

RECORD OF PROCEEDINGS

Minutes of

COUNCIL OF THE CITY OF NORTH CANTON

REGULAR

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, June 9, 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: Madam 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 Clerk of Council Bittle.

5. Consideration

Minutes of Council Meeting: 5/12/03
Minutes of Public Hearing: 5/27/03

Mr. McLaughlin moved and Mrs. Magel seconded to approve the minutes of the council meeting and minutes of the public hearing as presented. All members present voting:
Yes: Kiesling, Lindower, Magel, McLaughlin, Osborne, Snyder and Foltz.
No: 0

6. Committee Reports

Community & Economic Development Committee: Refer to the minutes on file in the Council Office of the Community & Economic Development Committee meeting held June 2, 2003.

Finance & Property Committee: Refer to the minutes on file in the Council Office of the Finance & Property Committee meeting held June 2, 2003.

Street & Alley Committee: Refer to the minutes on file in the Council Office of the Street & Alley Committee meeting held June 2, 2003.

Water, Sewer & Rubbish Committee: Refer to the minutes on file in the Council Office of the Water, Sewer & Rubbish Committee meeting held June 2, 2003.

Mr. McLaughlin moved and Mr. Foltz 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. Sir...

Dale Milnes: My name is Dale Milnes and I live at 127 Woodside Avenue SE, over here by ...inaudible... First I'd like to apologize for my appearance - I was cutting grass, doing yard work and running behind and thought I'd jet on over here. I wanted to make a proposal. I'd also like to apologize for my manner of speech. I'm not a public speaker and so maybe I'm not as articulate or eloquent as maybe some of your people are. But what I want to talk about is an empty lot. You know there was a big go around last time I was here concerning that Super Wash car wash - a lot of confusion as to who was to blame, a lot of pointing the fingers and things like that. And I'm not really here to do that or to talk about that, but what I'm concerned about is the lot across the street from it. I've been talking to Mr. McLaughlin, he's the councilman in my district. And I talked to him a couple weeks ago about changing an ordinance which governs the maintenance of empty lots in the City of North Canton. I don't know the exact verbiage of that ordinance, but I think it's supposed to be cut after it gets above 12 inches or at least four times a year. Well to me that's ...inaudible... ludicrous. I look at that lot, it's an eyesore - it's on Main Street. I can't count how many times that lot is above 12 inches. And there's also a response time. In talking to Mr. Hemminger and Mr. Osborne and Mr. McLaughlin, response time is 30 days after they send a letter to these people. Why I just think that that's far too long. They could play games all summer long and I suppose only end up cutting the grass twice, considering that response time. So that's what I'm here to do, I'm here to propose that that ordinance is changed and possibly maybe something more reasonable like

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8 inches and a response time of one week, including mailing time, was put into effect. That lot in particular, I could just use that as an example, there's a woman that lives next door she's 89 years old and just to keep it neat and clean, she's paying someone to cut that along the curb and on the edges and I just don't think it's fair. And I don't think it's proper for the city, if they're concerned about appearance and beautification, for that to go on. And I'd like to thank you for your time.

Mr. Snyder: Sir, one thing I might point out, that in the due process, some of those properties and I'm aware of it because I have one in my ward that I've been and Mr. Hemminger and the administration will tell you that I have the same problem ...inaudible... cut. First of all they have to notify the property owner and in many cases it's owned by a bank, so they are not within the region that they could be notified in a five-day period. I think that lot belongs to Mr. Bolon, doesn't it?

Mr. McLaughlin: Right, that's what I was going to say.

Mr. Snyder: First of all I would think that possibly a call to Mr. Bolon might correct that problem. But generally speaking I don't know what the law is on proper notification. But it does, just the process of sending a registered letter, is about 14 days. Cause they - they're allowed five days and by the time it comes back and it's notified. So it would be pretty difficult to do within a one a week or ten day period. Although I agree...

Mr. Milnes: Fourteen days to send a registered letter is that ...

Mr. Snyder: It has five days. They can leave it sit for five days before they pick it up.

Mr. Milnes: Well then you brought up something about absentee ownership.
Mr. Snyder: Right.

Mr. Milnes: I think that in that case if a letters are sent out and no one responds within a certain amount of time, that maybe that lot can be cut and it could be back charged to those people maybe through their property taxes or something like that.
Mr. Snyder: We do that.

Mr. Milnes: I just think something needs to be done with that which is a little bit more tight than what's being done now.

Mr. Snyder: No that's - I agree with you there.

Mr. McLaughlin: I think that - in his defense I see where he's coming from. If you watch that lot, that lot is getting out of hand. And I mean by the time I - Gene and I this discussion and I know how Gene feels about it and everything else like that. I want to see something the same as him, the reason being is those people in that neighborhood keep their lawns very very well manicured and everything else. And if you get that out of hand you've got a lot of bugs and everything else that seems to and weeds and everything else to get to the other yards. But by the time you notify them, he's right, it takes more than 30 days. I know Gene's been on him. A couple times I've talked to Gene about it, he says, hey, I'll send him a second letter. I agree with what Dale is saying. I think that something needs to be done here to speed the process. I think you know the second letter is a little much. I mean if we got their attention by a phone and a mail - or a certified mail, I think something has to be done. And I understand that this year the weather is not cooperating with the amount of rain or whatever, but I think that people take pride in their yards and I think they'd like to see something happen to that lot where it is manicured a little bit better than what it is. Because it does - it does - it's weed infested in certain parts of the - certain times of the year.

Mr. Milnes: And one point I would like to try to drive home, a lot of people feel asleep on that Super Wash car wash property and I was one of them. I'm not falling asleep on this piece of land. But I really can't make ordinances, I can only come up and make proposals and suggestion. That's up to you all to act or not act on. And again, I'd like to thank you for your time.

Mr. Snyder: Inaudible... Mr. Foltz, you have something to say.

Mr. Foltz: Yea, I recommend we just bring it at committee meeting next committee meeting in July. We do meet the first two weeks of July?

Mr. Snyder: I think - or we have a committee meeting next Monday. I mean I'm not opposed to - I don't know what, I'd have to defer to the Law Department, what we have to do, how long we have to notify them.

Mr. Foltz: Just review it, let's get some response from everybody. Everyone's had it in their wards or at large dealt with it.

Mr. Treadon: There's no time limit.

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Mr. Snyder: There's no time limit.

Mr. Treadon: Inaudible... serve this on them. As long as you serve them with papers there's no time limitation.

Mr. McLaughlin: See I think it's getting out of hand. This year it's - especially this year I've turned in a good twelve you know twelve or more different areas.

Mr. Treadon: That ordinance has been around for...

Mr. Foltz: Yea.

Mr. Treadon: ever.

Mr. McLaughlin: But it's - the problem is you've the same ordinance - I mean you've got an ordinance about picking up after your dogs, but we never do anything about it. I mean but...

Mr. Treadon: Inaudible...you...

Mr. McLaughlin: it's the same thing that if you put a little bite into it...

Mr. Treadon: We'd have to have more police than we do citizens to do all that. So that's...

Mr. McLaughlin: Right, right...

Mr. Treadon: you know...

Mr. McLaughlin: But I'd like to see a little bite into it. I see where's he's coming from, if you put a little bite...

Mr. Treadon: Or we could hire some doggie police. I mean you know get real.

Mr. McLaughlin: But then again it's an ordinance and I say it's more of a nuisance than a pet problem. I mean it's not mowing your yard or whatever. I had one down there on Schneider Road, you know. Finally what they did was they were waiting and waiting and waiting for the lawn care people to come...

Mr. Treadon: Probably the best thing to do is call the owner up and tell him to get his lot mowed or we're going to mow it and put it on his tax duplicate.

Mr. Snyder: Well it usually only takes one mowing at 350 bucks. They get their attention real quick.

Mr. McLaughlin: I think our ordinance it specifies a certain amount.

Mr. Snyder: Well then let's refer that...

Mr. Treadon: It does.

Mr. Snyder: I would suggest that we refer it to committee next Monday evening and if there is no time constriction upon notification, give the person five days. If they don't mow in five days we'll mow and put it on their tax duplicate. That would get their attention quickly.

Mayor Rice: Jon, Jon you might...

Mr. Osborne: Okay, I have the actual ordinance here, it's Chapter 553, Weeds, Trees and Grass. I noticed our limit is 12 inches, which I think is ridiculous. Plain Township's is 8 inches and that's out in the county. So we shouldn't be in excess of Plain Township's at twelve. But I'd also just like to tie this into a lot of other complaints. And I had asked during the rewrite of the zoning that we put - give Mr. Hemminger some powers. So when he sees a violation he can cite them right then and there. This is a game to go back to the office, draft a letter, mail it out, wait two weeks for a response and then the gentleman or whoever the violator is, has 30 days to play games and toy with the city and then they send out another letter. So it - this is just a one instance of where we're not giving the right powers to Mr. Hemminger to immediately clear these up. If you've ever been to the Plain Township trustee meetings, every week they're sending crews out, contractors, to mow dozens of yards because they don't waste time. So yes, I will have that on my committee next Monday.

Mr. Treadon: They have far less to address than the council in North Canton.

Mr. Osborne: I'm sorry.

Mr. Treadon: They have far less to address than the council in North Canton.

Mr. Osborne: I wouldn't say that.

Mr. Treadon: You wouldn't?

Mr. Osborne: No sir. They run a municipal or a government over there.

Mr. Treadon: It's not a municipality, it's a township.

Mr. Osborne: I would like to, cause I've talked to Mr. Hemminger about this along with Mr. Milnes today - Gene Hemminger is willing to write up a draft of the new ordinance, but he wants to hear from everybody on council. I'd like to make some kind of resolutions encouraging Mr. Benekos, his boss, to please proceed promptly and possibly have something for us next Monday. And possibly we could be passing something here. And I would definitely vote this on emergency. Mr. Benekos, is that something that would work for you and Mr. Hemminger?

Mr. Benekos: I can't make any promises to have something written up by next Monday - I can look at it.

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Mr. Osborne: Well we can take our existing ordinance, it's not like you're going from scratch. But I would - would everybody here on council make a resolution here to give Mr. Hemminger encouragement to proceed with this? Mr. Foltz?

Mr. Foltz: Yea, I don't - whatever Mr. Hemminger feels we need to do to quicken the pace so to speak.

Mr. Osborne: Okay. Mr. Lindower.

Mr. Foltz: That's fine.

Mr. Lindower: Right now we're following the process. I would like to see a draft copy of it to see what the legalities and so forth were of it and the workability of it. Yea, I'd be willing to look at a change.

Mr. Osborne: Okay. Mr. McLaughlin.

Mr. McLaughlin: I have no problem. I've talked to Gene about this already. I have no problem.

Mr. Osborne: Mrs. Kiesling.

Mrs. Kiesling: That'd be great.

Mr. Osborne: Mrs. Magel.

Mrs. Magel: This particular property that I think Mr. Milnes is discussing is on the corner of East Maple and Woodside. I'd like to tell you from personal experience, I live on East Maple, that's a major egress. A lot of people go by and that grass is tall. And at sometimes it's an eyesore for a lot of us. So this particular property I can see where he's - I'm taking it a little bit further. I understand he lives across the street and that's an individual, but I'm saying as a city a lot of people go by that particular piece of property and it can be an eyesore. But I would - as I did - as we were working on the book and as I will now, I will defer to Mr. Hemminger as to how he feels he would like to take a look at this and I defer to him as the expert.

Mr. Osborne: Well this is actually not in the book. This is a special chapter. The book would address his ability to issue citations on the spot. If we want to also move ahead with something in that regard. But this corner, the tall grass harborages animals, mosquitoes. And I have personally seen that 89 year old lady out there sitting on the curb, trimming along the curb, in the heat of the summer. And she's just taking the issue into her own hands trying to make a contribution, while this city sits up there and just ignores this lot. So I hope Mr. Hemminger can - I mean I'm sure we can improve on what we've got in a minimal amount time. Does the administration have any comments on this? Mr. Held?

Mr. Held: Well I feel comfortable with speaking with Gene Hemminger and asking him for his input and then once we get that we can pass it on to council. And a - but I'm sure that Gene would have recommendations.

Mr. Osborne: Well we drag this out another three weeks or so, we're going to be into our summer break and the summer is going to be over and the problem is going to be existing all summer. So I would be very much in favor of expediting this whole process so we could have it passed on emergency before we break. And even then, it's 30 days after we pass it. So you're going to be looking at almost the first of August even if we...

Mr. Snyder: No, it's immediately...

Mr. Treadon: It's not 30 days.

Mrs. Herr: Not if it's passed.

Mr. Snyder: It's effective immediately.

Mr. Treadon: It's immediately upon signature by the Mayor...

Mr. Osborne: Oh, that's right if we pass it on emergency. I stand corrected. Thank you.

Mr. Snyder: I would suggest Mr. Osborne and remind council, it is the duty, sworn duty of the council to pass ordinances for the City of North Canton.

Unidentified: Draft resolution...

Mr. Snyder: It's not the responsibility of the enforcement officer, Gene Hemminger. He does in fact work for Mayor Rice, not for the Engineer. So my suggestion is to take that piece of legislation and rework it to what would be acceptable to the majority of the committee or if you get two votes and suggest to

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Mr. Hemminger, if he has any additional input. But it is not Mr. Hemminger's responsibility to draft ordinances or input. He's an enforcement officer working for the Mayor. It is our responsibility to in fact create the ordinance. So my suggestion is that you take that ordinance and change it to where it would be acceptable to the majority of your committee and then submitted it next Monday night for approval the following Monday if it does in fact reach the level that it comes out of the committee. That would be your quickest and most expedient way, rather than tie it up putting it through the administration. Because they cannot - the Mayor himself can introduce legislation, but no one else in the administration. Am I - would you be comfortable with that Mayor? Is that ...

Mayor Rice: Oh I couldn't of said it better myself Jon. It's not, you know, with all due respect it's not Gene Hemminger's role to ... legislation. I mean City Council is the legislative body. They are the ones that draft and pass legislation. Certainly we'll be glad to give input, but I don't - I'm not going to ask Gene to get into writing legislation. I think that's the responsibility of City Council. If he can give you suggestions...

Mr. Osborne: Now wait a minute. I'm going to stop ...inaudible... there. I disagree with all this lying approach on this. Now you know darn good and well if I go over there and ask for some guidance on this I'm not going to get it. Mr. Hemminger has been zoning inspector in this town for in excess of 20 years, he can certainly draft up something. I would be glad to look at it, along with the rest of this committee and the rest of council. But, as I said back there on the zoning issue, trying to get that passed, we're a layman. He has spent a lifetime of dealing with these issues. He knows what should be in there. And I know good and well if I put one word in this, it's going to just go down the toilet. That's why I was asking for Mr. Hemminger to work up a draft, present it to council. I can say this is not my draft, this the recommendation from the life long zoning inspector in this city, along with maybe input from Mr. Benekos, the engineer. I wasn't trying to imply that the Zoning Inspector writes legislation. But we all know that Senator Oelslager and Senator Schuring, representative senator, do not sit down themselves and write legislation - they have staff, they have experts. So I ask again that the administration encourage the City Zoning Inspector to either tweak this, draft something or schedule a meeting with me and I will sit with him.

Mr. Lindower: I'd like...

Mr. Osborne: But unless we get moving on this the growing season, the grass season is going to be over this year and we're not going to have done anything for the residents.

Mr. Snyder: Inaudible... comment?

Mr. Lindower: I'd just like to remind Mr. Osborne that when it comes to writing legislation or writing ordinances and making enforceable rules which are punishable by penalties of fines and so forth, I think that that ordinance should be modified. I agree with the fact that it's a little ridiculous of 12 inches and so forth. But upon modification that should be presented to the Law Department to check the legalities of it. You indicated citing people on site or immediately, that doesn't happen. At - you've got to give people notice on certain violations. Whether it be due to the fact that they don't pay attention to what's going on on that property or whether they're - whatever the issue is they've got to be reminded and it has to go through a legal process.

Mr. Osborne: That's true. In fact...

Mr. Lindower: So I think the Law Department from the fact after that ordinance has been modified and changed, which it needs to be, I think it should meet the approval of the Law Department before it comes to City Council.

Mr. Osborne: That's true too.

Mr. Lindower: Okay.

Mr. Osborne: I don't know of anybody on this council or previous councils that actually set down and drafted legislation. It's usually turned over to a respective department head

Mayor Rice: The Law Director...inaudible...

Mr. Osborne: under the guidance of the Law Director. So to sit here and tell me that Mr. Osborne you sit down.

Mr. Treadon: No, that's not...

Mr. Snyder: That's not true...

Mr. Treadon: That's not true.

Mayor Rice: Inaudible... not correct.

Mr. Snyder: It's done out of committee and it's drafted by the Law Department.

Mr. Treadon: The ordinances that you pass and resolutions you pass are drafted by Mary Louise and the Law Department.

Mr. Osborne: Okay.

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Mayor Rice: Inaudible...

Mr. Treadon: The ... or the administration does not draft ordinance. They make proposals for ordinance and then we draft them.

Mr. Osborne: And that's what council does, makes proposals for ordinances.

Mr. Treadon: Anybody can make a proposal for ordinance.

Mr. Osborne: Then why are you telling me to draft up this ordinance?

Mr. Treadon: I'm not telling you anything. I'm telling you that that isn't the way ordinances are drafted.

Mr. Milnes: Excuse me. When this Super Wash car wash thing was going on, I went over to Mr. Hemminger's office and then he shot me over to the Law Director's office and Mr. Held was very polite to me and he directed me to the Law Director's office. The Law Director was cordial and he was patient with me. I could rework that legislation or that ordinance and then I could talk to the Law Director and make sure that all the "t's" are crossed and the dots or "i's" are dotted. I don't see any call for all this pill pull or all this back and forth. I could try to get it done. I could talk to the Law Director, I think he'll give me the time to make sure that it's within the law and I could submit it to the Council, if that's what you guys want - if that's what you people want.

Mr. Osborne: Well we have qualified people who work in those departments. We have a law department...

Mr. Milnes: Yea Chuck, but you know all this back and forth and all this personality conflict and kind of bogs the council meetings down - kind of bogs things down. And I don't think that's ...inaudible... city government ...inaudible...

Mr. Osborne: Well I agree, but I know what they're setting me for. There's not a single person on this council who is ever set down and written legislation. We discuss the issue, we make a proposal and as I was corrected, the Clerk of Council, along with the guidance from the Law Director or the Law Department, writes the legislation. So I just want to see this moved through most expeditiously, something that will work for the public and for Mr. Hemminger. Thank you.

Mr. McLaughlin: One last comment Mr. President and then I'll - we can go on. But I think maybe to end this thing, why don't we just have Gene - tell Gene what we're looking for - David knows what we're looking for, ask him to write up a recommendation and then send it back to the committee for Monday night's...

Mr. Snyder: Inaudible... will restate these sir. It is the obligation of the council to draft ordinance. We have an ordinance. Simply take that committee next Monday...

Mr. McLaughlin: Right.

Mr. Snyder: and re-tweak that ordinance and submit it for a vote.

Mr. McLaughlin: But just ask Gene his comments, write them down and then...

Mr. Snyder: Well that's fine and have his comments, but...

Mr. McLaughlin: That would be - that would be...

Mr. Snyder: You're not going to shift the fact that...

Mr. McLaughlin: No, no...

Mr. Snyder: Inaudible... draft the ordinances.

Mayor Rice: Inaudible... Monday...

Mr. McLaughlin: But just write - have...

Mr. Foltz: That's what I said 15, 20 minutes ago.

Mr. McLaughlin: Yea, write - have Gene write down his comments ...inaudible...

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

Mrs. Magel: Well I'd like to make a comment on that. Mr. Milnes, had wonderful comments here tonight. We almost did a good thing tonight. We came 90 percent close that we all agreed that something needs to be changed for this gentleman. And we all went one at a time and we were all in agreement. And he's correct, then we got bogged down. We know who's the head of this committee and the head of this committee is not doing their job tonight. And that's exactly what happened before and now we're trying to - Rick I know you're trying to move it through, but we're making excuses for somebody who will not do their job. Let's do this right for this gentleman. Seven of us were in agreement that this needs done. He stood up and said I could do it. Now if he can do it, you can do it, it's your responsibility.

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Mr. Osborne: You just heard the law - the Assistant Law Director say that the Clerk of Council along with the Law Department drafts the legislation. We propose legislation.

Mr. Snyder: Thank you sir. Okay, is anyone else in the audience wish to speak to the council? Please step, state your name and address for the record.

Kathryn Garcia: Inaudible... 1036 Park. I have a suggestion. In your ordinance get yourselves organized. You know who you had to tell to do their lots last year. Whoever is doing the telling should call the owner, make sure it hasn't changed hands and make the owner responsible for saying this lot needs to be mowed this year. And if you find it hasn't been (Ms. Garcia slaps her hands). Okay.

Mr. Snyder: Thank you mam. Anybody else in the audience wishing to speak? Sir, please step forward, state your name and address for the record.

George Daniluk: 502 Werstler. I have a couple things. I agree that something has to be done with these lawns. You have these beautiful signs coming into the city, "Welcome to North Canton" and coming up Portage you see these terrible looking lawns. One of them has dandelions and I'm kidding, about that high, that big around the base. I think he finally weed wacked it one weekend. He doesn't use a mower, he uses a weed wacker. And you can't help but see that particular yard. So I don't know how to solve it, but at least they should be notified and something has to be done about it cause there's some terrible yards in the main entrance there. What I really wanted to comment on was this community sign. With all due respects to Mr. Kindy and the efforts of the TAP organization, I'd like to voice a few comments or my opposition to the proposed community sign. On March 13, 2000 a presentation was made by Mr. Kindy on the purpose, location and TAP's willingness to fully finance this sign. Here are a few remarks from the minutes of that particular council meeting: Mr. Kindy: The sign would located approximately where the water fountain and little bench is over on this little cove here. Mr. Snyder: Someone could be reading that sign and inadvertently jam into the back end of somebody. The late Mr. Hines, who is a lawyer, stated, why don't you just the list the lawyers names and a phone number? Mr. Rice: What is the estimated cost? Mr. Dansizen (I believe): Thirty to forty thousand dollars. And at that time only twelve and a half thousand was pledged to date at that particular meeting. Mr. Snyder: That's a big number. And I might add it's even bigger. Mr. Snyder: Okay - and these are not in sequence. After all the comments were made he said, okay, we appreciate the thoughts. Mr. Snyder says, we'll put it on the agenda for next Monday. That's the end of the quotes. Needless to say this proposal is not warmly received and I sense council was uncomfortable with it, because I was at that meeting. The subject was loosely discussed in subsequent meetings and apparently died in committee. Discussion that did take place centered on other means of communicating with the public on upcoming events. I believe somebody even suggested attach a letter to the water bill each month, which went down the drain. Now have you ever watched a TV news anchor trying to report a story while there's a rolling screen below - a local on one corner, stock market figures and weather warnings in other corners? These are all visual distractions. The community sign at the proposed location will create similar distractions. It's first object is - objective is to advert your attention from the road to the sign. It may as well say if you can read this, you're not watching where you're going. The sign can only be effectively read south of City Hall in stopped traffic. Pedestrian traffic is practically nonexistent. And I might add you won't see that sign until you get past the south end of City Hall - you won't even see it, all of sudden it's there. Your simple math, at the speed limit of 25 miles per hour, and who does that, you're moving at 37 feet per second. Assuming someone views the sign for three seconds, plus a one second reaction time to hit the brake if you have to, and an additional one second to come to a complete stop, that person will have traveled 180 feet - 185 feet in five seconds. This distance is further than the distance from the south end of City Hall to the traffic light. In addition to the offensive and defensive driver, with the proliferation of the use of cell phones, we now have a new classification of driver, the oblivious. They are now faced with the dilemma of trying to talk on the phone, read the sign or pay attention to the traffic ahead of them. Lawyers will be lurking in the shadows of our newly planted dogwood trees. As the sign ... with the city wanting to be proactive, we should consider banning the use of cell phones by drivers in a moving vehicle and enforce it. Keep in mind that fifty thousand dollars is a lot of money for this project no matter who pays for it. This would just be a startup cost as it will take a person to screen the announcements, program and purge the contents, plus power maintenance costs. Although the sign is a noble effort by TAP, again the main or concern is the liability issue. I'm sure Julie could use fifty thousand dollars elsewhere as a result of some of the recent financial concerns we may be faced with. It may not be a crisis at this point, but it doesn't hurt to be frugal on spending if the situation warrants it. Let's learn to tighten our belt before our pants fall down. I personally know of no one in my everyday conversations who is enthusiastic about this sign, whether it be its purpose, cost or location. Thank you.

Mr. Snyder: Thank you Mr. Daniluk. Anybody else in the audience wishing ... Mam, please step forward, state your name and address for the record.

Jean Sinclair: My name is Jean Sinclair. I live at 306 Gas Light Circle SE. And I also appose this sign for strictly aesthetic reasons. City Hall at best is a very unattractive building and probably the only charming thing going for it is the statues. And I think to put a commercial sign - I really don't think any of us need it. We pretty much know what's going on in North Canton. And I think it's very commercial and probably will look tacky. So I'm opposed to it also.

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Mr. Snyder: Thank you for your comments mam. Anyone else wishing to speak? Alright, seeing none. May I have a motion to read by title only, the third reading of Ordinance No. 67-03?

OLD BUSINESS:

Mr. Lindower: 68-03.

Mrs. Magel: So moved...

Mrs. Kiesling: 67.
Mr. McLaughlin: Wait, wait...
Mrs. Magel: Oh, okay.
Mr. McLaughlin: This is a...
Mrs. Magel: This is ...inaudible...

Mr. McLaughlin: Can I make before you...

Mr. Snyder: There's a motion on the table, is there a second?
Mr. McLaughlin: I'm sorry...

Mrs. Magel: I'll take it back.

Mr. Snyder: Alright. Motion withdrawn and ...inaudible...

Mr. McLaughlin: Thank you. I'd like to make a motion that we **table** this and just for the time being. And they're not even, like I said last time, that there's only seven or eight thousand dollars raised. I'm - I'd like to see a lot more. If they want - if the community is really serious about it, let them raise some more money. But at this time I'd like to table this until they come up with some more. And if they - if by chance they do while we're on vacation come up with twenty thousand dollars, the Mayor has the power to go up to fifteen on his own, so he can okay it. So I'd like to see it tabled for the time being.

Mr. Snyder: Is there a second?

Mrs. Kiesling: I'll second.

Mr. Snyder: Is there any discussion? Seeing none, will the Clerk please call the roll?

Mrs. Bittle: Magel...

Mrs. Magel: This is a vote to table?
Mr. Snyder: To table.
Mrs. Bittle: Yes.

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

Mr. Snyder: Okay...

9. Mr. McLaughlin moved and Mrs. Magel seconded to **read by title only, third reading** of Ordinance No. 68-03. All members present voting:
Yes: McLaughlin, Osborne, Snyder, Foltz, Kiesling, Lindower and Magel.
No: 0

Ordinance No. 68-03 - Third 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 rock salt for ice control.

Mr. Snyder: This we've talked about. We're getting a little head start on this. It is a little early. We haven't had an 80 degree day yet, but we'd much rather bid it now and have the bids in and be done with it, that we're not pressed into the November/December period. If there are no additional discussions or questions...

Mr. McLaughlin moved and Mrs. Kiesling seconded to **adopt the third reading** of Ordinance No. 68-03. All members present voting:
Yes: Osborne, Snyder, Foltz, Kiesling, Lindower, Magel and McLaughlin.
No: 0

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10. Mr. McLaughlin moved and Mrs. Magel seconded to **read by title only, third reading** of Ordinance No. 69-03. All members present voting:
Yes: Osborne, Snyder, Foltz, Kiesling, Lindower, Magel and McLaughlin.
No: 0

Ordinance No. 69-03 - Third 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 chemicals for the Water Treatment Plant.

Mr. Snyder: Again, this is just getting a start on that. We normally do this where it has to be passed on emergency in early December. So we're moving quicker. And if there be no other comments on that...

Mr. McLaughlin moved and Mrs. Kiesling seconded to **adopt the third reading** of Ordinance No. 69-03. All members present voting:
Yes: Snyder, Foltz, Kiesling, Lindower, Magel, McLaughlin and Osborne.
No: 0

11. Mr. McLaughlin moved and Mr. Foltz seconded to **read by title only, third reading** of Ordinance No. 70-03. All members present voting:
Yes: Foltz, Kiesling, Lindower, Magel, McLaughlin, Osborne and Snyder.
No: 0

Ordinance No. 70-03 - Third Reading

An ordinance authorizing the vacation of a storm sewer easement approximately 15 feet in width and 245.01 feet in length located on Lots No. 5676 and 5677 in the Auburn Knolls Condominium Development located within the corporate limits of the City of North Canton.

Mr. Snyder: Again, this was requested by the present developer of the plat, George Zablo. There's an easement that we're no longer - that the city feels we no longer need. The storm water is contained in itself on the premises. The city has no intention of moving forward with their easement and Mr. Zablo would like that removed to allow him better accessibility to develop the final pieces of his property. Any questions on that? If not...

Mr. McLaughlin moved and Mrs. Kiesling seconded to **adopt the third reading** of Ordinance No. 70-03. All members present voting:
Yes: Kiesling, Lindower, McLaughlin, Osborne, Snyder and Foltz.
No: Magel.

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

Ordinance No. 75-03 - Second 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: This again is one of the four pieces of legislation that are required to move ahead with the possible advertising of the property for sale by auction. To move from the present owner of the water fund into the general fund, which will buy - will pay back to the water fund 590,000 - 94 thousand dollars. Which is the actual cost to purchase the property and the aggregate interest rate over the last years, since I believe '95. Any questions on that?

Mrs. Kiesling: Yes, I have a question. We never did talk again today, did the study come back from the - Mr. ...inaudible... about...

Mr. Snyder: No, not as yet. We had to send additional supporting documentation. Was that Wednesday, Mary Louise, we mailed that - or Wednesday or Thursday?

Mrs. Bittle: Wednesday or Thursday.

Mr. Snyder: And we will have that in hand. And again, it's a little more comprehensive than we determined. And we will have that in hand before the final reading of it, which will be in two weeks - hopefully maybe next week. But he needed additional documentation, support documents, which we faxed to them I think was Wednesday or Thursday of this week.

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Mrs. Kiesling: Okay. Secondly, I did end up talking to Dave Bolen from the EPA, like I had said a couple weeks ago and he did suggest that we do some type of testing. Not quality testing on the site, but actually four inch test holes that would determine the greatest potential of a well field in the area. He had a copy of everything, the site plan, and he felt that where they were giving us the land closer to I77 to potentially put well fields on was probably okay, but he felt maybe more west away from - Canton's water fields will probably be potentially better. However, there's no way of knowing unless we do four inch test holes to see where the greatest amount of water could possibly be on that site. Unfortunately it could be right under where they want to put the sanctuary, but that's something we can deal with later. I would like to, under his suggestion, and he has also spoken with the representatives from the church, that we spend some money and do some just four inch test holes to look at the site and to better know where we might want to put some well fields in the future - whether that's 5, 10, 15 years from now. It's probably a better idea in my eyes - just being sensible that before you put something on it, it would - it'd be easier to move it before it's on than after it's on. He said the site would or the test would cost 10 to 20 thousand, depending on how many we end up doing. And the church, and I realize the church may not be the highest bidder, but anyways they have agreed that in the next year to come and the next months to come that they would have no trouble with us doing some tests on the site and deciding where the biggest producers could feasibly be for the future. And I believe when we talk about water rights, this is what I think about when I talk about water rights, is we're protecting the future of that site. We're not just saying we're keeping the water rights. I don't believe keeping water rights means anything unless we know where exactly the biggest producer could possibly be and the only way to do that is through four inch test holes. Mr. Bolen from the EPA was very specific saying, you know in the future of course we'll have to do a ton more testing if we ever go out there, which we all know. But this would just give us a baseline of where good sites would be and the church is willing to let us do it. And I believe anybody who would buy this property - we have plenty of time before it would be sold. We have time now before it would be done - the process isn't even done, to go out and do some type of test holes. And then we would know 5, 10, 15 years from now where good well sites could possibly be and we are protecting those sites not just our rights. And I would like to know before I decide to sell this property, because in my eyes the economic study I know is going to come back and I realize the land - the best site of the land - the use of the land is probably the church. But the water, I think in my eyes, is pretty important. We all have to have water to survive. And we know East - we hope East Maple is coming online. We don't know what's going to happen with Arrowhead. I realize that Oster is third in line. However, I don't feel we're doing due diligence if we just sell it to the church or whoever we sell it to without doing any type of testing, but maintaining our water rights. So I'm hoping to ask four of you or all of you to give me your permission to - in the future we will bring to council, because the Mayor has made it very clear he does not want to spend any money on the site before we sell it, that we'd have to bring it to council to get a majority of us to agree to spend 10 to 20 thousand in the next, let's say, six months to do some test holes. I believe I have Chuck's support, I think that's pretty obvious. Jon...

Mr. Snyder: Member Kiesling let me explain. Unfortunately, the rules of council are very clear. You cannot request from a council meeting from the floor. It has to be sent to committee and the committee reports on it and at that time if it would receive two affirmative votes of the committee, which is Water, Sewer & Rubbish, it can be moved along then to full council support. And I see what you're saying and I concur with you as they've given us an outlined map here of where we could put the water, which is quite a bit of the land.

Mrs. Kiesling: Yea, you guys don't have the out - the highlighted area but...
Mr. Snyder: I have the outline right in front of me here. So I - is the one you're speaking of?
Mrs. Kiesling: You have the highlight, they don't.

Mr. Snyder: Oh, but there is quite a few areas and as you noticed that area that is completely west of the property...
Mrs. Kiesling: And these are...
Mr. Snyder: which borderlines Mr. Kasner's property is open to - unfortunately you cannot cross that line because Mr. Kasner does in fact own the water rights...
Mrs. Kiesling: Correct.
Mr. Snyder: on that property and will not relinquish them for...

Mrs. Kiesling: Chuck, give one to Jon.

Mr. Snyder: he feels that's more important than the land itself. So Mr. Kasner doesn't think it's window dressing - the water rights and wants several million dollars for the water rights alone. But they can be drilled right at the property line of the church - or excuse me of the city's property and Mr. Kasner's property. But there are several areas and I'm sure again, by the time that this process goes through and as the owner and steward of the land the city has the right in it's proffer when we sell it to maintain the fact that we will test that land. And I have no problem with that including it in the actual offer for sale that the land be tested within the next six months. But again, I would ask you to ask the chairman of the water committee to - sometime in the next period or so put it on the agenda to consider it. That's the only way it can be considered. But I mean as far as - I don't think there's a problem of him putting it in the actual proffer for sale if that's what you ...

Mrs. Kiesling: That's what I'm asking for.
Mr. Snyder: Yea.

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Mrs. Kiesling: Roy has stated that that's something we should do, is put it in the contract. Then in next six months to a year...

Mr. Snyder: That's - I personally have absolutely no problem with that whatsoever and I'm sure it's very prudent to do that and that's not a problem.

Mr. McLaughlin: We already have four - three or four wells drilled out there. Am I...

Mrs. Kiesling: Monitors, four.

Mr. McLaughlin: Right. But there's - that should give us a good testing of what we have out there in the water flow. I know we, at one time, I'm not sure, I have not read the reports, but did we not have a hydrologist go out there on those four wells and tell us what we could possibly pull off of those wells?

Mr. Snyder: No.

Mrs. Kiesling: I don't think there's ever been that type of testing.

Mr. McLaughlin: Okay.

Mr. Snyder: The thing is it would be only logical in looking at the typography of the land, the upper end of the terrain is very traverse and I don't think you're going to set wells up on that upper end. And the closer you get to the property down on the end, which goes along closer to the Warstler property, the closer you infringe upon the Canton wells. And you would - I would say - I have no idea I'm not a water expert, but I would think your best bet is up near the baseball - proposed baseball and softball areas, which there's quite a bit of land and as the Superintendent of Water Distribution or excuse me Water Treatment here in North Canton says, there's not a problem in the flood plain area to place wells, as they just build to the specifications of the EPA. But I don't think requesting that be put into the offer for sale is an unreasonable request and that's very simply done and that can be done. And I'm sure you will garner the support of the majority of council on that. If that is your request, I would - I will ask the chairman of the water committee to insert that for committee and go along at that.

Mr. Osborne: I'd like to make a comment here. I don't know if you've caught what he said. In the legislation to sell the property you're going to put an agreement that we'll do a water test.

Mr. Snyder: I did not say that sir.

Mr. Osborne: That's the way it came across to me. So in other words in order to get the water testing done, you'd have to also agree to sell the property.

Mr. Snyder: I did not say that sir.

Mrs. Kiesling: No, it'd be in the - well yea.

Mr. Osborne: Now that's the way it sounded to me.

Mr. Snyder: No that is not what I said. She requested that some time in the next six months there be testing done there. I said when the property is sold it will list in the proffer to sell it our ability to test the water.

Mr. Osborne: Well that's the same thing. In other words we're not going to get an agreement to fully test for water ...

Mrs. Kiesling: No, that's...

Mr. Osborne: Until you've also agreed to sell the property.

Mrs. Kiesling: That and we have to go through Rick's committee.

Mr. Osborne: At any rate beyond on that, this is the first I've heard that Mr. Kasner is - has proffered as you say, a figure for water rights - two million dollars.

Mr. Snyder: I ...inaudible... several million, I didn't say two million dollars.

Mr. Osborne: I heard two million dollars.

Mrs. Kiesling: I don't remember.

Mr. Osborne: At any rate, just for the water rights on his property, is considerably more than what we intend to eve sell the whole Oster property for. So that gives you just an insight, a little insight as to the struggle this city is going to have looking for potential water sources in the future if you sell this property now. Just to get water rights you're looking at two million dollars from a property owner.

Mr. Snyder: We own the water rights.

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Mr. Osborne: I'm talking about from Mr. Kasner's.

Mr. Snyder: Mr. Kasner, yea he's a private sale, he doesn't have to sell you anything.

Mr. Osborne: But that's just an indication of the real estate market out there, what people would demand just for the water rights, let alone trying to buy the property to secure a site for a well. I'd also like to say I made a trip to Columbus and I talked to an OSU hydrologist, and he's basically confirmed my allegations from day one and the earlier drawings only allowed for a well closest to the North - or the Canton city wells, which he would highly discourage. So I haven't ...

Mr. McLaughlin: Point of order, we're getting off the track of what the ordinance...

Mr. Osborne: Mr. McLaughlin, I'm finished. Thank you.

Mr. McLaughlin: You're okay, it's a point of order.

Mr. Snyder: Call the question please.

Mrs. Magel: Well first of all I'd like to say I spoke to the EPA and Dave Bolen several times. I think this administration knows that. He never said no - any such thing to me. And before I make any comments I'd like to make another phone call to him.

Mrs. Kiesling: And I have it written right here what he said to me.

Mrs. Magel: But what he said to me...

Mrs. Kiesling: When?

Mrs. Magel: Whenever this was brought up...

Mrs. Kiesling: When we were selling it before?

Mrs. Magel: No, whenever Mr. Revoldt came up and asked somebody better contact the EPA.

Mrs. Kiesling: Yea, that was when we were trying to sell it before.

Mrs. Magel: Remember? I contacted them immediately. So are we - are you suggesting we pay 10 to 20 thousand dollars?

Mr. Snyder: I didn't suggest anything.

Mrs. Kiesling: I did. Who else would? It's our property, it's our water rights. Oh my gosh, you guys are willing to spend 50 grand on the community sign two weeks ago...

Mr. Osborne: On a stupid sign.

Mrs. Kiesling: Good lord - I'm sorry, I'm just very amused by this. But that's okay, that's alright.

Mr. Osborne: And 20 grand for a...

Mr. Foltz: And that's your opinion - that's your opinion.

Mrs. Kiesling: It is totally my opinion, I agree - I agree.

Mr. Snyder: One at a time please.

Mrs. Kiesling: I agree.

Mr. Snyder: Mrs. Magel has the floor.

Mrs. Kiesling: She can have it.

Mr. Snyder: I'm sorry, is there a comment?

Mrs. Kiesling: I said she can have it.

Mr. Snyder: Thank you mam. Mrs. Magel...

Mrs. Magel: There is absolutely no professionalism up here.

Mrs. Kiesling: We've learned from the best Kathy. I'm ready to vote.

Mr. Snyder: Mrs. Magel you have any comment, additional comment?

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Mrs. Magel: No, I - we're voting just strictly on this? We're not voting on anything about ...

Mr. Snyder: No, we're voting on the ordinance - on the ordinance as it's presented. Mr. Foltz, did you have a comment?

Mr. Foltz: No.

Mr. Snyder: If not I'd call the question. Please - Clerk please call the roll.

Mrs. Bittle: Don't we need a motion and a second?

Mr. Snyder: I thought we had a motion.

Mr. McLaughlin: You did, I made the motion.

Mr. Snyder: Yea, I'm sorry. And that was seconded by whom, please?

Mrs. Kiesling: Did you have a motion?

Mr. Snyder: Were you making a motion Mr. McLaughlin?

Mr. McLaughlin: A motion to read by title, 75-03.

Mr. Treadon: No we've read it.

Mr. McLaughlin: We read it?

Mrs. Kiesling: We've read it, right.

Mr. Snyder: We've read it. Now to accept the second reading.

Mr. McLaughlin: I motion to accept the second reading.

Mr. Snyder: And is there a second please?

Mr. Foltz: Second.

Mr. Snyder: Thank you.

Mr. Treadon: A motion to adopt the second reading.

Mr. Snyder: Yes.

All members present voting:

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

No: Osborne and Kiesling.

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

Mr. Treadon: 76?

Mr. Snyder: 76-03, yes.

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: This will make the transfer of the money to pay back the money that was along with the \$94,000.00 that is presently in the general fund for that purpose of moving forward with the other two companion pieces of legislation. Is there any comment on that? If not...

Mr. McLaughlin moved and Mr. Foltz seconded to **adopt the second reading** of Ordinance No. 76-03. All members present voting:

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

No: Osborne and Kiesling.

14. Mr. McLaughlin moved and Mr. Foltz seconded to **read by title only, second reading** of Ordinance No. 77-03. All members present voting:
Yes: Snyder, Foltz, Lindower, Magel and McLaughlin.
No: Kiesling and Osborne.

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Ordinance No. 77-03 - Second 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: This is the third piece of legislation. And again as you follow along, it's now moving it in there to pay towards the cost of the land - buying it back so that it would be put in line to be sold. If there's no comment...

Mr. McLaughlin moved and Mr. Foltz seconded to **adopt the second reading** of Ordinance No. 77-03. All members present voting:

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

No: Kiesling and Osborne.

Mr. Snyder: This next piece of legislation is not on an emergency basis. Can we still read it...

Mrs. Kiesling: Oh that's right.

Mr. Snyder: without that - using that in here Tom? We did before - it's not - there's no - there's a declaration there...

Mrs. Magel: It was already ...

Mrs. Kiesling: We already amended it.

Mrs. Magel: Yea, we already amended it.

Mrs. Bittle: Yea the emergency...

Mr. Snyder: We amended that? Okay.

Mrs. Bittle: It just didn't get off the agenda. But I don't think it's on...

Mr. Treadon: Yea it's on the agenda, but it's not in the ordinance.

Mr. Snyder: No, okay, I appreciate that.

15. Mr. McLaughlin moved and Mr. Foltz seconded to **read by title only, second reading** of Ordinance No. 78-03. All members present voting:

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

No: Kiesling and 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: This is the actual piece of legislation that will authorize the selling of the property known as the Oster property at auction. Is there any comment? If not...

Mr. McLaughlin moved and Mr. Foltz seconded to **adopt the second reading** of Ordinance No. 78-03. All members present voting:

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

No: Osborne and Kiesling.

NEW BUSINESS:

16. Mr. McLaughlin moved and Mrs. Magel seconded to **read by title only, first reading** of Ordinance No. 79-03.

Mrs. Kiesling: You mean 69?

Mr. McLaughlin: 79.

Mr. Osborne: 79.

Mrs. Kiesling: Oh, I'm on the wrong page. Thank you. Inaudible...

All members present voting:

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

No: 0

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Ordinance No. 79-03 - First Reading

An ordinance authorizing an agreement with Barry P. Kindy providing for a project and real property tax exemption pursuant to the Ohio Community Reinvestment Area program and declaring the same to be an emergency.

Mrs. Kiesling: Yes, this is the Sun Journal building on Main. Mr. Kindy is going to put an addition on and hopefully bring about three more jobs in the next year. We have agreed to give him a 50 percent tax abatement for ten years. We're doing this on emergency because the application fees go up from 500 to 750 as of July 1st. So...

Mr. Osborne: I have a question, if I may. Do we have anything that if he doesn't perform at a certain date and time ...

Mrs. Kiesling: We reevaluate it every year.

Mr. Osborne: Okay, thank you.

Mrs. Kiesling: Okay.

Mr. Snyder: Anybody ...

Mr. McLaughlin moved and Mr. Foltz seconded to **adopt the first reading** of Ordinance No. 79-03. All members present voting:

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

No: 0

Mr. McLaughlin moved and Mrs. Kiesling seconded to **suspend the rules** for Ordinance No. 79-03. All members present voting:

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

No: 0

Mr. McLaughlin moved and Mr. Foltz seconded to **adopt under suspension of the rules** Ordinance No. 79-03. All members present voting:

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

No: 0

17. Mr. McLaughlin moved and Mr. Foltz seconded to **read by title only, first reading** of Ordinance No. 80-03. All members present voting:

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

No: 0

Ordinance No. 80-03 - 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 Janet Avenue Improvement project and declaring the same to be an emergency.

Mr. Snyder: Chairman Magel.

Mrs. Magel: Yes, as discussed, this was budgeted. It will come out of three categories. This is one of the ones that were a complete job. We'll put new utilities in, coming from 5529 for \$110,000.00. We're also going to pave and curb and gutter out of 5929 for \$160,000.00 and replace the waterlines - 7552, \$90,000.00. Making quite an improvement on Janet for a total of \$360,000.00.

Mr. McLaughlin moved and Mr. Foltz seconded to **adopt the first reading** of Ordinance No. 80-03. All members present voting:

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

No: 0

Mr. McLaughlin moved and Mr. Foltz seconded to **suspend the rules** for Ordinance No. 80-03. All members present voting:

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

No: 0

Mr. McLaughlin moved and Mr. Foltz seconded to **adopt under suspension of the rules** Ordinance No. 80-03. All members present voting:

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

No: 0

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18. Mr. McLaughlin moved and Mr. Foltz seconded to **read by title only, first reading** of Ordinance No. 81-03. All members present voting:
Yes: McLaughlin, Osborne, Snyder, Foltz, Kiesling, Lindower and Magel.
No: 0

Ordinance No. 81-03 - First Reading

Ordinance No. 81-03 authorizing the Mayor of the City of North Canton, through the Board of Control, to enter into an Agreement by and between the City of North Canton (City) and St. Paul's Roman Catholic Church of North Canton (Church) to provide for reimbursement to the Church for the relaying and improvement of approximately 555 lineal feet of water line in Cole Avenue from it's intersection with Harmon Street to its intersection with Church St., at a cost not exceed \$44,430.00, and declaring the same to be an emergency.

Mr. Snyder: Chairman McLaughlin.

Mr. McLaughlin: That was last week they're going to go ahead with their expansion of the church doing this and we're going to reimburse them later on.

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

Mr. McLaughlin moved and Mr. Foltz seconded to **adopt the first reading** of Ordinance No. 81-03. All members present voting:
Yes: Osborne, Snyder, Foltz, Kiesling, Lindower, Magel and McLaughlin.
No: 0

Mr. McLaughlin moved and Mrs. Magel seconded to **suspend the rules** for Ordinance No. 81-03. All members present voting:
Yes: Snyder, Foltz, Kiesling, Lindower, Magel, McLaughlin and Osborne.
No: 0

Mr. McLaughlin moved and Mrs. Magel seconded to **adopt under suspension of the rules** Ordinance No. 81-03. All members present voting:
Yes: Foltz, Kiesling, Lindower, Magel, McLaughlin, Osborne and Snyder.
No: 0

Mr. Snyder: Before I read this next ordinance is the support still existent for this? Because I don't want to read it on an emergency and have ...
Mrs. Kiesling: Yep.

Mr. Snyder: Okay...

19. Mr. McLaughlin moved and Mrs. Magel seconded to **read by title only, first reading** of Ordinance No. 82-03. All members present voting:
Yes: Kiesling, Lindower, Magel, McLaughlin, Snyder and Foltz.
No: Osborne.

Ordinance No. 82-03 - First 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 \$2,100,000.00 for current expenses during the fiscal year ending December 31, 2003 and declaring the same to be an emergency.

Mr. Snyder: This is the first piece of the two pieces of legislation that will move from our infamous rainy day fund into the general fund \$2,100,000.00, which will be used to purchase the country club. There be any questions? If not...

Mr. McLaughlin moved and Mrs. Kiesling seconded to **adopt the first reading** of Ordinance No. 82-03. All members present voting:
Yes: Lindower, Magel, McLaughlin, Snyder, Foltz and Kiesling.
No: Osborne.

Mr. McLaughlin moved and Mrs. Magel seconded to **suspend the rules** for Ordinance No. 82-03. All members present voting:
Yes: Magel, McLaughlin, Snyder, Foltz, Kiesling and Lindower.
No: Osborne.

Mr. McLaughlin moved and Mrs. Magel seconded to **adopt under suspension of the rules** Ordinance No. 82-03. All members present voting:
Yes: McLaughlin, Snyder, Foltz, Kiesling, Lindower and Magel.
No: Osborne.

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Mr. Snyder: Okay...

20. Mr. McLaughlin moved and Mr. Lindower seconded to **read by title only, first reading** of ordinance No. 83-03. All members present voting:

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

No: Osborne.

Ordinance No. 83-03 - First 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 \$4,200,000.00 for the current expenses during the fiscal year ending December 31, 2003 and declaring the same to be an emergency.

Mr. Snyder: This will actually move the money both that we will borrow, the 2.1 million and the 2.1 million that we will transfer. We will move it into the account of land acquisition which will allow the appropriation to move forward and allow the check to be cut when we close on the property, I believe sometime in the first part of July. I do believe that there is - we will ...inaudible... send a \$100,000.00 to them for our - I know that was part of our deal. I don't know where that's at. Is that...

Mrs. Herr: Yea, we did a check and gave it to Roy.

Mr. Snyder: Yea, so we have put - so we will be moving \$4,100,000.00. So and the contracts are duly executed and waiting the proper due diligence prior to the closing on the property. Being any questions on that I'll ask for a motion to adopt the first reading of Ordinance No. 83-03.

Mr. McLaughlin moved and Mr. Foltz seconded to **adopt the first reading** of Ordinance No. 83-03. All members present voting:

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

No: Osborne.

Mr. McLaughlin moved and Mr. Foltz seconded to **suspend the rules** for Ordinance No. 83-03. All members present voting:

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

No: Osborne.

Mr. McLaughlin moved and Mr. Foltz seconded to **adopt under suspension of the rules** Ordinance No. 83-03. All members present voting:

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

No: Osborne.

REPORTS:

Mr. Snyder: Thank you. Reports - Assistant Director of Law.

Mr. Treadon: No report.

Mr. Snyder: Director of Finance.

Mrs. Herr: Yes, I just wanted to point out that I have given each of you the anticipated expenditures for 2004 according to the Charter. So that's - any questions, just let me know.

Mr. Snyder: Okay, thank you. Director of Administration.

Mr. Held: No report.

Mr. Snyder: Mr. Mayor.

Mayor Rice: Yea, just one quick one Jon. We did get notification that the City of North Canton did receive our muni road fund allocation from the county for the Portage, Sheraton, Maple Street project that we're doing out here in Ward 1. Got 85,000 again this year, so that goes with the 85 we got last year, gives us \$170,000.00. We requested 190 total between the two years, so we got all but 20,000 of that. And that will go towards that project. Actually which is one we just did Board of Control tonight and the bids came in very low too. So we saved a lot of money on that project, it appears right now, compared to what it was originally projected at. The bids, I think it was - the original estimate was what Jim, 860 or something like that?

Mr. Benekos: Around that.

Mayor Rice: Around 860 and I think the bids came in at about 638 or something like that. Plus we get 170 muni road funds so that's going to bring our costs down considerably.

Mr. Snyder: That's encouraging.

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Mayor Rice: So that's good news.

Mr. Snyder: Thank you...

Mayor Rice: That's all.

Mr. Snyder: Thank you sir. Mr. Engineer, you have a report?

Mr. Benekos: No report.

Mr. Snyder: Thank you. Madam Clerk.

Mrs. Bittle: No report.

REPORTS - COUNCIL:

Mr. Snyder: Thank you. Member Foltz.

Mr. Foltz: No report.

Mr. Snyder: Member Lindower.

Mr. Lindower: I have ... a report. But I'd like to thank the administration, Mr. Held in particular. I've had a couple issues come up within the last two weeks and I made a request to his office either by phone or in person and within hours they were taken care of and I just wanted to thank you again.

Mr. Held: Thank you.

Mr. Snyder: Member McLaughlin.

Mr. McLaughlin: One thing - a couple things I have real quick. Is Mississippi, I'd like to see that on next week so we can get that project going. Cause it is the month of June, I'd like to see it...

Mayor Rice: We didn't put it on last week cause you weren't here Rick. So we saved it until you got back...

Mr. McLaughlin: Appreciate that.

Mayor Rice: So it will be on next Monday. We were going to have it on last week but...

Mr. McLaughlin: Yea, I want to get that.

Mayor Rice: figured you'd want to be here.

Mr. McLaughlin: Oh yea I want to be here and the fun with it and see what we can do. But I want to make sure we can get it done. Jim said there's still plenty of time to do that this year and I want to get as one of the projects going. The other thing, I want to talk to David after council if he's got a few minutes. I'd like to - a couple things I'd like to talk to him about. Nothing big, but if you would stay over a few minutes I'd appreciate it.

Mr. Held: Yes sir.

Mr. Snyder: Member Kiesling.

Mrs. Kiesling: Yes, I just have a question for the Mayor and Administration. I actually was contacted by somebody else who wants to lease Arrowhead and they were wondering what the process is going to be and when it's going to start.

Mayor Rice: Anyone that - I would suggest that anybody has anyone express any interest in anything to do with the operation of Arrowhead that they send or write notification to the Director of Administration. And we're collecting that info right now.

Mrs. Kiesling: Are we pretty soon put it out for competitive bid or how will the process...

Mayor Rice: I - I'm - have - don't know at this point in time. I'm working through that process with your Law Director...

Mrs. Kiesling: That's right, you're waiting for that...

Mayor Rice: as we speak. There's a lot of legal issues that have to be dealt with. I can't just go off and do it without Roy's legal guidance. And a matter of fact wasn't he going to ...

Mrs. Kiesling: He was ...inaudible...

Mayor Rice: he was going to request a...

Mr. Snyder: Inaudible...

Mayor Rice: come to speak of that, yea.

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Mr. Snyder: Inaudible... It is in the hands of Squires, Sanders and Dempsey.
Mayor Rice: Right.

Mr. Snyder: The majority of it outside of the ruling, it is very technical due to the fact that we are using municipal money, that it be drafted in such a way that the people of the city have some type of favoritism over someone else. So that we cannot exclude the citizens of - they feel comfortable that they can do that and I think we'll have it Wednesday or Thursday for you. Cause I know you're very close to interviewing several people on that. And we hope to have that to you this week. So ...inaudible...

Mayor Rice: We've had a lot of interest, but people need to understand that all will come out of the administrative offices. So if people are expressing interest and they want to be involved in the process, you need to pass that information or them on to us. Because if that's where it's going to come out of the responsibility of operating and managing city properties lies in the administration's hands as far as our charter. So if anybody contacts you they need to get in contact with us, let us know they're interested.
Mrs. Kiesling: Okay.

Mr. Snyder: Member Magel.
Mrs. Magel: No report.

Mr. Snyder: Member Osborne.

Mr. Osborne: Ah yes, several things here. First I'd like just to mention that there was a Beacon Journal article last week that brought out the fact that there were other interested golf course operators who would liked to have bid on that. The green space could of been preserved, the golf course could of been preserved and city could of hung onto its 4.2 million dollars. I mentioned before, I'd like to see this finance committee start acting on the need to increase or make changes to our EMS levy. Also I brought this up on occasion as well, East Maple Street renaming, I don't know where that is. Plain Township has already taken care of their end of it. Also I've been attempting to work with Mr. Hemminger on a upgrading of our fee rate schedule for permits and inspection. This has been ongoing back and forth with Mr. Hemminger since last fall. And this is why I was trying to point out earlier why I don't want to be - have my fingers on writing an ordinance. Which as we have just found out, is done by the Clerk of Council and the Law Department anyway. I've just gotten this back, actually it's over a month and a half old now. It says here Mr. Hemminger is working with the administration on fee revisions. We've been discussing this for nine months. I would hope that the administration will have something here real soon. Sixteen years these fee schedules have not changed. And I hope council is serious about doing something with the - not only the grass cutting ordinance, which I will attempt to meet with Mr. Hemminger, I have not had success in the past actually setting the schedule or getting any production from that. And I'll also mention to Mr. Hemminger about the - incorporating some kind of a schedule so he has a little more immediate control of the situation. Also with the new zoning I've discovered we have a problem. Mr. McLaughlin suggested that maybe rezone the car wash area to GBA. Under the proposed new zoning, which will be in effect in three days here, it doesn't change anything. The Clerk of Council is working with the Law Director to see if that's just an oversight and we can change that. There are three things that are a problem here - car washes, gasoline stations and automobile service stations are permitted both in GBA and GBB, as well as drive through facilities. At the present time under our old or existing ordinance at the moment, they are not allowed. So something has slipped through here that is providing new uses that I don't think were intended. I don't think it was an intent to make drastic changes to our existing zoning classifications. At any rate I trust that the Law Director will allow for an expeditious change on that, cause our zoning ordinance...

Mr. Treadon: Excuse me, an expeditious change on what?

Mr. Osborne: Well if it's just a typo, where we could just change the permitted to a conditional or whether maybe nothing should of went in there at all for GBA.

Mr. Snyder: That all has to go back to public hearing and that all has to be resubmitted. You can't change that that's been adopted, it goes into effect June the 13th I think. So you'll have to submit it and go through three public hearings and three separate readings to change anything in the ...

Mr. Osborne: Well it took me a year and a half to get this zoning to council, when I had nothing to do with the original printing of it - the original draft. I just hope this council cares enough that they will correct this oversight. We have now - if we don't do something quick, you're going to find anywhere there's GBA in here somebody may wanting to put in another car wash or another gasoline station or service station or a drive through - liquor as you were talking about here a week ago. So if you really care about doing your jobs up here, I will be glad just to step back. But somebody needs - we need to get this through and get this corrected. We have given new uses to zoning areas zoned GBA that we haven't had for years if ever.

Mr. Snyder: Well the only thing you can do is withdraw the original ordinance sir. The way the ordinance stands it needs to be amended, which requires three separate readings, a public hearing and it has to go to Planning Commission. We cannot arbitrarily change something we've already adopted. Inaudible...

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Mr. Osborne: Well I'm just going on what the Clerk of Council told me, that it may be typo errors, oversights or something. I just keep my fingers crossed that somebody doesn't want to put in something in an area that for years has been protected under our old GBA and now suddenly through oversight is now permitted.

Mr. Lindower: Chuck, were you the chairman on the committee?

Mr. Osborne: Chairman of?

Mr. Lindower: That zoning ordinance or zoning changes?

Mr. Osborne: Mr. Lindower, you know I've been chairman for the last year and a half.

Mr. Lindower: Why didn't you catch that?

Mr. Osborne: Mr. Lindower, I couldn't even get three of you to show up in December and January for zoning committee meetings.

Mr. Lindower: Why didn't you catch that as the chairperson?

Mr. Osborne: Oh, hang it on me now.

Mr. Lindower: I am.

Mrs. Kiesling: That's not fair.

Mr. Osborne: This entire zoning, as I've said many times, was handed to me from the previous chairman and all I was trying to do was present it to council. So I'm not going to accept that.

Mrs. Magel: The previous chairman never said it was concluded. It got taken off of me. I think you requested that committee, that's what I heard and you got it.

Mr. Osborne: Mrs. Magel...

Mrs. Magel: Did you request it?

Mr. Osborne: if we want to degenerate here I can also say...

Mr. Snyder: Please ladies and gentlemen...

Mr. Osborne: and it's in the minutes of past council meetings how you said that you went over this with a fine tooth comb. And also in your campaign literature you said you assisted in authoring the city's zoning ordinance. So please, all I did was said here do something, let's pass this.

Mrs. Magel: You should of done some more.

Mr. Osborne: Inaudible...

Mr. Snyder: Is there anything else besides ...inaudible...

Mr. Osborne: Yea I had one other thing and I - it has slipped my mind. I'd just like to say folks if you enjoy discrediting me, shaming me, I can take it, but in the process you're hurting the city. You're pointing blame instead of trying to correct the issue at hand. So again I'm asking you for your support. I pointed out a concern and I hope we can all unanimously and quickly make the change ... however it has to be made. And I would go back to Mr. Hemminger and the administration and Mr. Benekos, can we get Mr. Hemminger to provide some assistance on redrafting the grass cutting ordinance?

Mayor Rice: If it's council's wish to look to improve that ordinance, certainly the administration will provide its input. But we're not going to draft the ordinance. We'll provide our input from the administration's standpoint on that ordinance if council is going to look at rewriting. We've got no problem with that.

Mr. Osborne: I'll look for your suggestions and pass them to the Law Director and the Clerk of Council.

Mr. Snyder: It has to go through committee.

Mr. Osborne: I thank you for your support.

Mr. Snyder: Well it has to go through the committee.

Mr. Osborne: I understand that, but I know from past history here, if it's just me suggesting it, it's going to die and nothing will be happening this year. That's all I have.

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Mr. Snyder: I would be somewhat remiss if I didn't address a couple of things that were expressed. Number one, the Easton Street, Director of Law Batista will petition the commissioners by petition to change the name from East Maple to Easton and that will be taken care of - or vice versa whatever it is to whatever it has to be. He'll handle that, so that will be done. Relative to the Arrowhead thing, Mayor Rice and I were at a meeting last Tuesday. There were other offers, most of them significantly less than the city and neither one of them were entertained. So that takes care of that reporting that was done. Relative to the fees, Mayor Rice and Engineer Benekos did inform me that next Monday night it will be submitted to the council, fee structures to change. They have that - they've been working on it for several weeks. So that does take care of that situation I think too. So that will be brought up as a committee action so that they're taken care of - hopefully passed on an emergency basis before we recess to go ... that they're brought into line. One other thing, I will be asking council, relative to the sale, if we do in fact sell the property at Oster, I would ask that a significant amount of money, and that's to be determined by the council, be moved from - again back from the general fund to economic development that will be moved to that office that in light of the climate of economic development in the City of North Canton today. Unfortunately everybody knows in order to woo any type of business, to maintain or encourage the existing business that's in the city, and that's the position that we have, as well as attract any type of new business we need two things. Number one, we need a community which is pleasure to operate within, which I think we have. Secondly, we need money to either bring these people or begin some type of incubator service and we surely cannot do it with fee of - with the amount 30 or 40 thousand dollars. So I will be asking that some of that money, a significant amount of that money, as I originally had hoped that would be paid towards Arrowhead, but I think the city can absorb that in light of things that have happened over the last couple weeks, that that money be moved to the department of economic development, be used to encourage and foster existing business in the city. And I hope that's received warmly by both my committee and the rest of council. One other thing, next Tuesday night at 6:00 p.m. there is a public hearing on the CEDA as was proposed with Board of Township Trustees in Plain Township and I would ask by voice vote that we waive the fee to the Civic Center. Otherwise that will be billed to someone that and that's city business and I'm sure it would be Mr. DeHoff and Mr. Lemmon - I mean not that - some people would probably like that, but unfortunately it's our meeting, we're hosting it. We have - and I would ask by a voice vote that we do that. Is that sufficient by voice vote? Member - Mam, you want to call the roll?

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

Mr. Snyder: I think that's basically all I have.

FINAL CALL FOR NEW BUSINESS:

Mr. Snyder: Is there anybody else in the audience wishing to speak to the council before adjourning? Seeing none, 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: Magel, McLaughlin, Osborne, Snyder, Foltz, Kiesling and Lindower.
No: 0

The meeting ended at 8:25 p.m.

PRESIDENT OF COUNCIL

ATTEST:

CLERK OF COUNCIL