avenues of grants and funding to operate that. And I'm sure within a period of time he will report back to council what his decision will be. But that would eliminate any question as to our ability to do that, since the fact that we are borrowing at such low rates versus what the average person ...inaudible... But are not buying the golf course. We are buying the perpetuity of a 105 acres of land to be used for green space, recreation and water exploration. And as Mr. Berardi so pointed out, as I said in the beginning last January, should we even allow a church, even under the new zoning, to go in there, a church of a sanctuary the size that incorporate a 105 acres of ground, the actual impact to the city alone would be two and a half to three million dollars in infrastructure rebuild out. So I think it would only be fiduciary responsible as council to actually own something for our two and a half or three million dollars. That's basically all I have to say. And I will go around the horn again starting with Member Foltz. If you have anything to comment that's new or germane that you'd like say to the issue I will...

Mr. Batista: Mr. President...

Mr. Snyder: Mr. Batista.

Mr. Batista: may make some comments?

Mr. Snyder: Please.

Mr. Batista: I just want to point out to the Council that the purchase agreement that we have negotiated provides that we will expeditiously put in place our financing so that we will be in a position to close the transaction. So if I think it - I would really strongly recommend that the finance committee at the Council of the Whole next Monday ...

Mr. Snyder: Next Monday night decide. That's fine.

Mr. Batista: Go to work on getting the legislation in place to either borrow the funds or to pay it out of the capital funds we already have in place.

Mr. Snyder: That's a point well taken Mr. Law Director. At that - and the reason I said that in all due respect, I have not had an opportunity, as of this day - the Finance Director was on jury duty, and I could not sit down with her and offer this scenario. My apologies to you Mrs. Herr. Inaudible...case - as I've had many long conversations with her regarding this, but this is something new that's come up. And with your permission and your indulgence, I will spend some time with her this week and report it out of our committee on Monday night, if that would be fine with the other members of council. And we will decide at that particular time what particular -- would be -- avenue we would want to take from strictly a payback situation. As Mr. Batista will find out from the bond counsel who is writing the legislation, if we are in fact permitted under our agreements with the state, whether we can lease it out or what we have to do with it should we decide to borrow the funds. Thank you. Mr. Foltz.

Mr. Foltz: Jon, not to be redundant, I'm very much in favor of this. And I think there was some very nice speakers tonight at public speaks that were very thought provoking and what our responsibilities are as council members here for our citizens and constituents. And I have not received one negative phone nor talked to anybody negatively about this as far as our support of it. So I'll leave it at that.

Mr. Snyder: Thank you sir.

Mr. Foltz: Thank you.

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held

Monday, April 28,

20 03

Mr. Snyder: Member Lindower.

Mr. Lindower: I would like to say the same as Member Foltz. I haven't had any negative comments whatsoever. However, I would like to also comment that, as you've indicated Mr. Snyder, that I would encourage or I would like to see a cash purchase of that property rather than financing it. That's all I have.

Mr. Snyder: I appreciate it. Member McLaughlin.

Mr. McLaughlin: I concur with my colleagues up here. I think we have to do it. I think that we missed - in the past years we've missed opportunities at the North Canton Industrial Park and few other places we wish we could turn the clock back. Especially Belden Village and few other things that we missed on. This is one we can't afford to miss on. Most of - all the calls I got were positive. The few calls I got were outraged at the article in the paper. I mean nobody was negative towards buying the property or negative towards The Repository and the article itself. So I say let's go on with it.

Mr. Snyder: Thank you sir.

Mrs. Kiesling: I just have a comment as a private citizen. I'm thrilled that we're buying it.

Mr. Snyder: I appreciate that.

Mrs. Kiesling: Since I'm abstaining from the vote.

Mr. Snyder: Well we appreciate that and understand why. Member Magel.

Mrs. Magel: Just could be from where my location is, but I had three negative phone calls. But I'll tell you what they were concerning and I was quite taken aback myself. And I can assure my constituents, both in Ward 2 - but at large, I personally have never spoke about a park levy. So where that came from I really don't know. It says council people were discussing it. This council person was not privy to that conversation. I was not - I was not in on the park levy discussion. But it's - they still want the park. They were just concerned that - where did this come from. Which I still assure everyone I was not in any discussions about a park levy. Second thing, I'd like to give this some thought, but you said we have the week, next Monday, to consider purchasing this as a - from the ...

Mr. Snyder: No, I - Member Magel, I - maybe let me clarify. We could unilaterally seek the proper procedure to obtain the loan or pay for it. We will study it. I don't know that we could make - when you're talking about 4 - 4.2 million dollars, that type of decision in two or three or four days. I would suggest and I would hope my committee would support that fact, that we decide and allow the Law Director to go ahead with the legislation from Squires, Sanders and to give us time over the next 30 days or so to meet. Obviously even if we meet in a special open meeting...

Mrs. Magel: Okay.

Mr. Snyder: to consider those different things. Because I think it's something we should - we first must - and you bring up a very good point that - as the newspaper was so kind to us yesterday from the editorial prospective, we feel that the residents of this city do want it. And I think maybe I should be the one and maybe I was the one who originally said something to - about a park levy. I said at the worst case scenario we could pay for it with a park levy. But I do and I apologize to you if it spilled over that that was an indication. Because at no time, as the President of Council or as the Ward 4 Councilman, did I advocate a park levy nor did the administration ever suggest that to me as President of Council. And I apologize to anybody ...inaudible... that was an option. If it is - if it became catastrophic to the city. But that was an option that went through to coin a phrase, one ear and out the other.

Mrs. Magel: Okay.

Mr. Snyder: It was not considered. But my apologizes if you were included that you thought you were part of that concession. But the discussion relative to financing or the outright purchase - and I will welcome any input you have from your finance background, your math background, relative to that. But we will have at least one committee meeting next Monday regarding same.

Mrs. Magel: Okay. Just one small comment.

Mr. Snyder: Please.

Mrs. Magel: I think that - to add what Rick had said or you did at this point. If we did pay cash, you were mentioning the 800, the 80 thousand dollars on top of that we would be assured that we would do every road, every curb and gutter.

Mr. Snyder: Well I have to say this...

Mrs. Magel: That the park wouldn't...

RECORD OF PROCEEDINGS
COUNCIL OF THE CITY OF NORTH CANTON REGULAR

Minutes of

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, April 28,

20 03

Mr. Snyder: and I don't want to get too far ... myself. I don't - I would have to comfortably tell you, again another thing that we'd like to do at the suggestion of the Mayor, is no longer call that a five-year plan, but the plan. Unfortunately when we come out with a five-year plan it seems to get changed every 30 days. So to eliminate that, we are - he's going to advocate in the budget of 04' that it be called the plan.

Mrs. Magel: Okay.

Mr. Snyder: And I don't think that we will, by buying Arrowhead - and now again this is all conjecture, but should we be permitted to utilize the asset as far as to lease it out, or Arrowhead stays, the \$80,000.00 that would cover the interest, as well as hopefully some money for debt service against the principal, could be generated from a professional operator or an operator of the Arrowhead, along with the facility that is now used as their clubhouse to rent to the public for - and I - Mr. Mayor, I don't mean - I apologize cause I know you shared some of this in confidence with me, whether it be general public restaurant or whatever it is, but that debt service or that interest will be bore by that particular operator. So it's not going to be at the expense, I don't think at this time, to public works or to capital improvements to the city. One doesn't know that though.

Mrs. Magel: Right.

Mr. Snyder: But it's pretty safe that it is a paying asset. We own assets that do not produce us anything. And it's contrary to any good accounting theory to ever own a non producing asset. If you can liquidate it and turn it cash, that is a little smarter to the bottom line. Unfortunately, as we've noted, cities don't run as businesses. Pardon me...

Mrs. Magel: I would be open to further discussion on that.

Mr. Snyder: I appreciate that. Thank you. Member Osborne.

Mr. Osborne: Well Mr. President, first of all, since this is an expedited voting schedule, we're voting for a third time two weeks ahead of schedule, I don't want to be rushed through my comments. So I would ask your indulgence to go through a list here. First of all, North Canton has total control of the property. We have zoning in place now. We have even tighter zoning becoming effective within the next six weeks. In effect we control the property. Present zoning does not allow development. And as I said, the new zoning, which will be effective in mid-June clearly restricts any development of the property as it's currently zoned. I don't think you're going to see anybody here on council rezoning that for a development. And everybody has wholeheartedly supported the green space. If, and I say if, the zoning was challenged, we always have eminent domain. The city could ultimately get that property, no ifs, ands or buts. So the city controls the property. It's not - nothing's going to be done to it that we can't - we won't sanction. Secondly, as I have related in the past council meetings, I'm aware of two bids on the property. One was from an area businessman who wanted to purchase Arrowhead Country Club property with intentions to continue operation of the property as a golf course. He's given the Mayor and this Council a letter stating what his intentions were. Private ownership and operation of Arrowhead Country Club property as a golf course by a businessman, would bring new business to North Canton and that's what we've been talking about the whole year - year and a half. By bringing a businessman operating that as public golf course we would continue to receive taxes on the property, we would retain a fine golf facility that is professionally run and maintained. That's only our sole purpose for buying it because everybody was afraid it was going to be developed. It will not and cannot be developed. So why are we expending 4.2 million dollars when all we have to do is step back and let nature take its course out there and life will continue on as it has been. Secondly, I want to talk about the future tax implications for the residents of North Canton. Now they - sitting here they're backing away from their discussions on a park levy, that's fine and dandy. If we spend cash out of our capital funds, I would think it would be prudent to start building that fund back up again. Or are we just going to whop 4.2 million dollars out of our fund and just let it sit there? So whether there's a park levy or not we need to continue to build our investment funds back up. Next year we're looking at additional water rate increases - we're going to have to. We're spending 11 million dollars to upgrade our Water Treatment Plant - it's an upgrade and capacity expansion. We will have to generate funds in order to start paying the debt back on the borrowed funds. A few weeks ago we were talking about an EMS levy - hasn't been adjusted in 16 years. It brings in \$187,000.00 a year. Our ambulance service costs well over a million dollars a year. So you can expect, prudently I would think, EMS levy to increase. And as you heard Judge Sara Lioi here, the county is asking for an increase in their sales and use tax for eight years. Prudently I'd recommend that we pass it. Otherwise we're going to have criminals walking the street and no security. So those are all the tax implications that we're going to be looking at. Secondly, I questioned the expedited approval process of this. I think it'd be prudent to sit back and see what Hoover is going to be doing in the next 60 days. I do know personally that buyouts have to be declared by May 20th. People will be out of work by June 30th, that's their deadline. Now if you saw today's paper, letter to the editor, I think it kind of confirms what I was passing on last week. The bulk of those salaried layoffs are going to hit Hoover. And when I mentioned to a Hoover employee, who's going to be taking the buyout, and I said I expected at least 200 salaried layoffs, he said you're going to easily see more than that. What kind of impact is that going to have on the City of North Canton? And then just a few years down the line here we have the Hoover contract coming due in 2005. Do you think there'll be any financial impact when that's negotiated or maybe not negotiated? Not many people know, and I didn't become aware of it until about two weeks ago, the City of North Canton signed a consent agreement with Maytag

RECORD OF PROCEEDINGS

0219

Minutes of

COUNCIL OF THE CITY OF NORTH CANTON

REGULAR

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, April 28,

20 03

Corporation in 2001 to repay overpaid corporate taxes. Now we're in the second year of three payments, each of which is \$359,000.00, I believe it is. So this year we have yet to pay them \$359,000.00. Next year another \$359,000.00 and at the end of next year if we haven't exhausted - if they haven't exhausted all their overpayments, we could have to pay Hoover or Maytag Corporation as much as additional two and a half million dollars. Now given that they haven't been very profitable, they're not using up their tax credits. So it's very likely we're going to have to pay them a substantial sum at the end of next year. And if it is anywhere near the two and a half million, coupled with the \$359,000.00, you're looking at a three million dollar payment to Hoover/Maytag Corporation next year. Where is all this money coming from? The Sanctuary we were talking about earlier, Bob - the former Bob-O-Link on the south side golf course, that was purchased by the developers earlier this year for \$2,454,869.00 and that's from the County Auditor. There's got to be some kind of a correlation here with Arrowhead. Now I've talked to several golf course operators, they've told me that the purchase price for golf course property generally runs two to two and a half times the gross revenues - and I will get to that in a minute. I have asked for Arrowhead Country Club's financials so we could determine what kind of revenues they've been generating, what kind of expense they've been running. These financial records were given to the other two bidders, but nobody on this council has seen these financial records. I have also asked for the bids that were placed on that. Why are they secret? They're secret for a reason. I think also I read last week how golf courses nationwide are losing money. This is an article in this month's PGA magazine. So if you want to get a copy or I'll be glad to email you a copy. There - golfers, number of rounds played are down tremendously. There are two municipal golf courses here in the area. Massillon is the Legends and Akron has one called the Good Park. I've briefly summarized their financials. I'd be glad to share it with all of council. Massillon's Legends has consistently lost money every year - at least the last three years. In fact they've more than lost money. They take 20 percent of their gross revenues right off the top and dedicate that to principal and interest. Whatever contribution that is it's not paying the principal and interest. General funds in Massillon are making up the difference. In spite of that they're still losing money. Now Massillon's Legends golf course generates - in 2000 they generated just a little over a million dollars; in 2001, \$921,000.00 and last year \$1,125,000.00. Akron's Good Park, in '99 it generated \$813,000.00; 2000, \$866,000.00; 2001, \$827,000.00 and in 2002, \$889,000.00. I could not find out what they contribute toward their debt retirement, they only show interest expense payments. And in the last information I have here for 2002, they started paying principal payments right out of the general fund. So if you're going to run it as a golf course, you're not going to break even. And if you get somebody in there to come in and manage the golf course, they're going to want a profit on top of that, so you're going to generate even greater losses. Now last year I - the last vote on this I had an offer from a very successful entrepreneur here in the area, who owns two successful golf courses in the area - one's a private, one's a public. He's offered his services his - in a civic minded gesture, to come and speak to council in private session and give him his knowledge and expertise of 30 years of golf course ownership. The response I get from the President of this Council is we'll talk to him after we buy it. I would think we would know what we're getting into before we buy it. And I'm stunned that this council will not allow this gentleman to come and speak in executive session. We can invite anybody we want to speak in executive session and at least hear the gentleman out. Nothing can happen to Arrowhead Country Club that the city will not allow. Zoning protects us. Eminent domain is always there, it's a trump to top anything that's done. So why would we want to expend 4.2 million dollars in an emotional purchase here when all we have to do is set back and let the marketplace play out - see what happens. And then as a last resort, maybe in an eminent domain proceedings the city might have to pay the 4.2 million dollars, but at least there'd be more openness, more clarity of the situation. Their financial records would have to be released, the prior bids on the property would have to be released and the public would know and everybody would know what has been transpiring. So I just ask that these concerns and these questions be addressed. Thank you.

Mr. Snyder: I feel compelled - I did not want to rebut anything said ...inaudible..., but I feel compelled to say a couple things. Number one, my apologies to the audience. We're not buying the golf course so their financials make - have no - are not germane to this issue. We - in contrary to what Mr. Osborne has stated, the attorney representing us has seen the financials, we do know who the other bidders were, we've had all that information. That was forthright, it was given to our attorney ...inaudible... in our attorney's office in Massillon purposely so it's not made public. That's a private entity. That is not a public entity. The public has no right to know what Arrowhead Country Club does or what they do with their money. The same as I have no right to call you and ask to see your tax return. So contrary to the belief, they've offered that information and Mr. Batista will - and I just said we're not interested because we are - I concur with the Mayor, we are not buying the golf course, we are buying the land. And as to compare Bob-O-Link golf course to Arrowhead, that's simply like saying a home in - any home at Bob-O-Link is of no greater value than a house over here on whatever street you want to choose. I mean that's - it doesn't make a lot of sense. That property was appraised in '99 for 3.5 million; appraised December, 2002 for 4.1 million. So I think the value's there. But that is the reason we don't have the financials. We have chose not to take them. We are not buying the business, we are buying the property. And what the administration decides to do, I'm sure it will be prudent to protect the asset of the city. So that's really all I have to say.

Mayor Rice: Mr. President.

Mr. Osborne: Mr. President, if I could add one more thing.

RECORD OF PROCEEDINGS
COUNCIL OF THE CITY OF NORTH CANTON

Minutes of

REGULAR

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, April 28, 2003

Mayor Rice: May I add...

Mr. Snyder: Mr. Mayor, please. And then you...

Mr. Osborne: Okay.

Mayor Rice: Just a couple comments. Number one, I hear the a - I think it's a bit ironic we hear that the city has total control over what happens in that property. I think it was demonstrated tonight the city does not control what happens on a piece of property. You all saw tonight here with the car wash. You have a piece of property that's zoned GBB. A business person decided to come in and acquire that property, as I understand it, put forth a plan to utilize that property that fits your zoning requirements, so it needed no special approval from this City Council, from this Administration, it went simply - all it had to do was go through the Planning Commission, who accepted the plan. Never went before an elected official of this city. Right? We just heard that tonight. Arrowhead Country Club is zoned P&I. But P&I zoning as currently constituted in our zoning regulations, allows a church. Let's take an example to show you how much control you have over that land. Anybody wants to come in there and build a facility, buy that 105 acres and build let's say an extremely large church complex that covers, oh I don't know Jon, what 40 acres?

Mr. Snyder: 40 acres - 40, 50 acres.

Mayor Rice: Of building underground - over ground - under roof in the middle of that residential property. It's not going to come to this City Council for approval. It's not going to come to the Administration for approval. It can be done, as long it meets your zoning regulations, they can put together a plan and guess what, you're going to have a 40 acre church under roof sitting on Arrowhead Country Club. You do not control totally that property if you don't own it. The best way to control the property, the only way to totally control the property and the future use of that property, is if we own the property -- number one. So let's not play games here that we have some control and your only option then is to buy it through eminent domain and you're going to pay the same amount virtually that you're paying. Or maybe down the road, maybe even more because as we all know property increases in value. We're also only looking at - I hear a lot of discussion about how bad the golfing industry is and this, that and another. I don't think this City Council, certainly the Administration has not committed the fact that the City has committed to running this property as a public golf course forever - even for the long term. We've talked simply about doing that probably in the short term, as I've said numerous times. Until I can convene a large group of residents to get involved, people that live near the property, like Mr. Berardi or Norm, and other residents of the city to decide what do we want to use for the property long term. So I think we're kidding ourselves to just look at the P and L statements of the golf industry. That may or may not be what we use that property for. We don't know. I don't know and I suggest nobody here knows for sure what our long term use would be. Also we hear a lot of doom and gloom of the financials tonight. Well if you look and you get a report every month from your Finance Director, here's March 31, 2003, your fund balance reconciliation, everybody should have it. Let me read to you, total treasury investments the city has as of the end of March '03, \$18,195,000.00. That's what you've got in investments in the city. I would suggest to you again the thing that bothers me when I hear people talk about this is that we're making an expenditure. I would suggest to you this is not an expenditure. This is an investment. You're simply going to reposition 4.2 million dollars of that 18 million out a money market fund, might be - maybe out of Star Ohio that you're getting, I don't know the exact rate, but it's got to be, I would guess, less than two percent and put it into a land investment. You're not spending the money. It's no different than putting it in a money market fund. You can liquidate that asset if you ever need to. So it's an investment. It's not an expenditure. It's not money that's going to go away that you can't recoup. If you need to, you can, as the paper very clearly stated in their outstanding editorial yesterday, you can sell it at anytime you want to if you need the money. You could sell it to a golf course operator if you want to. You can do whatever you want to to recoup - get your money back if you need it. The only other thing I'd like to clearly state on the record for tonight, because I don't want the citizens in that area that have been so in particularly very concerned about this property - and Victor and Norm and the folks up there, you know I want to be very straight forward with you folks and so you don't have any misconceptions now or in the future, we cannot, I don't care what anybody tells you, this council, this administration, can give you no guarantees of that property in the future. We don't have a crystal ball, we can't tell what may happen in this city. We may not - we don't know what may happen with the Hoover Company down the road. We may not - we don't know what will happen with our other revenue sources. We manage those as carefully and prudently as we can. But I hope you guys understand, I think you're both, you know smart enough to know there is no guarantee. Our intention of buying this property is for the investment and to protect - to control the future use of the property. That doesn't mean that there will never ever ever be a house built on that property somewhere or something like that. I'm not saying it's going to, but I think we've got honest and forthright with you to tell you we can't assure you of that. There's no plans to do that right now. But if things do go bad, we may be faced with a decision like that. I mean you've got to look at every option, good or bad down the road. But the key is we'll control that and the citizens of this community will have a say in what we do do with it in the best interest of the community. So I want to be very clear on the record tonight and I know you guys understand that. I don't want anybody to come back a few years down road if things - if we have a problem and the city talks about selling off a piece of that property or developing a piece of that property and people saying you guys promised this would never happen. We can't - I'm certainly not comfortable and I'm going on the record telling you I can't guarantee you that. Plus none of us may be here five, ten years from now - a year from now, I don't know. But a...

RECORD OF PROCEEDINGS

Minutes of COUNCIL OF THE CITY OF NORTH CANTON

REGULAR

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, April 28,

20 03

Mr. Snyder: It...

Mayor Rice: you know we may or may not be here and we can't bind a future council or administration to say nothing can happen down there. So I hope you guys understand it. I'm sure you do.

Unidentified (speaking from audience): Inaudible... I think we perfectly understand that. And I think that you know we take you at your word and that you're acting in good faith. And you know I find more security in knowing that's secured from unwise development ...inaudible...

Mayor Rice: At least now every citizen in the community will have a say in what we do with it before we do it, regardless of what we do. So with that I would just simply sum it by saying I've been a 100 percent behind the purchase of this from the very get go. I still am 100 percent behind it. And I'm very thankful that the City Council is, I'm sure, going move forward, do the right thing and secure this investment asset for the City of North Canton and its residents. That's all.

Mr. Snyder: Thank you Mayor.

Mr. Osborne: I'd like to clear up some comments by the Mayor. There's no way you can compare a property that's zoned GBB to something that's P&I. GBB basically allows almost every use imaginable. So there's no comparison to P&I. And I don't know why everybody in this room seems to be fearful of the word eminent domain. Eminent domain protects cities from being overcharged on a piece of property when somebody tries to take advantage and drive the price up. The city can stop anything that goes on there. And if eminent domain were to start - and frankly I'd like to see it start because all this information that's being kept secret would come out. Now I talked to an appraiser, there's one golf course sale that has - basically it's an anomaly in the whole area, it's when Edgewood sold for 6 million. You had a church who had deep pockets with a lot of I guess well to do parishioners. Other than that one sale, the money that we're paying for this is out of this world. Now they talk about water use on the property. I'll say that's window dressing just like it was on the Oster. You've got a piece of property up there that for 60 years has had chemicals thrown on it year - many times each year for 60 years. And I would hesitate to want jump in there and use that for our water source. As far as the 18 million, I'd have to get some feedback from the Finance Director. But we've talked about these issues before, a good deal of that money is encumbered. It's promised or reserved for other projects. That's like our checking account, we run the city's business. So to sit there and say there's 18 million dollars of free funds available is a misstatement.

Mayor Rice: Here, would you like to see this Mr. Osborne?

Mr. Osborne: Could we ask the Finance Director?

Mayor Rice: I think you'll find what I said was...

Mr. Osborne: And I think about at least 6 million that's encumbered.

Mayor Rice: I didn't say anything, I simply read off a line item. What it says...

Mr. Osborne: I know it's 18 million. But a good...

Mayor Rice: Okay, that's all I said. Don't change my words. If you want to play back the tape see what I said, I read directly off this paper. I didn't - you're the one that's interpreting wrongly what I said. This is what I said...

Mr. Osborne: Are you familiar with the term encumbered - the funds are encumbered?

Mayor Rice: Mr. Osborne...

Mr. Snyder: Mr. Osborne, please don't say antagonizing things.

Mr. Osborne: Oh I'm sorry. I didn't mean to be...

Mr. Snyder: If you want to say something...

Mr. Osborne: I apologize. I didn't mean to be...

Mayor Rice: Just don't misrepresent my statements.

Mr. Snyder: This is not the forum for reelection sir.

Mr. Osborne: Okay. And then to sit here and say well if we get in a bind on this property we can resell it, that is the sorriest logic I have ever heard. You're almost telling me that if the city gets in a bind similar to Canton they can just start selling off pieces of the city. You don't use as an argument that we're going to buy this and if we get in a bind we always resell it or develop portions of it. So thank you.

RECORD OF PROCEEDINGS
COUNCIL OF THE CITY OF NORTH CANTON

Minutes of

REGULAR

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, April 28, 20 03

Mr. Snyder: One thing for the record. Mr. Osborne's expert paid 6.8 million for the private golf course he owns about six years ago -- 6.8 million sir. So...

Mr. Osborne: I would have to verify that 6.8...

Mr. Snyder: Well I can verify that. He paid 6.8, sold it for 11.

Mr. Osborne: I would follow up on that.

Mrs. Magel: I think you should investigate that.

Mr. McLaughlin: And the other thing. I got one comment.

Mrs. Magel: I...

Mr. Snyder: Any...

Mr. McLaughlin: I really don't think he understands about the eminent domain. Even if we did, a banker or a judge or whatever is not going to sell that property for what we're buying it for. It's - that property and the chattels and everything else would be well over five and a half to six million dollars.

Mr. Osborne: Well let's drive it up here. I - let's don't get carried away ...inaudible... you ...inaudible..

Mr. McLaughlin: No Chuck, we've been saying this all along.

Mr. Osborne: There's so much ...inaudible... put on this council...

Mr. Snyder: Mr. Osborne please, he's talking would you refrain?

Mr. Osborne: I'm sorry.

Mr. Snyder: Thank you.

Mr. McLaughlin: And...

Mr. Osborne: But don't start driving the price up here.

Mr. Snyder: Sir, would you - you have not been permitted to speak. Mr. McLaughlin is speaking. If you would hold your comment until Mr. McLaughlin is done. Thank you.

Mr. McLaughlin: Thank you. I just find it you know this mayor has done nothing but put North Canton in the 21st, 22nd century. Since he's taken office he's moved this city forward in all his plans and everything else. And when he first came about this it was a great idea. I'm behind it 100 percent. But I sometimes think you're like that horse with blinders - that old horse that can't see but one little thing down the road. And to say that you know we're going to raise the rates, you don't know that. We as council have not even discussed that. Have we? Have we talked about water rate increases or EMS increases or whatever? We've not even talked about it. To say right now we're going to do it you know that's just talking out your you know what. I mean you just can't be saying things like this. I mean it's just - I just find it kind of ignorant kind of talking that you don't - we don't know anything yet. I mean we don't know about the Hoover Company, we don't know what's going to be in the future. Something good could happen. They could move their shipping department back, add onto the building - you don't know that. We don't know what the future is going to bring. But again, I'm just saying, I just wish we'd take one step at a time and not worry about the future. Let's worry about today.

Mr. Osborne: Well I looked to the future and I also looked to the past. And if you're going to talk about how this mayor is leading this city on this purchase, I would have to say look back to 1992 when as a commissioner he purchased the Citizens Building and that was a fiasco.

Mr. Snyder: Chuck...

Mr. McLaughlin: No...

Mr. Snyder: Mr. Osborne, I would ask you sir please stick to the subject...

Mayor Rice: You're...

Mr. Snyder: This is not forum for an election or reelection.

Mrs. Magel: Point of order.

Mr. Foltz: President Snyder...

Mr. Snyder: Please... Yes sir.

Mr. Foltz: Can we wrap this up, please?

Mr. Snyder: Please call the question then.

0223 RECORD OF PROCEEDINGS

Minutes of COUNCIL OF THE CITY OF NORTH CANTON

REGULAR

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, April 28,

20 03

Mr. Foltz: Okay, I call the question.

Mr. Snyder: Is there a motion to adopt the third of ...

Mr. Foltz moved and Mr. McLaughlin seconded to **adopt the third reading** of Ordinance No. 61-03.

Mr. Snyder: Roll please.

All members present voting:

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

Abstain: Kiesling.

No: Osborne.

Mr. Snyder: That was 5, 1 and 1 abstention?

Mrs. Bittle: Yes.

NEW BUSINESS:

12. Mr. McLaughlin moved and Mr. Foltz seconded to **read by title only, first reading** of Ordinance No. 62-03. All members present voting:
Yes: Osborne, Snyder, Foltz, Kiesling, Lindower, Magel and McLaughlin.
No: 0

Ordinance No. 62-03 - 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 Portage Street (Lindy Lane to Main St.) Project and the West Maple/Ream Intersection Improvement Project and declaring the same to be an emergency.

Mr. Snyder: Chairman Magel.

Mrs. Magel: Yes. Jim, I discussed this with you and I had a question about the finance. I also had a problem I couldn't get an answer today to. This municipal road fund last week was 85,000, but this week is 95,000. If a - you told me if I did not get an answer just to leave it at 85,000.

Mr. Benekos: That's right, but I defer to Julie regarding the funding amount.

Mrs. Herr: Well we have a 105,000 that's appropriated in the municipal road fund.

Mrs. Magel: In the year 2003 that we don't know if we're going to get for - until the end of May?

Mrs. Herr: End of May?

Mr. Benekos: Yea, we should know.

Mrs. Herr: Yea.

Mr. Benekos: But that's already been appropriated.

Mrs. Herr: It's been appropriated. We have it appropriated for the 85,000, which is what we are carrying over.

Mr. Benekos: Okay.

Mrs. Herr: So if the 105,000 is approved by the county as of the end of May, then more than likely we will come back and ask for an additional appropriation so that we can use all of the municipal road fund monies for this project. You know up to the 85 plus the 105 which is tentatively what's been requested.

Mrs. Magel: I understand that. But this is on an emergency. Right now we only have the 85. Where's the extra 10 coming from?

Mrs. Herr: Well we have 105,000 that's budgeted. If it ends up that we don't get the 105,000 at all, then we'll have to use the other funds to cover that difference.

Mrs. Magel: What other funds ...inaudible...

Mrs. Herr: The other funds that are - that's the 5529 and the 5929...

Mr. Snyder: You'll just make a transfer, correct?

Mrs. Herr: We'll just move the expenditure.

Mr. Snyder: Yea.

RECORD OF PROCEEDINGS
COUNCIL OF THE CITY OF NORTH CANTON

Minutes of

REGULAR

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, April 28, 20 03

Mrs. Magel: Well we're doing all of it. We're...

Mrs. Herr: I know, but this is just - I mean this is an estimate. So we don't know for sure what the project is going to come in at.

Mr. Snyder: Till the bid comes in.

Mrs. Magel: Yea, I understand, but we're appropriating this on an emergency. And right now I'm comfortable with the 85 and I thought you said you would be also.

Mr. Benekos: It looks like either way we'll be coming back to reappropriate funds...

Mrs. Herr: Yea.

Mr. Benekos: So if you want to reduce it to 85 that's fine.

Mrs. Herr: That's okay with me.

Mrs. Magel: Okay. I'm just more comfortable.

Mr. Benekos: Okay.

Mrs. Magel: Had we had some indication that the 105 and I know you said there you got a good feeling that we're going to get it, but let's just keep with what we have and then you'll come back to us when the 105 comes in.

Mr. Benekos: Right.

Mrs. Magel: Okay, one other thing I'd like to say about this particular project. Apparently when I first discussed this last week I was more or less emphasizing it was Portage, from Lindy Land to Main Street. If I miss spoke, I'd like to tell you this is also in conjunction with the West Maple/Ream intersection improvement. I hope I mentioned that.

Unidentified: Inaudible...something about it.

Mrs. Magel: Okay. And that is where probably the municipal fund money is coming into.

Mr. Benekos: Right.

Mrs. Magel: Okay.

Mr. Benekos: That's what was approved last year, 85,000 for that project and we're combining that project with this project...

Mrs. Magel: Right.

Mr. Benekos: So...

Mrs. Magel: Okay, so then for legislation purposes, out of 5929 - 600,000; out of 4529 - 30,000; out of the municipal funds that we received in the funds we received in the year 2002, I'd like to amend that then to 85,000. And I would like, as you noticed, this to be on an emergency.

Mr. Snyder: Is that in a form of a motion?

Mrs. Magel: Yes.

Mr. Snyder: Is there...

Mr. Foltz: Second.

Mr. Snyder: Thank you. Roll call please.

All members present voting:

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

No: 0

Mr. Snyder: Alright. May I have a motion to suspend the rules on Ordinance No. 62-03?

Mrs. Bittle: Mr. President, excuse me, but we need a motion to adopt as amended.

Mr. Snyder: Oh, I'm sorry. I beg your pardon.

Mr. Foltz: Adopt under suspension.

Mr. Snyder: I was thinking of something else. Thank you. May I have a motion to adopt Ordinance No. 62-03?

Mr. McLaughlin moved and Mrs. Magel seconded to **adopt the first reading, as amended**, of Ordinance No. 62-03. All members present voting:

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

No: 0

RECORD OF PROCEEDINGS

0225

Minutes of

COUNCIL OF THE CITY OF NORTH CANTON

REGULAR

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, April 28,

20 03

Mr. McLaughlin moved and Mr. Lindower seconded to **suspend the rules, as amended**, for Ordinance No. 62-03. All members present voting:

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

No: 0

Mr. McLaughlin moved and Mr. Foltz seconded to **adopt under suspension of the rules, as amended**, Ordinance No. 62-03. All members present voting:

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

No: 0

13. Mrs. Magel moved and Mr. McLaughlin seconded to **read by title only, first reading** of Ordinance No. 63-03. All members present voting:

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

No: 0

Ordinance No. 63-03 - 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 resurfacing, repaving, replacement, repair and preventative maintenance of certain streets and alleys within the corporate limits of the City of North Canton.

Mr. Snyder: Chairman Magel.

Mrs. Magel: Yes, this is our yearly paving program. We have allotted from 5629 through the asphalt \$250,000.00, and through 5629 the concrete areas that we said it would be for streets, \$25,000.00.

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

Mr. Snyder: Please.

Mr. Osborne: I'd certainly like to see this amount increase -- \$250,000.00 is certainly not enough. We're getting behind on a lot of these streets and we have some major thoroughfares that are quite long and a - just wondered how many streets were going to get paved next year with all this spending.

Mrs. Magel: Well this is strictly the paving of - this is - usually we do the paving through curbs and gutters and replacement of water and this is on top of that. Correct?

Mr. Benekos: Correct.

Mr. Osborne: Yea, I understand that. It's just not enough. We could easily double this I think to stay abreast of the upkeep of the streets.

Mr. Snyder: Is there any comment on that? Inaudible...

Unidentified: Nope.

Mr. Snyder: Mayor ...inaudible... you're preparing a list of these streets?

Mayor Rice: Yea. I was going to say Jon, Jim is working with I know a number of the council members. He's got some input but still working with some, so he's still working. We'll have the list before the third reading. That's why this is on non emergency. If we can just keep the process - we're trying to get it done a little earlier this year because last year we ran out of time because of the early winter. And what I might suggest is you might want to wait until we see what our list looks like to see whether or not - cause Jim will be able to give you estimates and then you might ... at that point in time you might decide you want to increase it and you may not need to.

Unidentified: Okay.

Mr. McLaughlin: One...

Mr. Snyder: I know last year we did very well with our ability to get several streets done that we didn't anticipate being done.

Mayor Rice: Yea.

Mr. McLaughlin: One question I do have for Jim. On Rosewood over there ...inaudible... that street is concrete and we talked about replacing it or whatever. But if you look at that street the middle of the street is terrible, the outside is still in great shape. Is there anything you can do to - rather than replacing the whole thing? Is there anything you can do to alleviate that middle?

Mr. Benekos: I haven't seen an effective product...

Mr. McLaughlin: Could you...

Mr. Benekos: to do that...

Mr. McLaughlin: Okay.

RECORD OF PROCEEDINGS
COUNCIL OF THE CITY OF NORTH CANTON

Minutes of

REGULAR

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, April 28, 20 03

Mr. Benekos: but we'll continue to look at that. Yea, we wouldn't have funding this year for that but...

Mr. McLaughlin: No but I'd like to have you take a look at it to see if it's even possible. I'm...

Mr. Benekos: Yea, it is if the center of the - each section, concrete section is in good condition. It's the joints that are broken up and ...

Mr. McLaughlin: The joints in the middle are terrible and the sides are not bad, it's just the middle is terrible.

Mr. Benekos: Right.

Mr. McLaughlin: Just a question. Thank you.

Mr. Benekos: Sure.

Mr. Snyder: If there be no other question...

Mr. McLaughlin moved and Mrs. Kiesling seconded to **adopt the first reading** of Ordinance No. 63-03. All members present voting:

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

No: 0

14. Mr. McLaughlin moved and Mrs. Kiesling seconded to **read by title only, first reading** of Ordinance No. 64-03. All members present voting:

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

No: 0

Ordinance No. 64-03 - 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 Applegrove Waterline project (Sunset to Freedom) and declaring the same to be an emergency.

Mr. Snyder: Chairman McLaughlin.

Mr. McLaughlin: This is one of our projects this year out of account no. 7229, for \$200,000.00 and I'd like to get it started as quick as we can.

Mr. Snyder: Is there any other questions? If not...

Mr. McLaughlin moved and Mrs. Magel seconded to **adopt the first reading** of Ordinance No. 64-03. All members present voting:

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

No: 0

Mr. McLaughlin moved and Mrs. Kiesling seconded to **suspend the rules** for Ordinance No. 64-03. All members present voting:

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

No: 0

Mr. McLaughlin moved and Mrs. Kiesling seconded to **adopt under suspension of the rules** Ordinance No. 64-03. All members present voting:

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

No: 0

15. Mr. McLaughlin moved and Mrs. Magel seconded to **read by title only, first reading** of Ordinance No. 65-03. All members present voting:

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

No: 0

Ordinance No. 65-03 - First Reading

Ordinance No. 65-03 authorizing the North Canton Fire Department to apply for, accept and utilize a grant through the Federal Emergency Management Agency (FEMA) and the United States Fire Administration (USFA) in an amount not to exceed \$67,943.00 for the purchase of Self Contained Breathing Apparatus (18), Scott Air Pack (50) and 2216 PSI Air Bottles (60) and Scott Carbon Fire Bottle for use by the North Canton Fire Department and declaring the same to be an emergency.

Mr. Snyder: We spoke about this last week 60, almost 68 thousand dollars to keep our equipment state of the art. We do have a very fine fire service and this just helps them a little longer and there's not any direct expense to the city. But they'd like to apply for that. And I would entertain a motion ...

RECORD OF PROCEEDINGS

0227

Minutes of

COUNCIL OF THE CITY OF NORTH CANTON

REGULAR

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, April 28,

20 03

Mr. Batista: Well...
Mrs. Kiesling: Jon...
Mr. Snyder: ...Inaudible...

Mr. Batista: one thing I wanted to point out to you. I was handed a note before the meeting, that is a 90 percent grant.
Mr. Snyder: Oh we have some expenditure on our own?

Mr. Batista: If we have - if we do accept that we have to come up - the grant is the - the total acquisition cost is estimated at 75,492. So that if we go with the grant we would have to put in \$7,549.00 of our own money to get up to the 75,492 figure.

Mr. Snyder: Director Herr, do we have that money in the Fire Department and we'll transfer that from general fund monies over?

Mrs. Herr: Well what I was going to say is that if they do get awarded the grant, we will have to come back to council and have an additional appropriation. The 90 percent will come from the federal funds and then the other 10 percent we'll probably look at transferring money from the general fund to cover that. So that there will be another piece of legislation coming down the road if they do get awarded the grant.

Mr. Snyder: Of course to obtain almost the \$75,000.00 worth of equipment, for a mere \$7,000.00, if it protects one individual's life or saves somebody's property or somebody's life is -- I don't think it ...inaudible... I don't want seem ...inaudible... to have 7,000 laying around, but it just - I don't think that's a problem and I defer to council. If not, I would entertain a motion, with the addition that it would cost the city approximately if the grant is successful, 77 hundred dollars. Is that right you want to...

Mr. Osborne: I'll make a motion - 549...

Mr. Snyder: Thank you. Is there a second?

Mrs. Magel: Second.

Mr. Snyder: Roll please.

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

Mr. McLaughlin moved and Mrs. Magel seconded to **suspend the rules** for Ordinance No. 65-03.
All members present voting:
Yes: Kiesling, Lindower, Magel, McLaughlin, Osborne, Snyder and Foltz.
No: 0

Mr. McLaughlin moved and Mrs. Kiesling seconded to **adopt under suspension of the rules** Ordinance No. 65-03. All members present voting:
Yes: Lindower, Magel, McLaughlin, Osborne, Snyder, Foltz and Kiesling.
No: 0

Mr. Snyder: Just one more and then we'll let you go home.

16. Mr. McLaughlin moved and Mrs. Kiesling seconded to **read by title only, first reading** of Ordinance No. 66-03. All members present voting:
Yes: Magel, McLaughlin, Osborne, Snyder, Foltz, Kiesling and Lindower.
No: 0

Ordinance No. 66-03 - First Reading

Ordinance No. 66-03 authorizing the North Canton Police Department to apply for, accept and utilize State of Ohio funding for the D.A.R.E. Program for the period from August 1, 2003 through June 30, 2004 and declaring the same to be an emergency.

Mr. Snyder: As we talked about last week, this is the funding - we're very fortunate in our city that we still have a D.A.R.E. program. This pays for part of the salary of Officer Foltz, who does an exemplary job. And I know of many of you have been to the graduation and seen the twinkle in those little children's eyes and what they think of him. And I'm very pleased in that I can help support this.

RECORD OF PROCEEDINGS
COUNCIL OF THE CITY OF NORTH CANTON REGULAR

Minutes of

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, April 28, 20 03

Mr. McLaughlin moved and Mrs. Kiesling seconded to **adopt the first reading** of Ordinance No. 66-03. All members present voting:
Yes: McLaughlin, Osborne, Snyder, Foltz, Kiesling, Lindower and Magel.
No: 0

Mr. McLaughlin moved and Mrs. Magel seconded to **suspend the rules** for Ordinance No. 66-03. All members present voting:
Yes: Osborne, Snyder, Foltz, Kiesling, Lindower, Magel and McLaughlin.
No: 0

Mr. McLaughlin moved and Mrs. Magel seconded to **adopt under suspension of the rules** Ordinance No. 66-03. All members present voting:
Yes: Snyder, Foltz, Kiesling, Lindower, Magel, McLaughlin and Osborne.
No: 0

REPORTS:

Mr. Snyder: Director - did you - did I say yes?
Mr. Batista: Yes.

Mr. Snyder: Director of Law any report?

Mr. Batista: The only question I would have was from the discussion we had on Arrowhead is, are we authorized to contact Squires, Sanders and Dempsey ... note issue legislation?

Mr. Snyder: I would personally speak -- is that I think they should run concurrent. For the little bit it would cost us we need to do that. We also need the opinion if we would borrow money if it still gives us the right to lease out or how we could do that. In...

Mr. Batista: Well I think we can still lease it out. The problem is we've got to operate within certain parameters.

Mr. Snyder: Right. And if you would find that. And does council concur that if we run that simultaneous as we decide over ...

Mr. Foltz: Yea.

Mr. Snyder: Is that fine to do that?

Mrs. Kiesling: I just have one comment. I need -- Julie had called me and we talked about most of that legislation is done on an emergency, that's how Squires has drawn it up in the past. And I need to make sure from the Ethics Commission, which I've got a call out to, whether I should be involved in the actual financing process also and I don't have an answer to that yet to pass it on an emergency. So hopefully tomorrow I can get you an answer.

Mr. Batista: Alright.

Mrs. Magel: Good point.

Mr. Batista: Well Julie has indicated that the last note issue we did with Squires cost us about two grand. So if you want to change direction on that it will be ...inaudible...

Mr. Snyder: I think it's only prudent Roy that we explore both avenues.

Mr. Batista: Well I think we should begin - start the wheels turning.

Mr. Snyder: Yes ...inaudible... when we're spending 4.2 million dollars, two thousand dollars to give the benefit of doubt to - so that we can logically layout an expense...

Mr. Batista: Plus the fact I think there's always the potential ... some sort of a mix.

Mr. Snyder: That's right.

Mr. Batista: If you borrow part of the money ...

Mr. Snyder: Very possibly that 2 or 3 million in a mix of it so that we take -- and we should have that information. We can change those numbers and...

Mr. Batista: Yes ...inaudible...

Mr. Snyder: that's a very good point. That way - I appreciate that comment. Is that - council in favor of that to...?

Mr. Foltz: Yea.

Mr. Snyder: Thank you.

0229 RECORD OF PROCEEDINGS

Minutes of

COUNCIL OF THE CITY OF NORTH CANTON

REGULAR

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, April 28,

20 03

Mr. McLaughlin: That's fine.

Mr. Snyder: Director of Herr, do you have any report?

Mrs. Herr: The only comment I want to make about the article on Friday cause I'm, to be honest, tired of talking about it. One thing that I had mentioned in the interview that was not in the paper, one of the things I had said, was that I am in full support of council's decision. As the majority of council wants to go through with this purchase, I am supporting their decision and I will you know do my duty and whatever it takes to make sure that this goes through. So I did say, but it - I don't know if it was clear in the article. But I just wanted to have it on record that you know I am in support and whatever I need to do we will do.

Mr. Snyder: I appreciate that. Thank you. Director Held.

Mr. Held: Yes, we're going to have a West Nile virus seminar and that will be Wednesday, April 30th, at 7:00 p.m. And the North Canton City Park and Recreation Department, along with Stark County Health Department will conduct the informational meeting on the West Nile virus. The topic is going to be prevention and it will address the larva sighting and fogging. And they'll have a question and answer session. I have seven copies for council members. Will you pass those down? And then secondly, Council President, if we could have a voice vote. The Fire Chief has requested that the city waive the fee for the Dogwood Shelter on either July 16th or July 30th. The Women's Auxiliary, which is an organization that supports the Fire Department, is going to have a gathering in order to support the Fire and EMS Department and it would be helpful if we could waive the fee on that.

Mr. Snyder: Inaudible... as soon as we're done with reports, would that be...

Mr. Held: That would be fine.

Mr. Snyder: Okay with you? I'll do that for you.

Mr. Held: Okay. And that's all.

Mr. Snyder: Thank you. Mayor Rice, any comment?

Mayor Rice: No report.

Mr. Snyder: No. Mr. Engineer, do you ...inaudible...

Mr. Benekos: Just one item. The water distribution model, which we've been using for the past year and a half, they finished the report, the formal report. They haven't - I haven't been pushing them on that because they've had the model. But as far as the report itself, they have completed that and I would like to bring them into council in two weeks so they can present that to you. They have Power Point presentation to show you what they've done, what their recommendations are and so forth. Inaudible...maybe take 15 to 20 minutes if that's...

Mr. Snyder: Is that Burgess and Niple?

Mr. Benekos: That's Fink Beiner, Pettis and Strout.

Mr. Snyder: I wonder is it an inconvenience - I mean because of the time constraints? That maybe in a couple weeks you could give us a report of how the Water Treatment Plant is progressing and what - we're on time and so forth...

Mr. Benekos: Sure.

Mr. Snyder: You know they don't - even a small little written ... And I know that your time is challenged, but that would much - I'm sure much appreciated by the council. Thank you sir.

Mr. Benekos: Thank you.

Mr. Snyder: Madam Clerk.

Mrs. Bittle: No report.

REPORTS - COUNCIL:

Mr. Snyder: Member Foltz.

Mr. Foltz: No report.

Mr. Snyder: Member Lindower.

Mr. Lindower: I'd like to ask Dave or possibly Jim. I added one more name to the list on Weber Avenue today on lawn repairs. Is there anything in the mill as far as helping those people out with their - with the sinking waterlines?

Mr. Benekos: I was going to discuss that with Dave tomorrow morning at staff meeting.

Mr. Snyder: He has to show up on time now.

RECORD OF PROCEEDINGS
COUNCIL OF THE CITY OF NORTH CANTON

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Mr. Lindower: I've had probably a total of five or six calls from the people over there. Probably as well as you I suppose also, but...

Mr. Benekos: Yea, that needs to be addressed. The contractor that did that - it's been done for awhile and we need to address it.

Mr. Lindower: I understand what the problem is. I just - as long I can tell these people there's something working and we'll get to them.

Mr. Benekos: Yes...

Mr. Snyder: Thank you sir. Member McLaughlin.

Mr. McLaughlin: I was reminded today from a friend of mine from the Lion's Club, Ralph Leo, that the Lion's Club passed out 500 dogwood trees today to the 4th graders in the City of North Canton. Since we are known as the Dogwood City, I wanted to give some kudos to the Lion's Clubs for - they've been doing this for the last what, five, six years now - and their ability to do that. So 500 young trees went out today. So I do want to say thank you to them and their efforts. Jim, on this Gaslight Circle can we have something wrapped up here by the middle of May? I'm getting a lot of phone calls. These people are anxious and they'd like to see something maybe, if they can, done this year. And I wanted to bring that to see what we can come up with. And third of all, is has anybody heard anything about the fireworks for the 4th of July yet? I know that we're still a little early and...

Mr. Snyder: We've got plenty here every Monday night.

Mr. McLaughlin: Well I just - yea, I just want to see if there's anything been said, been done. Usually by now they've brought something to us and said hey we've - this is...

Mr. Held: They've already done that.

Mayor Rice: That's in the budget Rick and it's under the requirement necessary, so it doesn't come back.

Mr. McLaughlin: I was just kind of curious. Normally by now they've come with us and say this is what we're looking for and everything else like that. I know May is coming up here on Thursday and everything else like that. But a...

Mr. Snyder: Inaudible...there's money...inaudible...

Mayor Rice: Yea, there's money in the budget. It won't come to council because it's under ...

Mr. McLaughlin: Okay.

Mayor Rice: It's already been appropriated in a smaller amount.

Mr. McLaughlin: I thought they would come and say this is what we'd like to do and you know whatever...

Mayor Rice: It's really the same as what they've done.

Mr. McLaughlin: Okay.

Mayor Rice: I think pretty much the same as what they've done in past years.

Mr. McLaughlin: That's fine.

Mayor Rice: Something like that.

Mr. McLaughlin: Just cause I haven't seen anything so I thought I'd ask that question. Appreciate it.

Mayor Rice: Yea, they're still planning - we're still planning on going ahead with that like past years.

Mr. McLaughlin: Thanks.

Mr. Snyder: Member McLaughlin, I might point out. That was a very good point about those dogwoods. The dogwoods they passed out are some type of - it starts with a "c", I can't pronounce the name, but they are free from the blight that normally kills a dogwood.

Mr. Foltz: Kousa.

Mr. Snyder: That's it.

Mayor Rice: I might mention Jon, if you don't mind, on - Ricky, I'm glad you mentioned that actually, cause the city is working in cooperation also with the North Canton Rotary Club and the Chamber of Commerce. And here in a couple weeks we're going to have - they're going to have a dogwood planting. They're planning on going throughout the city and they're working actually, I might mention, with the Free Tree Program also, is who's helping get the trees for them. They're getting more mature trees, like probably about four footers and going to be planting them throughout the city. I think they're planning on planting about 40 more mature - you know, I don't know if you call that a mature tree, but it's about four - four footer. And they're planning on do that for the next several years, trying to plant 30, 40 trees a year on public properties. They're going to be planting some probably at the Y, maybe some at the firehouse and some of our parks, to also try to help repopulate the dogwood trees in the city. So the Rotary Club - it's nice to know that they're - did you say the Lion's...

Mr. McLaughlin: Lion's Club - North Canton Lion's Club.

0251

RECORD OF PROCEEDINGS

Minutes of COUNCIL OF THE CITY OF NORTH CANTON

REGULAR

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

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Mayor Rice: The Rotary and Chamber also gonna - are getting onboard to help us work - want the city to get more dogwood trees planted throughout the city.

Mr. McLaughlin: I have one in the front yard and one in the backyard. So I'm helping the effort.

Mayor Rice: Yea.

Mr. Snyder: Mrs. Kiesling.

Mrs. Kiesling: No report.

Mr. Snyder: Mrs. Magel.

Mrs. Magel: Yes, two comments, one question. Rick, are those trees for sale or ...

Mr. McLaughlin: No, they were free. They were passed out to the 4th graders.

Mrs. Magel: Yea, but you said 500 ...inaudible... are they selling them or...

Mr. McLaughlin: No, no, no, they were giving them to them. They were passing them out physically just - they're little miniatures trees and it's for them to start and everything else...

Mr. Foltz: Saplings.

Mr. McLaughlin: they're little saplings. So it's - they've been doing this for the last four or five years.

Mrs. Magel: Second of all I'd like to thank the administration for some of their patching jobs. And I know it's not a full concrete or a full paving, but some of these roads, especially Pershing and 7th Street was just terrible. And I've been driving through both and you did the best you could. But both of those roads are very poor and I thank you for the patch job. The second thing is, this is also near and dear to Rick and I had this conversation several times, I'd like to thank for the administration for the cleaning of the City Hall, the top of the rim...

Mrs. Kiesling: Yea, I just noticed that myself.

Mrs. Magel: outside. Remember we had been discussing it, it was rust and...

Mr. McLaughlin: Yea.

Mrs. Magel: It needed done and it's a - it looks darn nice.

Mrs. Kiesling: It does.

Mrs. Magel: Thank you very much.

Mayor Rice: Remember that next week.

Mr. McLaughlin: No, we were sitting here watching the concert and we were looking at that.

Mayor Rice: That's phase one.

Mr. Foltz: There's always a price to pay.

Mr. Snyder: Pay backs. Mr. Osborne.

Mr. Osborne: Since they're giving out dogwoods, are they going plant a bunch of them around that Super Wash there on East Maple? The residents might like free - like to see some of these - some dogwoods. A couple things. I guess this is directed at Mr. McLaughlin. The letter that was written to council last week about the alley vacation from the resident on McKinley, as it turns out they weren't even affected by the vacation. And it's obvious, I guess you did not thoroughly investigate the situation over there. I thought they were going to be here tonight to - they were quite concerned that there was no communication or clear communication. Secondly, Mr. and Mrs. Kobelt had put in a permit or a request for a construction permit for their driveway. We haven't received anything in writing, but I understand it's going to be refused. So it looks like now the recommendation is to go ahead and build without a permit and take your chances, I guess. So that's all I have.

Mr. Snyder: Thank you. You know the one thing talking about trees, Mr. Mayor, this came to my mind and my thought process. I don't know how many of you know that Mr. Weaver that lives on Wilkshire whose son was killed in the Twin Towers during the 9/11 and they had planted a memorial there on the Arrowhead. And I don't what - if you'd be so kind to communicate that to Arrowhead, that we would as a council I'm sure, wish that that stays that way. If there's something we can do to protect that. I know that's a normal - that's the only place the Weavers have to greave. They have no grave for their son. And maybe we can in some way guarantee the Weavers by maybe you or Director Held going out to see them, to ensure that the council will do everything possible and I'm sure I speak for council when we say that, to protect that particular area.

Mayor Rice: It's already been done.

Mr. Snyder: I appreciate that.

Mayor Rice: I've already met personally with Mr. Weaver.

Mr. Snyder: Good.

RECORD OF PROCEEDINGS
COUNCIL OF THE CITY OF NORTH CANTON

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DAYTON LEGAL BLANK, INC., FORM NO. 10148

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Mayor Rice: As he's - we've also been in contact with the management of Arrowhead Country Club, so that's already been taken care of.

Mr. Snyder: I appreciate it. I'm sorry, I didn't mean to...

Mayor Rice: No, that's fine.

Mr. Snyder: It just happened to dawn on me and I know he...

Mayor Rice: No...

Mr. Snyder: Inaudible.

Mayor Rice: It's a very good point, but yea we've already met with Mr. Weaver...

Mr. Snyder: Well we appreciate it...

Mayor Rice: Spoke with him on the phone and also met with him in person...

Mr. Snyder: Okay.

Mayor Rice: and with Arrowhead. And we've assured him that...

Mr. Snyder: That will remain intact.

Mayor Rice: that memorial there will remain intact.

Mr. Snyder: Appreciate that.

Mayor Rice: Yea.

FINAL CALL FOR NEW BUSINESS:

Mr. Snyder: Is there any other business or anybody wishing to speak to the council this evening?

Mr. Held, oh I beg your pardon. Thank you.

Mr. Held: Inaudible... have a voice vote for the...

Mr. Snyder: Voice vote. There's a request of the Director of Fire Service, Chief Bacon, that we waive the fee at Dogwood. I think it's about \$75.00 isn't it? Ninety, whatever it is for use the Auxiliary of the Ladies of the Fire Department. May I have a motion to do so?

Mr. McLaughlin moved and Mr. Osborne seconded to waive the rental fee at Dogwood Park for either July 16 or 30, 2003. All members present voting:

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

No: 0

Mr. Snyder: And now I'll entertain a motion to adjourn.

ADJOURN:

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

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

No: 0

The meeting ended at 9:20 p.m.

PRESIDENT OF COUNCIL**ATTEST:**

CLERK OF COUNCIL