

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held

Monday, March 3,

6:15 p.m.

2003

CALL TO ORDER

The public hearing was called to order Monday, March 3, 2003 at 6:15 p.m., by President of Council Jon Snyder.

Council members present for the public hearing: Foltz, Kiesling, Lindower, Magel, McLaughlin, Osborne and Snyder. Also present for the public hearing were: Mayor Rice, Director of Administration Held, City Engineer Benekos and Clerk of Council Bittle.

Mr. Snyder: The purpose of the public hearing is by ordinance to discuss proposed zoning ordinance currently under discussion by the City Council, City of North Canton. Final action on this will be taken by the Council subsequent to a later date. Chairman Osborne.

Mr. Osborne: Thank you Mr. President. This week I received and I believe it was from Mr. Benekos - is this from you?

Mr. Benekos: Pardon.

Mr. Osborne: This letterhead with your name...

Mr. Benekos: The synopsis.

Mr. Osborne: the synopsis from you?

Mr. Benekos: Yes.

Mr. Osborne: It wasn't signed so I wasn't sure if you actually compiled it or...

Mrs. Kiesling: Inaudible...Jim...

Mr. Benekos: Yes I did.

Mr. Osborne: Okay. A little discouraging I guess with all the changes that have been made they're talking about one to two months to incorporate the changes. I did talk to Mr. Hemminger earlier today and he has contacted the vice chairman of this committee, Mrs. Magel, and I understand it's agreed upon and we'll have to check with the rest of council here of course, that we will have the first reading on this zoning ordinance next week. And I would presume the logical course would be to have the two readings and then to hold up on the third reading until we have the - all the incorporated changes.

Mr. Snyder: Inaudible...

Mr. Osborne: I'm open to anything here - just pass anything. I don't care what you pass. So I'll throw it open to the rest of the committee.

Mr. Snyder: Chairman Osborne, one thing you might understand we can continue with the progression of this ordinance and the legislation provided it'd be comfortable to the Law Director of the City. It can be moved along. You don't need that disc from Hartt to actually pass your ordinance. If this is what you're changing in the book and this is what you want to change the actual legislation from the Law Department would be - would read that and you then would be passing that particular ordinance. You're not prohibited from moving ahead with your first, second or third reading.

Mr. Osborne: Well I didn't think the first or second, but I ...

Mr. Snyder: Well actually you're the public hearing tonight to see if there's any input along with these changes...

Mr. Osborne: That's right.

Mr. Snyder: these changes we've made through your efforts that you've had those meetings subsequent to that. Now that's how the actual final zoning will come out. Plus there is a 30 day period between the third reading and the final period when the Mayor would be able to sign.

Mr. Osborne: The Mayor signs it, yes.

Mr. Snyder: So you're talking approximately two and a half months. And I would hope that they could probably have that disk in your possession in two and a half months. So I would encourage you not to hold it up, but to move it along in the speed of normal - which the law permits the three readings and a 30 day moratorium. That...

Mr. Osborne: Well it's not my intent to hold it up at all. I just was making the assumption here that the entire council would like to see a completed manual before they voted a third time. If they want to go ahead and vote straight through on this this is fine with me as well. But any rate I'll guess I'll open it up to the public first and get some comments. So anybody - if anybody has any comments please step up to the mic and state your name and address and we're open to some - whatever input you'd like to provide. Nobody has any comments? Going once, going twice... Well at this point I'm open to suggestions. If you want to close the public hearing at this point.

Mr. Snyder: I have one suggestion Mr. Osborne if I might make it. Would you kindly make available to both the public and the press copies of not only that book - I mean the book would stay here to let the public preview, but also those corrections so that if anybody's interested over the next two and a half month period to either stop here at the clerk's office and look through them or ... That way if they have any comment - and it can still be changed subsequent to any one of those readings if there's somebody out there that wanted to change something or had a particular problem or inquiry and wanted a change. If you would do that it would much - I'm sure much appreciated.

RECORD OF PROCEEDINGS

COUNCIL OF THE CITY OF NORTH CANTON

PUBLIC HEARING

Minutes of

Meeting

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Mr. Osborne: Well I will attempt to. I haven't kept up to date with all the changes.

Mr. Snyder: I think they're all noted on this complete synopsis.

Mr. Osborne: Yea. Well I'd be happy to provide what Mr. Benekos has penciled in here.

Mr. Snyder: Yea as long as there's a copy. Do you have a copy?

Mrs. Bittle: I have a copy of the synopsis.

Mr. Snyder: The Clerk does have a copy and she'll have the book and if the press would like a copy we could try to give the press a copy. But that will be available and if you'd so note that in your story there's a copy available at the clerk's office if they'd like to come in and look ...

Mrs. Bittle: Of the synopsis.

Mr. Snyder: Of the synopsis. Do you have a copy of the actual zoning ordinance?

Mr. Osborne: There's a copy at the library.

Mr. Snyder: I'll give you - I have a copy here.

Mrs. Magel: I suggest this goes - a copy of this goes to the library right with ...inaudible...

Mr. Osborne: And that would be fine too.

Mr. McLaughlin: That's a good idea.

Mr. Snyder: Inaudible...have this one here...

Mr. Osborne: That would be fine.

Mr. Snyder: that I'll make available to you then.

Mr. McLaughlin: That's a very good idea.

Mrs. Magel: Put the two together.

Mr. Snyder: Inaudible...

Mrs. Magel: May I say something?

Mr. Osborne: Yes, Mrs. Magel.

Mrs. Magel: I think that the fact that there's no one here for the public meeting is a confidence level for this council. We've worked on this book for years. I think there was some good compromises. The public spoke at a number of the public meetings that we've had and we responded and we responded positively to their needs. So I just think for the seven of us deserve a compliment - I think this is a compliment that the - that there's not a controversy on this zoning. That we worked so hard and we did listen to the public's input throughout every step of the way. And I think there trust that Jim and Gene were involved in it. And it might be odd that no one came to the public meeting but I think it's the confidence in this council. Thank you.

Mr. Osborne: Thank you Mrs. Magel. Anybody else on council want to...

Mr. Lindower: Mr. Osborne...

Mr. Osborne: Go ahead.

Mr. Lindower: Your opening statement was that you didn't care how we voted on something. Would you clarify that what that's supposed to mean?

Mr. Osborne: I said I don't care what you pass, just pass something.

Mr. Lindower: Okay.

Mr. Osborne: This has been six years in the making...

Mr. Lindower: Okay. I'm glad to hear to you...

Mr. Osborne: We know our zoning is sorely deficient. Before I was even sworn in the Law Director told me we needed this six months ago and that was back in mid - what would that be 2001. So it's long overdue. The core structure of it will provide the city some protection and bring it up to date. And again, it's not carved in stone, this can be tweaked, added to, fine tuned as issues come. And with a little forethought I hope that we anticipate some of these issues rather than reacting. So I'm just glad to see anything passed after six years and well over \$50,000.00 spent. And a ...inaudible...

Mr. Lindower: Okay, I needed a clarification on that. My opinion and what I've seen or what I've observed, let's put it that way, over our discussions on these zoning ordinances has been - Number one, each one of us who are elected officials had been elected by persons in our wards or by city constituents in the case of at large councilmen. I feel that the citizens have put their confidence in us as far as making decisions on what is good or what is bad for the city in view of the fact that we've got technical knowledge on what's going on, what's planned and so forth. And that in - with respect to that I'm happy to see you say that we need to move forward with this. I was just a little concerned when you said you didn't care how we voted. I think that that's a little bit of a loose statement to make. I think through our discussions and so forth that's probably predetermined what most of us feel about issues that have been debated in this zoning ordinance. So I'd like to see us move ahead with it if we could. Thank you.

Mr. Osborne: Okay. I guess actually we're getting off the public hearing portion, we're starting to get into more of a committee discussion. So I'm not trying to cut anybody off, but we can resume this when we return to the regular start time for council. If that's okay withinaudible.

Mr. Lindower: Yea.

Mrs. Magel: Well I would like a clarification. We are having three readings?

Mr. Osborne: Yes mam. That's...

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Mrs. Magel: Okay.

Mr. Osborne: required by law.

Mrs. Magel: I mean three consecutive - you were saying you wanted two and then stall it.

Mr. Osborne: I was assuming that everyone would like a complete...

Mrs. Magel: I know that's why I wanted clarification.

Mr. Osborne: unedited version. So whatever the quickest most efficient way of getting this in effect. If we start our first readings next Monday I think I had calculated some time in mid May that this would become effective - or the third reading would be in effect. So I guess that 30 days after that would be June - after the mayor signs it and it becomes effective just before our summer break. So I was really hoping we could get this in force before we break for the summer recess. So barring no further discussions...

Mrs. Magel: Well I still think it needs clarified. Council, are we - is it your understanding we're going to have next Monday our first reading, two weeks after that a second reading and two weeks after that a third reading?

Mrs. Kiesling: Yes.

Mrs. Magel: Okay.

Mr. Lindower: That's the way it usually works.

Mrs. Kiesling: And in hopes that the book will done from D.B. Hartt before the mayor signs it.

Mr. McLaughlin: But again we don't have to. It's...

Mrs. Kiesling: No we don't have to, but hopefully it would be.

Mr. McLaughlin: it's and I think - I'm in agreement too I'd like to see this thing go through as quick as we can. I know Kathy spent one whole year about every other day going over there - two years and she's done an excellent job getting 3/4's of it done along with Gene and Jim and everybody that has worked on it. So I'm very much in favor of getting this through.

Mrs. Magel: Thank you Rick. I'd like to say I'm not going to say that let's just pass anything. I'm confident that what's in here is good for North Canton.

Mr. Osborne: Well don't misconstrue my remarks. I know you worked very hard on this for several years

Mrs. Magel. I trusted you I was ready to pass what you turned out the first time. And a - but anyways...

Mrs. Magel: Thank you.

Mr. Osborne: it's encouraging that we're going to move ahead with this. So that's what I - all I have. Mr. President...

Mr. Snyder: There being no other further interaction from the public or council...

Mrs. Kiesling: No point.

Mr. Snyder: I declare the public hearing on this issue closed.

PRESIDENT OF COUNCIL

ATTEST:

CLERK OF COUNCIL