

RECORD OF PROCEEDINGS
COUNCIL OF THE CITY OF NORTH CANTON

Minutes of

REGULAR

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, June 23, 7:00 p.m. 20 03

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 President of Council Snyder.
3. All present recited the Pledge of Allegiance.

Mr. Snyder: Would 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, Assistant Director of Law Treadon, Director of Finance Herr, City Engineer Benekos and Assistant Clerk of Council Kalpac.

Mr. Snyder: Thank you.

5. Consideration

Minutes of Council Meeting: 5/27/03

Financial Statement: May, 2003

Mayor's Court Receipts: May, 2003

Mr. McLaughlin moved and Mrs. Magel seconded to accept the minutes of the council meeting, financial statement and mayor's court receipts as presented. All members present voting:

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

No: 0

6. Committee Reports

Finance & Property Committee: Refer to the minutes on file in the Council Office of the Finance & Property Committee meeting held June 16, 2003.

Ordinance, Rules & Claims Committee: Refer to the minutes on file in the Council Office of the Ordinance, Rules & Claims Committee meeting held June 16, 2003.

Street & Alley Committee: Refer to the minutes on file in the Council Office of the Street & Alley Committee meeting held June 16, 2003.

Water, Sewer & Rubbish Committee: Refer to the minutes on file in the Council Office of the Water, Sewer & Rubbish Committee meeting held June 16, 2003.

Mr. Snyder: I would like to have a motion to accept the committee minutes ...

Mr. McLaughlin: So moved.

Mr. Osborne: I have a question here first.

Mr. Snyder: Yes sir...

Mr. Osborne: On the ordinance and rules of 6/16. I didn't quite hear the conversation from the Assistant Clerk of Council. They're not as detailed as what I had written up. Did I hear you correctly that you normally just summarize them or ...

Mrs. Kalpac: Yes.

Mr. Osborne: Okay. Alright, thank you.

Mr. Snyder: Any other questions? May I have a motion to accept as presented?

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

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

No: 0

Abstain: Kiesling (I'm going to abstain because I wasn't there).

7. Recognition of Visitors

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

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Delma Pucci: My name is Delma Pucci and I live at 1338 East Maple Street in North Canton. I wanted to address this ordinance that could be passed this evening as an emergency. I don't know too much about it, but I had heard that you're going to be changing it in regard to weeds and obnoxious weeds and so forth and the height and the fines, which seem a little bit excessive for fines. But I just happened to be driving down the street today thinking about this and I see at Washington Square a few days ago cut their cut grass. But I don't know how happy they're going to be to be cutting it every few weeks because most of the time if anyone does any grass cutting, especially in the hot weather, you only cut it to four inches, that's the ideal height. So if you change this ordinance to- is it 8 inches that I hear or 6 inches or what?

Mr. Snyder: I believe it's 8 inches.

Ms. Pucci: Eight inches, that gives you just a few days to get that grass cut before it's up to 8 inches. Because we never cut it lower than 4 inches and 5 sometimes when there's a drought. We also have a lot of fruit trees on our yard. When the fruit is heavy on the limbs you can't cut underneath those trees. Is someone going to come around and measure that grass and I'll be fined several times if it's higher than 8 inches? We also have a large garden and you know how fun it is to weed a garden. Is that going to be considered something? My neighbors now love our garden, they all get the benefits of it. But is someone going to move in and say there's grass in there, you got to get it out of there. I think it's ridiculous. I can see giving notices and trying to keep it up and I think we try more than anyone in the neighborhood to keep our lots looking good. But I don't go along with this fines and double fines and triple fines and so forth. Also, the ball fields are across the street. As we pulled out of our driveway, all along the fence is weeds this high and they're the whole length of all the acreage - all the way to the creek, all the way around the lots, all the way around the parking lots. Is the city going to pay money to get this all cut? I mean they pay money now to cut ballfield grass but they're not cutting the weeds, they're not doing the extra trimming. Are they going to pay for that? Price Park is a sore subject. We did the walking trail, our garden clubs, with the Rotary and Mr. Held I spoke to you a few weeks ago that there was so many weeds down there. Last year they would not clear them up. They said they did not have the help to clean out those weeds in those park benches areas. Two weeks ago the vines were climbing up in the trees. Now they weren't cut last week when I was down, so I don't know if they've been cut this week. Do you know?

Mr. Held: I'm not sure.

Ms. Pucci: Alright.

Mr. Held: I haven't checked ...inaudible...

Ms. Pucci: But is the city going to pay all this extra money to hire people? I mean the parks have to be cut then. I mean if you're going to put this ordinance into effect everything. Hoover parking lot as we came up the street now, where there's cars parked there's weeds this high. So are you going to tell Hoover to get in there and cut the grass? I can see nuisances and so forth and they've been in effect. We've been here 40 years in the city. Most of the homes look pretty good. You see one or two houses that, I don't know why they let go. But I think when it gets that bad, yes the city should step in. But I think these fines and double fines and triple fines is a little excessive. Thank you very much.

Mr. Osborne: May I respond to that Mr. President?

Mr. Snyder: Yes, please.

Mr. Osborne: I don't know where you heard the fines and ...inaudible... It's a service fee because it takes time for city staff to take the call, write letters, drive out to the property, deal with all that - that's to cover their time and expense. In actuality we're just bringing our weeds and grass law basically to conform to community standards. Plain Township has lowered their's to 8 inches; that's out in the country. Perry Township has done the same thing. You would think a municipality, a city, would have standards at least equal to what's expected in the county. Now the city does not have the manpower and I guess Mr. Held could back this up, they do not drive up and down the streets looking to violate somebody. This is basically on a complaint by complaint basis, but it gives the Zoning Inspector a measure on which to base his - the complaint and whether it's a valid complaint. Yes this year has been unusual with all the heavy rains. I'm ... cutting my grass every four days. Unfortunately there are homeowners that had let it go on for you know it's 10, 12, 14, 18 inches high. So it's in response to address a lot of complaints to bring us kind of in to the what's an acceptable standard for the county as a whole, all our neighboring municipalities. So unless you've got neighbors that are going to be nitpicking, I don't think our Zoning Inspector is going to be running out there looking around your fruit trees and saying whoops, we see some high grass. That's not the issue.

Ms. Pucci: Then why do the ordinance then?

Mr. Osborne: I'm sorry.

Ms. Pucci: Then why do it? Just leave it the way it is.

Mr. Osborne: As I said earlier, the county is requiring 8 inches, the Township - Perry Township. We're trying meet what is expected in the community. And 8 inches is getting pretty high for a residential lot. I'm not an expert in landscaping, but I think they tell you you're not - you should never cut more than -

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we have a couple landscapers here in the audience, but I think the accepted standard is you shouldn't be cutting more than half the height of the grass at any one time, otherwise you affect its growth and its appearance and all that. So if your grass is say 6 inches, you need to be cutting it if you cut down to a 4 inch level, otherwise you affect its growth and its health and all that. I believe that's correct. And if you're getting 7, 8 inches, you're going to have a lot of excess grass to bag up or whether you mulch it up. I don't know how you deal with it. But that's what the community standards are, they're lowering to 8 inches. I know personally I've been to Plain Township and I've seen the press reports of Perry Township.

Ms. Pucci: I live in North Canton though, I don't live in those communities.

Mr. Osborne: I understand. Well 8 inches in your neighbor's lot when they're - when you're attending to your lot on an as needed basis, is getting pretty high. So that's the best I can - answer I can give you. The city doesn't - won't be going out - we don't have the manpower to run around and chase down looking for problems. There's enough problems out there already trying to just deal with that. I hope I answered your question.

Mr. Snyder: Mr. Lindower, you have a comment?

Mr. Lindower: Yea I would - I'd just like to comment on Mrs. Pucci's statement there. Her neighbors have never complained, to my knowledge, about the growth on her property. As far as the 8 inch height or changing the ordinance and so forth, I feel the same as she does, I don't think that it's necessary right now for us to follow suit with Plain Township or Stark County or anyone else. I'm aware of the fact this past week that there are individuals who are not enforcement people in the city who are going around and checking on grass height so that they can create problems. We're going to deal with those kind of people. But I - at this particular time I think there's still going to be more room for discussion on fine tuning that ordinance to the point that it's going to be acceptable to everyone I believe.

Mr. Snyder: Thank you. Anyone else wishing to speak? Mrs. Magel...

Mrs. Magel: I would just like to say that the ordinance as written is not acceptable and I don't think it's going to be on an emergency tonight. It appears the way it was written is not what we had discussed last week. And I thank you for your input because we do need to fine tune this and do it right. Because it is getting to be July here. So I thank anyone from the audience for their input on this. And it will not be - the way this is written is not the way we meant it to be. And so we'll have to get our heads together and hopefully with other input and make it right.

Mr. Foltz: President Snyder, if I might have a comment. You know I wasn't here last week so I really don't know what happened during committee with discussions. We're bantering around about this - and not having read thoroughly every sentence here, was there anything done about the notification process? Say when there is a letter sent out, was there anything and maybe I just haven't gotten that far with it, as far as the compliance end of things. Was there anything done to expedite that? Was there any discussions about - was that discussion from committee in this ordinance format?

Mr. Snyder: It was discussed Mr. Foltz that, if my memory serves me, that we would send a registered letter to the person and they would have five days, it was my understanding, not ten, they would have five days to which to respond to the letter. Which is by law, Mr. Treadon correct me if I'm wrong, but even if they refused to pickup and sign the letter, it's the same as service being sent on them. And that would give them time, at that point the Superintendent of Permits and Inspection, could move ahead and order their grass cut. And if they would refuse to allow the contractor on the property, they had the authority to site them to the Mayor's Court under a misdemeanor - criminal misdemeanor charges, was my understanding. It would result in a \$50.00 fine. And should they - if it was absentee ownership, or it was where you had a tenant renting, that person you know would be notified - the owner of it would be notified of that and then to gain access to the property. It was my understanding that's how we left it. I could be mistaken though, but I thought it was five day, not a ten day period.

Mr. Osborne: Well I agree. Since we brought this up, I didn't know we were going to get into this in depth. The Law Director is not here today nor is the Clerk of Council. I asked for a copy of this ordinance back in - Thursday of last week and evidently it wasn't ready. Yes, there are a lot of issues that were suggested by the administration, as well as we discussed here in council that are not addressed in this new zoning that the Law Director has drawn up. So I am going to ask that we table it. We'll get a chance to discuss it again. And hopefully we can get it passed before we ...

Mr. Snyder: Adjourn.

Mr. Osborne: Adjourn for the summer.

Mr. Snyder: Well that will be fine.

Mr. McLaughlin: One thing I think you ought to do too, is before - you know when I saw the emergency on this too, there was no way I was passing on emergency - there's no way.

Mr. Osborne: Well we agreed...

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Mr. McLaughlin: There's a lot of things in here that was not addressed as per our meeting. Second of all is, before we do anything, you're the first one that screams that the public input on everything. Before I do anything I'll give it a first reading and let the public, some people come up and talk about it or whatever. Yes, we do have a problem. Yes, since we've had excessive rain this year. Yes it's probably worse than it has ever been before on mowing lawns. But I think from what - looking at this and everything else, all we did was go ahead and add the word grass for weeds and trees and whatever to our legislation. And I'm with Jon, there is a couple things I remember that we talked about ... that's not even in here. So I'm for just - I'm glad you said tabling it because that's exactly what I was going to suggest until we go back and we rework it and come back with something else.

Mr. Osborne: I agree. If my memory serves me right, it was the President of Council who offered to move this on emergency. Cause if we don't do it on emergency the summer is going to be over. So I was tickled at the time when it was offered. But yes, there are so many things - the Law Director was here, he heard it. In my detailed minutes I listed all the areas that we wanted to have addressed, all he did is identify what you just said Mr. McLaughlin, he put a sentence in there addressing specifically grass, he changed the height and he changed the notification. It's now, he's got in here ten days after mailing. At presently it's also return - registered mail, but it's five days after receipt. And the problem is the homeowner or property owner refuses the first delivery, the second delivery - I guess they have three deliveries and I didn't get a chance to check with the post office today. I don't know what is the window at which they try to deliver, whether it's a ten day window or whatever. So consequently, I mean it's a long drawn out process. It's a month before you can finally get them to comply and we need to address that more tightly. I talked to Mr. Hemminger today about the ordinance and he basically said this is not any advancement to what we already have. So I've - ... I've been disappointed when I got a hold of this and read this. So yes we'll table it and we'll get everybody's input again. We'll have two other council members and so we'll...

Mr. McLaughlin: If you'd be so kind...

Mr. Osborne: talk about it in three weeks I guess or two.

Mr. McLaughlin: If you'd be so kind to make sure this gets on two weeks - at January the 8th.

Mrs. Magel: July.

Mrs. Kiesling: July.

Mr. McLaughlin: July, excuse me.

Mrs. Magel: 7th.

Mr. Osborne: Yes, it will definitely be one there. Gail is taking notes as we speak.

Mr. Snyder: Okay. Is there anybody else in the audience wishing to speak to the council? Step forward, state your name and address for the record.

Damon Warstler: 4039 Hiram Road. I just wanted to follow up on two things. If you knew where that environmental impact study report in getting our name off of that stood? And number two, if you have any more information or have talked to the Law Director about, if the sale of Oster property does happen and the church does happen to buy it, about the deed restrictions for the use of Salway?

Mr. Snyder: Yes sir I will as we approach it - not to be flippant to you, but as we approach that legislation, I will be able to give you that information so you'll know where we're at.

Mr. Warstler: Okay.

Mr. Snyder: And relative to the environmental impact, I think in the - I received this second hand, but I think the city's addressed in the - through Mr. Held's office, the actual comment made by the city employee to the investigator or the engineer who did that and I think they were to both call you, the environmental engineer and the city employee were going to call and apologize for that. However, the actual removal of your name, unfortunately that product is proprietary to the law firm of Krugliak, Wilkins, Griffin and Dougherty. We couldn't arbitrarily ourselves change that. Now I don't know, I could ask through the Law Department, with our conversations with the attorney that represents them if they would be so kind as to remove that out of there. But that is a proprietary document to them that was given to me to disburse to the council to hold ...inaudible... So we will continue to address that. But to the best of my knowledge I thought you know and I'm not taking it lightly, but I thought that we did extend - unfortunately we should of never made any comments at all and we did and we - that - I publicly apologize on behalf...

Mr. Damon: Your city - your city Water Superintendent, he did call me and apologize.

Mr. Snyder: Yea and that was the whole ...inaudible... we were a little zealous in some of our movement there, to which I apologize to you for. But we will follow up on the other and make sure that you know about it.

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Mr. Damon: Okay, thank you.

Mr. Snyder: You're welcome sir. Anybody else wish to speak? Okay, thank you. We'll go to old business. However, before we address these four ordinances, 03 - excuse me, 75, 6,7, and 8, then we'll take them one at a time. As chairman of Finance and Property, it will be my recommendation to my colleagues, as well as I have discussed this with the two members of my committee, that we do defeat all four of these ordinances at this time. However, on Ordinance No. 78-03, prior to the actual defeat of the ordinance, I would like to amend that ordinance to read as to the new piece of ordinance or of legislation that you should of been given at your place tonight. You were given a marked up copy I think and were you given a copy tonight, which is a clean copy?

Mrs. Kiesling: Yes.

Mr. Snyder: Yes, and the purpose of my request and Mr. Treadon you can expound if it if you so desire, in that particular ordinance it does say that the property located within the township is no longer need of municipal purposes and it did not expound on the fact that it is in fact in need of municipal purpose because we do, no matter what happens to the property, we'll want to own the water that's underneath the property into perpetuity. So we do want to clear that up that that it is in need of municipal purpose. Should the attempt be made to have a resolution of necessity to appropriate that property, those water rights do belong to the city and we intend to fight vigorously to hold the property. However, it seems that the - our sister township to the east feels that by threatening publicly to appropriate and to form a resolution of need, that in my opinion they are driving the price of the property downward, not upward. It would be very difficult at this time for the city to go into an open market to try to sell that property. I don't think it would - by simply - their statement, it says they have no doubt they could take it from the church and they also continue to say it's not a problem for them to tie it up for a few years. Well we know what happens when property gets tied up a few years. So it would be my recommendation as chairman of that committee, that we maintain the property, we keep the property, we move forward with the property as we decide we should move forward with it, whether we continue to own it or we continue to sometime in the future and not the near future, decide to market it ourself. But that would be my recommendation. So I will ask that point when it's read that you please consider that in your vote to actually defeat the ordinance. So with that all being said and then we can open it up per ordinance as we read.

OLD BUSINESS:

8. Mr. McLaughlin moved and Mrs. Kiesling seconded to **read by title only, third reading of Ordinance No. 75-03**. All members present voting:
Yes: Magel, McLaughlin, Osborne, Snyder, Foltz, Kiesling and Lindower.
No: 0

Ordinance No. 75-03 - Third Reading

An ordinance declaring certain real property located in Plain Township and owned by the City of North Canton is no longer needed for water purposes and authorizing the sale of that property from the Water Revenue Fund of the City of North Canton to the General Fund of the City of North Canton.

Mr. Snyder: Is there any comment on that anybody would...

Mr. Osborne: Well I have a comment here I guess.

Mr. Snyder: Please.

Mr. Osborne: I wish this urging to now defeat this was sincere. I think Plain Township is going to see through this. The City of North Canton needs to fully explore the water. This is not something that's done by a prospective buyer. They need to fully explore the water with their own resources, take the time to realize the value of this property for the City, both its location, its water resources and if they will fully develop the water sources and connect to them, I think that would go a long way into defeating whatever efforts Plain Township would make to try and appropriate the property. So I mean this has been a good nine months. Everyone knows the specifics on this. But unless we show a good faith effort that this property is truly important to the city, it's vital to its future, Plain Township will see through this and they will continue with their efforts. And I do hope that we will take a big step backwards and fully explore this - appreciate the property for what it is and do the right thing with that. Thank you.

Mr. Snyder: Okay is there a motion to - oh excuse me, Mr. Lindower you had a comment?

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Mr. Lindower: If I could. In regards to Mr. Osborne's comments, I don't care what Plain Township thinks. At this particular point in this juncture that we're voting on this particular ordinance, as far as I'm concerned the city is going to maintain that property or ownership of that property. At our own speed and whenever we decide it's necessary, we'll do the testing and so forth. That's really all I had to say.

Mr. Snyder: I appreciate that. And I might say my short sidebar with the Assistant Director of Law, we must remember that we do not want to discuss publicly anything relative to our position. Nor can we assume any publicly any position of the Trustees of Plain Township. And that's the recommendation of the Assistant Law Director that we do not discuss publicly any situation relative to possible or imminent litigation. But is there any other discussion? If not may I entertain a motion to adopt 75-03?

Mr. McLaughlin moved and Mr. Lindower seconded to **adopt the third reading** of Ordinance No. 75-03.

Mr. Snyder: Third reading - excuse me.

All members present voting:

Yes: 0

No: McLaughlin, Osborne, Snyder, Foltz, Kiesling, Lindower and Magel.

Mr. Snyder: Inaudible... Thank you.

9. Mr. McLaughlin moved and Mrs. Kiesling seconded to **read by title only, third reading** of Ordinance No. 76-03. All members present voting:
Yes: Osborne, Snyder, Foltz, Kiesling, Lindower, Magel and McLaughlin.
No: 0

Ordinance No. 76-03 - Second Reading

An ordinance authorizing the transfer of funds of the City of North Canton, Ohio, from the Income Tax Fund to the General Fund in the amount of \$500,000.00 for the current expenses during the fiscal year ending December 31, 2003.

Mr. Snyder: Again, if there's no discussion. That's a moot point at this point.

Mr. McLaughlin moved and Mrs. Kiesling seconded to **adopt the third reading** of Ordinance No. 76-03.

Mrs. Kalpac: Snyder.

Mr. Snyder: Yes.

Mrs. Kalpac: Foltz.

Mr. Foltz: Yes.

Mrs. Kiesling: We're adopting it?

Mrs. Magel: Jon...

Mr. Snyder: Oh no, excuse me. I - did she - oh I beg your pardon, no we're not - I'm sorry I was getting ...inaudible... I apologize. May I amend my vote to Madam Clerk to no. I apologize to you. I was thinking of moving ahead.

Mrs. Magel: You weren't thinking.

Mr. Snyder: No I wasn't, you're right. That's standard procedure.

Mr. McLaughlin: The light wasn't on. I knew there was something wrong.

Mr. Snyder: The trouble is I was thinking. I should be when I don't think. My apologies. Thank you.

No: ... Kiesling, Lindower, Magel, McLaughlin and Osborne.

Mr. Snyder: I rarely say no. Inaudible...

Mr. Foltz: Gail, I'll change my vote to no also. I'm just a little perplexed on this whole thing and since your sidebar with our Assistant Law Director, I will withhold my comments. I think there needs to be some issues looked at here, without getting into depth about ...

Yes: 0

Mr. Snyder: I will talk to you right after the meeting.

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Mr. Foltz: And I've been out of town, so I know there's been a lot of fireworks pertaining to this...

Mr. Snyder: I'll have a little discussion with you as soon as this is over.
Mr. Foltz: Thank you.

Mr. Snyder: That's alright - that's not a problem. Ordinance No. 78-03, I would like to amend Ordinance 78-03...

Mr. Treadon: First you've got ...
Mr. Osborne: Inaudible... 77-03...
Mrs. Kiesling: We've got to do 77...
Mr. Treadon: Inaudible... 77...

Mr. Snyder: Oh, did we miss that one? Oh yea. Ordinance No. 77-03, may I have a motion to read the third reading?

Mr. Treadon: Is your spring running down?
Mr. Snyder: Yea, I must be tired. Inaudible... a million seven got me upset ...inaudible...
Mrs. Magel: Me also.
Mr. Snyder: Floating out the door. But that's alright. May I have a motion to adopt or to read Ordinance 77-03, third reading. Excuse me.

Mr. Treadon: By title only.
Mr. Snyder: By title only.

10. Mr. McLaughlin moved and Mrs. Kiesling seconded to **read by title only, third reading** of Ordinance No. 77-03.

Mr. Foltz: To read?
Mr. McLaughlin: Yea, read by title...

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

Ordinance No. 77-03 - Third Reading

An ordinance authorizing the supplemental appropriation of funds of the City of North Canton, Ohio, to be appropriated from the unappropriated balance of the No. 01 General Fund to the Land Acquisition account in the aggregate amount of \$500,000.00 for the current expenses during the fiscal year ending December 31, 2003.

Mr. Snyder: Are there any comments? If not...

Mr. McLaughlin moved and Mrs. Kiesling seconded to **adopt the third reading** of Ordinance No. 77-03. All members present voting:
Yes: 0
No: Kiesling, Lindower, Magel, McLaughlin, Osborne, Snyder, Foltz.

Mr. Snyder: Thank you. May I have a motion - do I amend first or...

Mr. Treadon: Amend.

Mr. Snyder: To amend Ordinance 78-03 as to - the Ordinance was given to you marked up and I think it was given to you then cleaned up, where it shows that the city is maintaining and has all intention to use the water under said property, known as the Oster property in Plain Township, that we are not in any way giving up our rights, nor do we intend to give up our rights to the water or its usage to the City of North Canton.

Mr. McLaughlin: So moved as amended.

Mr. Snyder: Okay.

Mrs. Kiesling: Second.

Mr. Treadon: You move to amend.

Mr. McLaughlin: To amend, excuse me.

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

Mr. Treadon: Inaudible... I wasn't thinking fast enough, we should read it first, amend it ...
Mrs. Kiesling: Then amend it...

Mr. Snyder: Okay.

Mr. Treadon: then move to adopt.

Mr. Snyder: As amended. Okay, let's - let me have a motion - we'll get this right, Tom and I, may I have motion to read the third reading of 78-03?

Mrs. Magel: Good thing we know what we're doing.

Mr. Snyder: It's going along so nicely, it's different. Is there a motion to read the third reading of 78-03?

Mr. McLaughlin: So moved.

Mr. Treadon: By title only.
Mr. McLaughlin: By title only.
Mr. Snyder: By title only.

11. Mr. McLaughlin moved and Mrs. Kiesling seconded to **read by title only, third reading** of Ordinance No. 78-03. All members present voting:
Yes: Magel, McLaughlin, Snyder, Foltz, Kiesling, Lindower.
No: Osborne.

Ordinance No. 78-03 - Second Reading

An ordinance declaring certain real property located in Plain Township and owned by the City of North Canton is longer needed for municipal purposes and authorizing the sale of that property at public auction.

Mr. Snyder: Now at this time I amend, right?
Mr. Treadon: Motion to amend.

Mr. Snyder: I'd like to have a motion to amend Ordinance 78-03.
Mrs. Magel: Again.

Mr. Snyder: Again, to include the verbiage of the clean copy that you have in front of you.

Mr. McLaughlin moved and Mr. Foltz seconded to **amend** Ordinance No. 78-03, to include the verbiage of the clean copy.

Mrs. Kalpac: McLaughlin.
Mr. McLaughlin: No.
Mrs. Magel: Motion to amend.
Mr. McLaughlin: Yes, excuse me. Now I'm getting confused - I'm getting confused.

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

Mr. McLaughlin moved and Mrs. Kiesling seconded to **adopt the third reading**, of Ordinance No. 78-03 **as amended**.

Mr. Osborne: May I make a couple... No. Did you call me? No.

All members present voting:
Yes: 0
No: Osborne, Snyder...

Mr. Snyder: Inaudible... vote no. I'm voting - I'm writing in - am I voting no to adopt it?
Mr. Treadon: Yes.
Mr. Snyder: Yes, okay.
Mr. Treadon: Yes.
Unidentified: Right.
Mrs. Magel: No ...inaudible...

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Mr. Treadon: Inaudible...

Mr. Snyder: Yea, alright...

Yes: 0

No: Foltz, Kiesling, Lindower, Magel, McLaughlin.

Mr. Snyder: Okay, thank you. Now as we move on to new business, may I have a motion to read by title only the first reading of Ordinance No. 84-03 -- is your intention to table that Chairman Osborne?

NEW BUSINESS:

12. Ordinance No. 84-03

Mr. Osborne: Okay that's the legislation we talked about we're going to table it and discuss it in committee again. So we'll table it at this time.

Mr. Snyder: Alright sir.

Mr. Osborne: Is that...

Mr. Treadon: You need to make a motion...

Mr. Snyder: Have to make a motion...

Mr. McLaughlin: Motion...

Mr. Osborne: Make a motion.

Mr. McLaughlin: Second.

Mr. Osborne: Okay, thank you.

All members present voting:

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

No: 0

13. Mr. McLaughlin moved and Mrs. Kiesling seconded to read by title only, first reading of Ordinance No. 85-03. All members present voting:

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

No: 0

Ordinance No. 85-03 - 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 authorizing the Mayor, through the Board of Control, to enter into a contract for the Mississippi Street Sewer Project and declaring the same to be an emergency.

Mr. Snyder: Chairman McLaughlin.

Mr. McLaughlin: One thing, under Section 3 we did not discuss and that was curbs and gutters - that was out. We talked about, if you remember right, street rehab was 55,000, the water was 95 and the sanitary sewer was 135 to make our total for \$285,000.00. Nothing was discussed about curbs and gutters whatsoever.

Mrs. Magel: But water was.

Mr. McLaughlin: But water was. I put it in my minutes but somehow it just - I think it just - I had it broke down in my minutes into street rehab, water and the sanitary, but nothing about curb and gutter whatsoever.

Mrs. Magel: And water needs added in.

Mrs. Kiesling: The water ...inaudible...

Mr. McLaughlin: So the water needs to be - you need to have a breakdown of - to amend it we need to have the street rehab of 55, water at 95 and a sanitary sewer at 135.

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Mrs. Herr: Rick, we - first of all that paving, curbs and gutters, that's just the ...
Mr. McLaughlin: Sub topic?
Mr. Osborne: Line item.
Mr. McLaughlin: Okay...
Mrs. Herr: Yea...
Mr. McLaughlin: I just want to make sure but ...

Mrs. Herr: That's just where we charge all of the ...

Mr. McLaughlin: I get confused every time we say that.

Mrs. Herr: all of the street projects too...
Mr. McLaughlin: Okay.

Mrs. Herr: And as far as the water goes...

Mrs. Magel: Oh, I see...

Mrs. Herr: That was lumped in with the 55,000...
Mr. McLaughlin: Okay.

Mrs. Herr: And included in there because that's where we had the excess funds from the Mississippi or not the Mississippi...
Mr. McLaughlin: Okay.

Mrs. Herr: the Middlesworth project, so it's all lumped in there. So even though it's not broken out it is in there.

Mr. McLaughlin: I always, whenever it says curb and gutter and I know there's not...
Mrs. Herr: Yea that's...
Mr. McLaughlin: I mentally want to strike it.

Mrs. Herr: Yea, that's just what the 59 means is paving, curbs and gutters.

Mr. McLaughlin: Would it be okay still to break it out the way it was? I just ... so everybody knows what we're...

Mrs. Herr: Well this is by the account number.
Mr. McLaughlin: Okay.
Mrs. Herr: This is where it's going to get charged to.
Mr. McLaughlin: Okay.
Mrs. Herr: So that's why we did it this way.

Mr. McLaughlin: Wanted - I wanted everybody to understand that and there will be no curb and gutter on Mississippi.
Mrs. Magel: Okay.

Mr. Foltz: Inaudible... question, total cost of 285,000.
Mr. McLaughlin: Right.
Mr. Foltz: Okay.

Mr. McLaughlin: Right. So we're okay then.

Mr. Snyder: Any other comment? If not...

Mr. McLaughlin moved and Mr. Foltz seconded to **adopt the first reading** of Ordinance No. 85-03. All members present voting:
Yes: Snyder, Foltz, Kiesling, Lindower, Magel, McLaughlin, Osborne.
No: 0

Mr. McLaughlin moved and Mrs. Magel seconded to **suspend the rules** for Ordinance No. 85-03. All members present voting:
Yes: Foltz, Kiesling, Lindower, Magel, McLaughlin, Osborne, Snyder.
No: 0

Mr. McLaughlin moved and Mrs. Magel seconded to **adopt under suspension of the rules** Ordinance No. 85-03. All members present voting:
Yes: Kiesling, Lindower, Magel, McLaughlin, Osborne, Snyder, Foltz.
No: 0.

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14. Mr. McLaughlin moved and Mrs. Magel seconded to **read by title only, first reading** of Ordinance No. 86-03. All members present voting:
Yes: Lindower, Magel, McLaughlin, Osborne, Snyder, Foltz, Kiesling.
No: 0

Ordinance No. 86-03 - First Reading

Ordinance No. 86-03 authorizing the Mayor of the City of North Canton, through the Board of Control, to enter into a professional service agreement for a water system vulnerability assessment study and declaring the same to be an emergency.

Mr. Snyder: Chairman McLaughlin.

Mr. McLaughlin: We talked about this last week. This is the study that the EPA asked us to do to see where we're vulnerable to our water system in case there is an attack or somebody wants to fool around with it we can stop them off.

Mr. Lindower: I believe that's required.

Mr. McLaughlin: It's required yes, it is required. But we have to do it so we did have it budgeted under 6825 for this year for \$25,000.00.

Mrs. Kiesling: I have a question. After the study is done then do they have to prepare a protection strategy or ...

Mr. Benekos: Yes, our response plan needs to be updated.

Mrs. Kiesling: So is that part of this or will that be more ...inaudible...

Mr. Benekos: Once it's determined where we're vulnerable, what needs to be done, that will be a separate issue. That will probably be in next year's budget.

Mr. McLaughlin: And...

Mr. Treadon: Is this an unfunded mandate by the federal government?
Mr. Benekos: That is correct.
Mayor Rice: Oh yea.

Mr. McLaughlin: And I think it was talked about when you were here last week, it's - really it's not for anybody's eyes except for the administration and everything else. That council cannot - I was told that not view it because they don't want anybody to know where we're susceptible to get hit and everything else like that. Is that right?

Mr. Benekos: That's correct.
Mr. McLaughlin: Okay.

Mrs. Magel: It only makes sense.

Mr. McLaughlin: Well I just want to make sure that everybody understands that so people don't ask for the study and say oh by the way ...
Mrs. Magel: Inaudible...
Mr. McLaughlin: I want to show it - I want to show this around.

Mr. Snyder: Alright...

- Mr. McLaughlin moved and Mrs. Magel seconded to **adopt the first reading** of Ordinance No. 86-03. All members present voting:
Yes: Lindower, Magel, McLaughlin, Osborne, Snyder, Foltz, Kiesling.
No: 0

Mr. McLaughlin moved and Mrs. Magel seconded to **suspend the rules** for Ordinance No. 86-03. All members present voting:
Yes: Magel, McLaughlin, Osborne, Snyder, Foltz, Kiesling, Lindower.
No: 0

Mr. McLaughlin moved and Mrs. Magel seconded to **adopt under suspension of the rules** Ordinance No. 86-03. All members present voting:
Yes: McLaughlin, Osborne, Snyder, Foltz, Kiesling, Lindower, Magel.
No: 0

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15. Mr. McLaughlin moved and Mrs. Magel seconded to **read by title only, first reading** of Ordinance No. 87-03. All members present voting:
Yes: Osborne, Snyder, Foltz, Kiesling, Lindower, Magel, McLaughlin.
No: 0

Ordinance No. 87-03 - First Reading

Ordinance No. 87-03 authorizing the Mayor of the City of North Canton, through the Board of Control, to enter into a professional service contract to provide for legal consulting services during negotiations with the employee collective bargaining units and declaring the same to be an emergency.

Mr. Snyder: We spoke with you last week, we're now beginning to enter contract negotiations with the different bargaining units here in the city. They're recommending we hire the services of Gary Johnson and his two associates who have a reputation in the state for doing this type of work. I believe they have done an assessment of prior contracts. They have ideas, they intend to try to address some of the open spots in the actual contract, bring it into a more manageable situation so there's not conflicts from one year to the other. As you notice I asked Roy to put in there - there is \$18,000.00 left in his fund, which is a fund that we do every year, which allows him to hire outside counsel. That is the amount of money presently available. Should that contract or the study of the present contracts exceed that the administration will come to us and ask for additional funds. But I just want you to know because I know the question is always asked where do these funds come from. But the administration will send through the Finance Director a requisition for appropriate additional funds should the need be I have no idea. But I believe they work on a per hour basis anyways. Any other questions on that? If not...

Mr. McLaughlin moved and Mr. Lindower seconded to **adopt the first reading** of Ordinance No. 87-03. All members present voting:
Yes: Snyder, Foltz, Kiesling, Lindower, Magel, McLaughlin, Osborne.
No: 0

Mr. McLaughlin moved and Mrs. Magel seconded to **suspend the rules** for Ordinance No. 87-03. All members present voting:
Yes: Foltz, Kiesling, Lindower, Magel, McLaughlin, Osborne, Snyder.
No: 0

Mr. McLaughlin moved and Mr. Lindower seconded to **adopt under suspension of the rules** Ordinance No. 87-03. All members present voting:
Yes: Kiesling, Lindower, Magel, McLaughlin, Osborne, Snyder, Foltz.
No: 0

Mr. Snyder: Now if I want to amend this next one I need to read it first before I amend it, right? Okay.

16. Mr. McLaughlin moved and Mrs. Magel seconded to **read by title only, first reading** of Ordinance No. 88-03. All members present voting:
Yes: Lindower, Magel, McLaughlin, Osborne, Snyder, Foltz, Kiesling.
No: 0

Ordinance No. 88-03 - First Reading

WHEREAS, the General Membership of the Stark Council of Governments (SCOG) has adopted an alternative method for apportioning the 2000-2009 funds (the "Alternative Method") in lieu of the method of apportioning the Stark County Undivided Local Government Fund and the Stark County Undivided Local Government Revenue Assistance Fund (collectively, the "Funds") as provided in Chapter 5747 of the Ohio Revised Code.

Mr. Treadon: That's it.

Mr. Snyder: Okay. As we talked about last week, and since two of our members were not here, at present we are being charged a 5 percent in lieu of, but the actual city is not paying anything. It's funded all by the SCOG, it's - or the county itself correct?

Mrs. Herr: The County and the City of Canton.

Mr. Snyder: The City of Canton. However, not knowing where their revenue streams would come by prior to the passage of the sales tax, they were going to raise it to 10 percent at which time we would probably have to participate monetarily. But after the passage of that they feel that they can continue to fund it at its present 5 percent level. However, pursuant to that the conversation today

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with the Director of Finance has asked that we amend this ordinance to include an emergency clause, simply for the fact to allow her, as our representative to SCOG, to go there and vote that particular clause to stay the same. And that would give her the authority under this ordinance to vote yes to continue to allow Stark County and the City of Canton to pay the 5 percent. So I'm asking for a motion to amend Ordinance No. 88-03 to an emergency basis, which would allow our representative, Director of Finance Herr, to vote our wishes that it continue the way it is today. Any questions to that? I know that's kind of ambiguous but... Alright...

Mr. McLaughlin moved and Mr. Foltz seconded to **amend** Ordinance No. 88-03, to include an emergency clause. All members present voting:
Yes: Magel, McLaughlin, Osborne, Snyder, Foltz, Kiesling, Lindower.
No: 0

Mr. Snyder: Okay...

Mr. McLaughlin moved and Mrs. Magel seconded to **adopt the first reading** of Ordinance No. 88-03, **as amended**. All members present voting:
Yes: Magel, McLaughlin, Osborne, Snyder, Foltz, Kiesling, Lindower.
No: 0

Mr. McLaughlin moved and Mrs. Kiesling seconded to **suspend the rules** for Ordinance No. 88-03. All members present voting:
Yes: McLaughlin, Osborne, Snyder, Foltz, Kiesling, Lindower, Magel.
No: 0

Mr. McLaughlin moved and Mrs. Kiesling seconded to **adopt under suspension of the rules** Ordinance No. 88-03. All members present voting:
Yes: Osborne, Snyder, Foltz, Kiesling, Lindower, Magel, McLaughlin.
No: 0

Mr. Snyder: I can hear someone humming Kum ba yah and it scares me because everybody is getting along...
Mr. Treadon: The night is young.

17. Mr. McLaughlin moved and Mrs. Magel seconded to **read by title only, first reading** of Ordinance No. 89-03. All members present voting:
Yes: Osborne, Snyder, Foltz, Kiesling, Lindower, Magel, McLaughlin.
No: 0

Ordinance No. 89-03 - First Reading

An ordinance establishing a schedule of fees pursuant to Section 1171.06 of the Zoning Ordinance of the City of North Canton and repealing any and all legislation inconsistent herewith and declaring the same to be an emergency.

Mr. Snyder: When we adopted our zoning ordinance on 6/12 of this year, we unfortunately did not include the sheet of the fees because we were studying the fees and did not realize it. Now realizing that we have been operating since June the 12th without any fee schedule, we've now asked to have the new schedule, which we gave you last week, adopted on an emergency basis. Now these are only fees that are relative to zoning itself-- they are not-- as the schedule says. And they will work on other additional fees and hopefully incorporate - possibly will come back and amend this ordinance - they want one fee schedule. So the administration and engineering and permits are working on that and hopefully they will be getting that over to us in the very near future. So if there's no question on that...

Mr. McLaughlin moved and Mrs. Kiesling seconded to **adopt the first reading** of Ordinance No. 89-03. All members present voting:
Yes: Snyder, Foltz, Kiesling, Lindower, Magel, McLaughlin, Osborne.
No: 0

Mr. McLaughlin moved and Mrs. Magel seconded to **suspend the rules** for Ordinance No. 89-03. All members present voting:
Yes: Foltz, Kiesling, Lindower, Magel, McLaughlin, Osborne, Snyder.
No: 0

Mr. Snyder: Was that the adoption or was that the...
Mrs. Kalpac: Suspension.
Mr. McLaughlin: Suspension. Since we ...

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<p>Mr. McLaughlin moved and Mrs. Kiesling seconded to adopt under suspension of the rules Ordinance No. 89-03. All members present voting: Yes: Kiesling, Lindower, Magel, McLaughlin, Osborne, Snyder, Foltz. No: 0</p> <p>Mr. Snyder: Prior to me asking for comments, I do want you to know that we - last Tuesday night at the Civic Center we did hold a joint meeting with - a public hearing with Plain Township. At which time we had verbatim testimony by the court reporter - Hill Court Reporters, and that report is now available - a copy of it in the Council Office should you care to read it or have a copy of it. We had it transcribed and it is there and if you wanted to read it it's available to anybody or to the public if they so desire, but it is there.</p> <p>Mr. Osborne: May I ask a question? Was that transcribed by our ... Mr. Snyder: No, it was transcribed by the Hill Court Reporters for two reasons. One that our stenographers - there was no recording device at that building and she's able to capture it you know on that little machine. And I think the cost - I can tell you the total cost of it was \$136.00.</p> <p>Mr. Osborne: Who hosted the meeting? Was that a meeting... Mr. Snyder: That was North Canton. Mr. Osborne: Okay.</p> <p>Mr. Snyder: And it is available to you.</p> <p>REPORTS:</p> <p>Mr. Snyder: So are there any reports? Director of Law. Mr. Treadon: No report.</p> <p>Mr. Snyder: Director of Finance.</p> <p>Mrs. Herr: Just a couple of things. I might be getting ahead of myself, but I just wanted to make sure that everyone was aware that the public hearing for the budget was rescheduled for July 7th, instead of July 14th. And also on last Tuesday we sold the notes for the Arrowhead purchase and it was at 1.25 percent. And we'll be closing on that on July 2nd. And that's it. I'm going to go relieve my babysitter.</p> <p>Mr. Osborne: I had heard July 8th, have we moved it up to the 2nd now? Mrs. Herr: Well it's closing for the notes. Mr. Osborne: Oh, I'm sorry. Mrs. Herr: It's a separate closing. Mr. Osborne: Thank you. Mrs. Herr: So, yea that will come later.</p> <p>Mr. Snyder: Director Held. Mr. Held: No report.</p> <p>Mr. Snyder: Mr. Mayor. Mayor Rice: No report.</p> <p>Mr. Snyder: Mr. Engineer. Mr. Benekos: No report.</p> <p>Mr. Snyder: Madam Clerk. Mrs. Kalpac: No report.</p> <p>REPORTS - COUNCIL:</p> <p>Mr. Snyder: Mr. Foltz. Mr. Foltz: No report.</p> <p>Mr. Snyder: Mr. Lindower. Mr. Lindower: No report.</p> <p>Mr. Snyder: Mr. McLaughlin.</p> <p>Mr. McLaughlin: I've just got two questions. One, when is the 4th of July fireworks are at 9:30 or at 9:00 or at dusk - the 4th of July?</p>		

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Mayor Rice: Dusk.

Mr. McLaughlin: Okay. Second - that was one of the questions ...inaudible... second was September, what date has been set for the concert on the square? I've been asked that 50 times.

Mayor Rice: I think it was the 7th Rick, I think. I think it's the 7th, but I don't have a calendar in front of me.

Mr. McLaughlin: I'll tell you what...

Mrs. Kiesling: Jim does.

Mr. McLaughlin: that is probably the most popular event in the City of North Canton. I've - walking the dog I've probably had 50 neighbors asking already when, where, what and how.

Mayor Rice: I think it's the 7th. I don't have the contract in front of me, but I think that's the...

Mr. McLaughlin: At 7:00 or 7:30?

Mayor Rice: Or no, no, no - hold on, that's a Sunday night isn't it? Is that a Saturday or Sunday on this thing?

Mr. Benekos: Let's see, that's Sunday night. Inaudible...

Mr. Held: Inaudible... Sunday.

Mayor Rice: Must be the 6th then.

Mr. McLaughlin: At 7:30 again?

Mayor Rice: I believe. I'd double check and send you guys over a memo or something. It's going out I know in the next newsletter and stuff like that. So the publicity is going to start coming out on it. But I think it's the 6th Rick.

Mr. McLaughlin: You know it would be nice...

Mayor Rice: Which is Saturday night.

Mr. McLaughlin: It would be nice, just an added touch if the Chamber would sell a little bottled water, a little pop or something up there and just a nice little stand. Just you know no beer or wine, but just you know a little soft drinks and water and just a suggestion.

Mr. Treadon: You could sell it out of the trunk of your car.

Mr. McLaughlin: Or you know an organization like the Boy Scouts or whatever wanted to make money.

Mr. Treadon: Inaudible...

Mr. Snyder: Mrs. Kiesling, any comments?

Mrs. Kiesling: No report.

Mr. Snyder: Mrs. Magel.

Mrs. Magel: Yea, just wanted to notify council I got a hold of some of you but not all of you, the zoning book that was effective June 12th, there's been changes in there from what we had agreed upon. And without getting into details, if you'd like to give me a call, I need to talk to each and every one of you. There was just - there were some changes made, deletions made actually, from what we had agreed upon versus what we got back. That's all.

Mr. Snyder: Mr. Osborne.

Mr. Osborne: No comment - no record - no report.

FINAL CALL FOR NEW BUSINESS:

Mr. Snyder: I have nothing to say. Is anybody in the audience wishing to speak before the council this evening.

Kathryn Garcia: Last week...

Mr. Snyder: Well mam, would you step up to the microphone, state your name and address for the record?

Okay. Kathryn Garcia. 1036 Park Avenue. Last week you tabled several - you were going to talk to Mr. Benekos about that. Were you going to do anything about that tonight?

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Mrs. Magel: This is a voting night.
Ms. Garcia: Inaudible...about it?

Mrs. Magel: I spoke with Mr. Benekos. Mr. Benekos, I spoke with you...
Mr. Benekos: That is correct.
Mrs. Magel: concerning the tabling.
Mr. Benekos: Yes.

Mrs. Magel: And then we'll bring it up - next week is what we call our fifth Monday...
Ms. Garcia: Yes.
Mrs. Magel: We won't be having a meeting. And so on the 7th we will be...

Ms. Garcia: Discussing it?

Mrs. Magel: Well we will follow through with way it was tabled and see if everything's correct.

Ms. Garcia: Just checking.
Mrs. Magel: Sure, absolutely.

Mr. McLaughlin: Did we not send it back to the Planning Commission for review?
Mr. Benekos: I wasn't here last...
Mr. Snyder: No we've not, as of yet, sent it back.
Mr. McLaughlin: Okay. Thank you.

Mr. Snyder: Mr. Sahadi...

Good evening Mr. Snyder. My name is Michael Sahadi. 104 Walsh. Explain to me a little bit about this reading tonight that we had that we - did you table it or did you vote it down or how was it?

Mr. Snyder: No sir, all four of the ordinances pertaining to the Oster property have been defeated, they are no longer in effect. So at the present time, that in effect would nullify our intent to auction the property for sale.

Mr. Sahadi: In the future you'll have to go through the same three readings again?
Mr. Snyder: You mean as far as if we decided to sell the property?
Mr. Sahadi: If you decided to do something...

Mr. Snyder: Yes sir, it would have to go through three readings.
Mr. Sahadi: Okay, that's all I had asked. Thank you.

Mr. Snyder: Thank you for you question. Any other questions from the audience? Does that answer your question Mr. Warstler as relative to - the property for all intent purposes now and will be, the property of the City. And there will be some things coming forward that will deal with it in the future. But right now that's where we stand. Any other comments of the council? If not I'll entertain a motion to adjourn.

ADJOURN:

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

The meeting ended at 7:59 p.m.

PRESIDENT OF COUNCIL

ATTEST:

ASSISTANT CLERK OF COUNCIL