

RECORD OF PROCEEDINGS

Minutes of COUNCIL OF THE CITY OF NORTH CANTON

REGULAR Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, March 24,

7:00 pm

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 Jon Snyder.
3. All present recited the Pledge of Allegiance.
4. Roll Call

Mr. Snyder: Madam Clerk: Please call the roll.

The following members of Council responded to roll call: Foltz, Lindower, Magel, McLaughlin, Osborne, Snyder. Member Kiesling was not present. Also present were: Mayor Rice, Director of Administration Held, Director of Law Batista, Director of Finance Herr, City Engineer Benekos and Clerk of Council Bittle.

Mr. McLaughlin: Mr. President, I'd like to make a motion to excuse Marcia Kiesling from the meeting; seconded by Mr. Osborne. All members present voting:

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

No: 0

5. Mr. Snyder: May I have a motion to consider the minutes as presented:

Council Meeting of March 10, 2003

Special Council Meeting held March 19, 2003

Financial Statement as presented: February, 2003

Mayor's Court Receipts as presented: February, 2003

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

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

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 March 17, 2003.

Finance & Property Committee: Refer to the minutes on file in the Council Office of the Finance & Property Committee meeting held March 17, 2003.

Street & Alley Committee: Refer to the minutes on file in the Council Office of the Street & Alley Committee meeting held March 17, 2003.

Executive Session: Refer to the minutes on file in the Council Office of the Executive Session meeting held March 19, 2003.

RECORD OF PROCEEDINGS

Minutes of COUNCIL OF THE CITY OF NORTH CANTON

REGULAR Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, March 24 20 03

Mr. McLaughlin moved and Mr. Foltz seconded to accept the committee reports as presented. All members present voting:

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

No: 0

RECOGNITION OF VISITORS

Mr. Snyder: At this time is there anyone in the audience wishing to speak to the Council. If so, please step forward and state your name and address for the record.

Hi guys, you know me. I'm Kathryn Garcia, 1036 Park Ave. and I didn't get to come last week and listen to all your discussion but I have to say I was dismayed by the report of your meeting in the Repository. I'm pretty old but my memory still works good and I remember that we agreed that we were going to insist on a gravity flow sewer system and get rid of the lift stations in that proposed Sanctuary thing. I don't know what happened around here to make you change your mind but I want to remind you that we agreed to do it; we said it was going to cost us money; it was going to cost the developer money and you were not elected to worry about the profit margin of the developer and what's good for North Canton is what you need to be worrying about. And I can see if you change your mind, a hundred years from now they're still going to be running around here worrying about those darn lift stations so they don't back up into somebody's house. So give it some thought before you change your mind, okay?

Mr. Osborne: Mrs. Garcia, if I can add to your comments. I did propose that the developer set aside \$200,000.00 so at some future date when the City of Canton runs their core trunk line farther North the City of North Canton will not be stuck with paying for the expense of connecting that development to that core trunk line. So, ...

Mrs. Garcia: That's good but if you don't do what you said you were going to do from the get-go, you will not be able to do a gravity flow from Holl Road to Marquardt – no way, no way Jose, it just isn't possible.

Mr. Osborne: Well the reason we're giving them kind of a time period there until the City gets their core trunk north cause right now there's people in the area who are still on wells and they have to lower the water level while they dig that sewer line and if ...

Mrs. Garcia: Hey, is our water treatment plant so bad off that it precludes shipping water over there if it by any chance should happen to bother their wells. You know where that idea belongs, with the other stuff it smells like, right – flush it right down through the sewer. That's a crock.

Mr. Snyder: Thank you

Mayor Rice: Mrs. Garcia, if I can, let me clear up maybe– there might be some confusion here. We currently have three lift stations in the area – your Holl Road, Briar and Marquardt. The sewer going through the development of the Sanctuary is going to be a gravity sewer line which will allow us to eliminate your lift station....

Mrs. Garcia: On Holl?

Mayor Rice: that your concerned – up on Holl Road. That has not changed. Holl Road lift station, as I promised you before, is going with that development.

Mrs. Garcia: Put it in writing, I want to see it cause...

Mayor Rice: It's on record. It's in black and white.

RECORD OF PROCEEDINGS

Minutes of COUNCIL OF THE CITY OF NORTH CANTON

REGULAR Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, March 24

20 03

Mrs. Garcia: Okay. I apologize. I misunderstood the writing.

Mayor Rice: Here's what ... and this is why ... no, it's easy to get confused because there's three different lift stations.

Mrs. Garcia: I know

Mayor Rice: Gravity system is going to occur if it's in the City. We can only control what happens if it comes in the City – will be a gravity sewer system all through there.

Mrs. Garcia: From Holl Road to...

Mayor Rice: Holl Road will be eliminated...

Mrs. Garcia: to Marquardt

Mayor Rice: The City will eliminate and hook up Holl Road to the gravity system in the Sanctuary. The one at, was it Briar?

City Engineer: Right

Mayor Rice: Briar is the other one. That will be eliminated. No more lift stations. Those two are bye bye. That plan has not changed. The lift station they're speaking of that would possibly remain for the time being...

Mrs. Garcia: is the one on Marquardt

Mayor: is on Marquardt which would simply push the sewage from the south, far southeast corner of the Sanctuary down to the county line at East Maple. That makes no change on your lift station at Holl Road is still going to be gone.

Mrs. Garcia: Are you the one that has sign on to this when it becomes something, a finished deal.

Mayor Rice: What the CEDA?

Mrs. Garcia: Yea

Mayor Rice: Council has to vote to authorize me to sign it but yes. Ultimately I have to sign the CEDA agreement.

Mrs. Garcia: And you're not going to sign it unless Holl Road and Briar get out of there?

Mayor Rice: I'll guarantee you. I'm not going to support it, and this is on the record, I will not sign it, I will not support, any agreement that doesn't include the elimination of the Holl Road and the Briar lift stations.

Mrs. Garcia: Alright

Mayor Rice: We have been committed to those all along. That has not changed. The only one that will remain under the current plan is the Marquardt lift station. That's the only one right now that we may not get rid of right now. But Holl Road is still going to go. Briar is still going to go. That's on the record. Okay?

Mrs. Garcia: Okay. Alright, I'll hold you to that.

Mayor Rice: We promised you that a long time ago. We haven't changed. We haven't changed. And trust me, as politicians, we don't promise too much, or we shouldn't but that's a guarantee.

Mrs. Garcia: Okay

Mayor Rice: Okay

Mrs. Magel: Mr. President. For the record, some of us are still fighting for that Marquardt lift station and I am one of them. That if two of them should be eliminated because lift stations are so darn bad, I think the third one should be eliminated also. Just because there's not somebody up here verbally fighting for Marquardt, I will still fight for them.

Mr. Snyder: Sir, step forward and state your name and address for the record.

Ross Vukovich, I'm at 8490 Burkey Road. I've come back to see about potential, possibilities again of whether or not the water is going to be run up there. I know we've talked about this...

RECORD OF PROCEEDINGS

Minutes of COUNCIL OF THE CITY OF NORTH CANTON

REGULAR Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, March 24

20 03

Mr. Snyder: I think we okayed that. We've okayed that.

Mayor Rice: No, in fact, we were just talking that last week so we need to get together and speak with you again because Jim and I were – we just talked about that I think last week.

Mr. Snyder: Where'd we just run.

Mr. McLaughlin: No we ran it close to there.

Mr. Vukovich: You ran it to the new allotment and fed the allotment but we didn't get...

Mr. Snyder: Well, we just read, we just signed...did you just request ...

Mr. McLaughlin: No, no no no

Mayor Rice: no no no no

Mr. Benekos: That was Angel Pond. That was on the East side of Cleveland

Mr. Vukovich: That's actually me but that's on the other side, yes sir. But that, on the other side, on the West side of Cleveland Avenue in that Burkey Road, the whole length there, is what we were talking about.

Mr. Snyder: I would suggest Mr. Vukovich, we spoke about this, if you would get together with the Mayor and the Director of Administration and the Engineer and work something out and set up an appointment then they'll send the legislation to Council.

Mr. Snyder: Is there anybody else in the audience wishing to speak.

Hi, my name is Amanda Eckelberry. I'm a health educator with the Stark County Health Department and a member of the Stark County Tobacco Prevention Coalition.

Mr. Snyder: Will you give us your address for the record please.

Ms. Eckelberry: Oh yes. The Health Department address is 3951 Convenience Circle NW. We are here tonight to talk to you about the issues surrounding clean indoor air. I'll start a little bit with the tobacco coalition. I've brought some members with me and they also will be sharing a little bit also. The Tobacco Prevention Coalition was formed in 1997 to address the negative impacts of tobacco use in our communities. Members of the Tobacco Coalition include organizations and agencies throughout Stark County including American Cancer Society, American Lung Association, American Heart Association, Stark County and Canton City Health Departments, Mercy Medical Center, the Stark County Medical Society and others. Some of our efforts include clean indoor air, school policies, youth activities, work place policies, educational resources and of course cessation. Our mission statement is the tobacco coalition is dedicated to increasing the awareness of the harmful effects of tobacco. Our purpose here tonight is to address the issue of environmental or second-hand smoke. The harmful effects of tobacco are no longer debatable. Study after study has shown that almost four thousand chemicals are in tobacco smoke and forty-three of those are known to cause cancer – such as arsenic and benzene. In this time of terror attacks, every one is concerned about chemical agents like cyanide. The fact is the biggest exposure to cyanide comes every day in the form of second-hand smoke. These studies are based on findings from the EPA and the CDC. While the majority of Stark County residents do not smoke, approximately 70%, they still are exposed to its harmful effects when in public places such as restaurants. Children are at the greatest risk because their bodies are still developing. In children, ... (inaudible) is known to cause SIDS, pneumonia, bronchitis, asthma and ear infections. Yet, people still question these facts. The Tobacco Coalition and the Stark County Health Department have been working on smoke free dining and clean indoor for many years. In 1998, the Health Department produced the Stark County Smoke Free Dining Out Guide which listed 77 restaurants that were 100% smoke free. In July, 2001 the guide was revamped. Since then approximately 5000 guides have been distributed throughout the community. Currently it is being updated again and later this month, when it's released, it will list 148 restaurants that are smoke free. That's a 92% increase in smoke free restaurants in five years. Based on the food service licenses from all four of the County Health Departments, 21% of restaurants are smoke free. North Canton leads that effort with 51% of their restaurants being smoke free – followed by Louisville at 43%, Canal Fulton with 31%, Massillon with 26 and Hartville with 23. With an increased public awareness of the hazards of second-hand smoke and an increase in smoke-free restaurants, it is clear that smoke free environments are a way a life in Stark County. You're now going to hear from Joan Picone from the American Cancer Society.

RECORD OF PROCEEDINGS

Minutes of COUNCIL OF THE CITY OF NORTH CANTON

REGULAR Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, March 24,

20 03

Good evening. Joan Picone, American Cancer Society, Senior Cancer Control Director. Address for the agency is 925 South Main, North Canton. Shortly after our presentation you'll be receiving packets of information. This information includes letters of support from local businesses and agencies supporting a clear air initiative here in North Canton. A hard count of those Stark County restaurants that have already gone smoke-free as Amanda just mentioned, and again, it bears restating that North Canton currently has 51% of its restaurants that have gone smoke-free. You'll also receive information on pertinent facts about the Stark County Smoke-Free Dining Guide that was mentioned. You'll receive information about member coalition and our information. There's also an example of what we call an accidental smoker. It gives you examples of if you're sitting next to someone who is smoking what that does to your health even though you're not a smoker. There's a list of US communities in this packet who have already passed local ordinances for clean air. Some of those communities are in California and this was prior to California's initiation of a state wide smoking band. Why second-hand smoke is everyone's concern from the health perspective. You'll receive a model ordinance eliminating smoking in public places and lastly you'll receive a guide of the local smoke free restaurants. Now you're going to hear from Tenn Gall, North Canton resident and member of the Stark County Tobacco Coalition.

Thank you Joan. My name is Tenn Gall, I live at 1275 Janet Ave., NW. I'm the volunteer and I'd like to share with you this evening why I'm a volunteer. I have lost three members of my family to cancer. One because of lung cancer due to smoking. When I became involved with the American Cancer Society as a volunteer, talking about not smoking was not very popular and talking about second-hand smoke certainly was not popular. The research clearly indicates that it does kill. There is no discussion about that these days. My grandson will never know his grandfather. My daughter lost her father at a very early age. My son lost his father when he was a junior in college. My husband tried four or five times to stop smoking and he was one of those small percentage of individuals who are absolutely addicted psychologically and biologically and physiologically. I have become passionate about clean air, it is, especially for my grandson. It's terribly important. I moved into North Canton a few years after my husband died and this is a good place to be. It's family oriented. I see lots of no smoking signs – that makes me feel very, very good. There is, there are probably two restaurants, no names mentioned, that I will not go to because of the smoke but there are enough that I can enjoy. But we've got, we need to be very aware, we need to be concerned about our families. The other aspect of this is who works in restaurants: teenagers. What would restaurants do without teens? Many of them would not be able to survive. And here are our sons and daughters and grandsons and granddaughters working in restaurants where there is smoking. While you might say well they could go somewhere else but you know, they may not be as aware of second-hand smoke when they're kids. But we as adults ought to be aware of second-hand smoke. We deserve to take care of them and to be aware and of course the other thing is that, if there is no smoking in a business, the cleaning cost are reduced immeasurably. The windows, the ceilings, the walls and if you talk with people who own businesses that have gone smoke-free you will listen to them tell you that indeed it is a plus. So I would urge you to think about expanding the smoke-free environment in North Canton. Thank you.

Good Evening. You'll probably all wondering why we are here. I'm Debbbie Kline, I'm the Regional Advocacy Manager for the American Heart Association and the address for the office here is 4916 Hills & Dales NW. We're here to ask you to support clean indoor air in all public places, in all work places in North Canton. Why are we coming to you? Because you have a reputation for being a progressive community. And we would like you to stand out as leaders. When you do actually get a chance to take a look at your packet, there is a list included in there of communities across the country that have passed ordinances and you will notice that Ohio does not any communities. So we're coming to you to be leaders in the state, to be the very first ones in Ohio to pass a clean indoor air ordinance. You've heard about how the evils of second-hand smoke; you've heard the

RECORD OF PROCEEDINGS

Minutes of COUNCIL OF THE CITY OF NORTH CANTON

REGULAR

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, March 24

20 03

personal story so now we're here to ask you to take the steps and be that first community and be as progressive and continue with your progressive reputation. I would like to thank you for allowing us this time tonight and I would also like to ask if anybody has any questions.

Mr. Osborne: I would like to thank you for your presentation I am a life long non-smoker. I too have lost family members, mostly on my father's side, in their 50's and early 60's. I had a brother in law in his early 50's. I wouldn't hesitate to support any kind of non-smoking ordinance. I have a brother in Maryland; they have been state wide non-smoking for probably five years now. I believe Florida just passed a state wide non-smoking. New York, I believe they've just done it. I'd like to see us be a leader in that area of health and promote family health and I would certainly support it without hesitation.

Mrs. Kline: I think, and you bring up an interesting point. In California it's state wide and your correct Florida has gone state wide, New York is now looking at that. But in those states it has been like a ground swell approach where the communities have stepped forward and started to pass local ordinances before it was time to take it to the state. So again, you all can be the first ones. Any other questions. Thank you.

Mr. Snyder: Ladies, thank you very much for a very comprehensive presentation and those packets the Clerk will make sure that we each get one of them and please, you're welcome to stay for the balance of the meeting. Thank you very much again.

Mr. Osborne: Mr. President, if I may interject, I have some gentlemen here from Buckeye Energy Brokers to

Mr. Snyder: I appreciate that Mr. Osborne, we have a couple citizens that want to speak and then we'll to come presentation if that's alright.

Mr. Osborne: Okay

Mr. Snyder: I think Mr. DiFiori wants to speak and there's a couple in the back ... we'll allow them to speak.

My name is Casper DiFiori, 310 Fairview SE, N. Canton. I was here approximately a year ago and after that meeting I was harassed badly by people using whatever means the City had to throw at me. I decided to keep quiet because things maybe would calm down. They haven't. What really upset me was this week a person using the same objectivity, the same progress about an alley behind my house. She decided that she didn't want the Council to vacate. She went around to talk to the people to pass a petition; the same as Mr. Osborne did when he tried to get elected, got elected. She was searched out and accosted verbally by Mr. Osborne for doing what politically is what this country is about. This country states that if you don't like something, try to have it peacefully redone – which she was. Now I'm sure all of you can agree with me that's the way things are done. That's the way things should be done. A person acting as a council person has no right to interfere with the American way. No right whatsoever. And this has happened time and time again by the minutes I've read in the Repository, by my harassment and now by my neighbor's harassments. They say, he says he's representing a person. Well I've talked to two people on Council today and that person that is being represented wants because of a physical disability to increase the size of his drive – I was told Council has no problem with that. They'll never use that alley anyway. All it's going to do is cost us taxes, which I have to pay for something that I've keep cleaned and mowed and stuff for 27 years now, 26 years. I pay taxes in this City every year. That's more than a couple people on Council's done; one person especially. I think it is wrong for somebody to use their position in Council to try to strong arm a lady. And this lady actually made a police report which you all will have tomorrow about this incident. So now they're afraid to go out and try to petition. And this isn't right. We've got people fighting right now to protect our way of life and that is our way of life. Since the constitution was made there's been checks and balances and for one person to overstep their boundary time and time and time again is ridiculous, unprofessional to say the least unprofessional, ignorant and just unlawful. I would suggest to this Council that something be done about this. When you work on, when you get hassled, I'm a 52 year old person; I'm not in the best health. I can handle that. I backed out and it didn't even help. But

RECORD OF PROCEEDINGS

Minutes of COUNCIL OF THE CITY OF NORTH CANTON

REGULAR Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, March 24

20 03

when you start picking on people that are trying to do their constitutional right, this is wrong. The only thing he votes for is something that he wants. It's not what the people of this city want. It has never been. It's his agenda and always will be. He's says he wants to be Mayor smile all you want it's the truth. It's in the papers and everything else. You say you want to be Mayor, you can't even get along with the Council. How can you lead our City? I am personally taking up making sure that that doesn't happen by whatever legal ways I can and I will talk to people. I may not be a good speaker; I may be a hot head but when you start picking on the American way of doing politically things that is wrong and he should be chastised by the Board. He should be, worse than chastised, he should be thrown off for going against the American way to say the least. I wish the Council would make, have him make a public apology, in the paper, he seems to get his name in the paper every week. I think he should be made, not his wife, or anybody else or Council because it's not the Council, it's one person to be made to apologize to those two ladies to say the least. Cause you know that last time I set him off, I did it politically right, you tried to turn it around. He come storming up here and you know how he can be. And I believe it was the administrator that made him publically apologize to the women in the office. This is wrong. Things must be done. Our city is starting to be the laughing stock. And you know that ridiculous. I go all over the state, in fact three states, I'm just a dumb truck driver and I say I'm from North Canton and they start to laugh. Anybody that knows anything, and this use to be a very proud town. I've lived here a long time. I think my taxes and whatever have helped build this. This is only the second time I've ever spoke at a meeting. First time it cost me big time. This time I don't care anymore. I don't want to see ladies, people, children, students anybody see what's happening in North Canton by one person. That one person making a mockery out of justice. The political way. The American way. And it is just beyond me that this can keep happening and nothing is being done. I think, and you know, I'm sure Mr. Snyder and Mr. McLaughlin, I'll have zoning on my butt, I'll have police on my butt, I have the fire department on my butt because he can't face me in a way that I face him and I face this council and it's a duty to this council to do something about this. Whether I'm right, wrong, he's says he's got - he's even on TV on these political state what do they call that where he announced he was going to be Mayor. You know, he goes just far enough not to tell the truth. The Oster problem, is that the biggest aquifer we have, sure it is. Is the water polluted? That something he hasn't told anybody. He doesn't bring that part up. How much does it cost to go underneath Route 77. Because that's what he wants, not what the people he represents want. What he wants. He'd rather spend a million dollars in legal fees fighting this Council than he would for a hundred thousand dollar light that might save a life. Big deal. If he'd spend five - two hours at AutoZone where I work part time on a Saturday and watch the near accidents that happen there, oh, we can lower the speed limit five mile an hour, come on, get your graphs and stick them up your butt. I mean you go all, if you'd get a job maybe you would for once figure out what it's like to work.

From audience: Sir, how long do we have to listen to this?

Mr. DiFiori: I'm done. I'm done sir

From audience: Isn't there a time limit?

Mrs. Magel: No, there's no time limit.

Mr. DiFiori: I'm sorry if I offend you.

From audience: Sit down, you've said enough

Mr. DiFiori: I speak the truth. That's what the public speaks is about sir. I speak the truth. From knowledge ...

Mr. McLaughlin: Mr.we can't

Mr. Snyder: Gentlemen: We can't allow individual debate.

Mr. DiFiori: You're right. I'm sorry. I will let this off. I will sit down now. But I beg this Council to do something about this problem. Quit making us a laughter but now not only Stark County but around the State. I swear I was going to come up here Christmas and ask for a vote of Council whether the 25th should be Christmas or not and I would bet money that there would be one voice against it. This is wrong. Thank you.

RECORD OF PROCEEDINGS

Minutes of COUNCIL OF THE CITY OF NORTH CANTON

REGULAR

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, March 24

20 03

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

I'm Richard Dowding, 256 Hume NE, North Canton. I didn't plan to talk tonight but I'm just disgusted that this kind of tirade is permitted to go on in this body. I found Mr. Osborne to be one person in this group that I've had concern I can talk to. I sent each of you a letter about six weeks ago about the traffic situation. He was the only one that responded to me. I find that he is, I'm glad he's here, I'm glad that he raises some questions once in a while and it bothers me immensely that you sit here and let that kind of a tirade go on against one of your members. No wonder North Canton is the laughing stock. You let it go on.

Mrs. Magel: Mr. Dowding. Mr. Dowding. There's been an incident that happened and you're probably not aware of it. There's been a police report and something very seriously happened.

Mr. Dowding: I've got a whole folder here of stuff that's been going on in this Council in the last six months. I'm not, I'm not surprised.

Mrs. Magel: We have to protect our citizens.

Mr. Dowding: okay...inaudible

Mr. Snyder: Anyone else wishing to speak to the Council this evening?

Mr. Osborne: Mr. President

Mr. Snyder: Mr. Osborne, this is public speaks sir. I can't acknowledge you right now. Is there anyone in the audience wishing to speak? Sir, step forward, state your name and address for the record.

Seth Johnson, 8130 Stonebridge NW. I just want to say I know that I'm kinda lot a representation here for Hoover High School. We just want to say thanks to you guys for doing your job and doing what you're doing and I know we always don't stay for the you know the latest part of the meetings but we do like to see what's going on here and everyone you know how they always chip in so thanks a lot.

Mrs. Magel: Thank you Seth.

Mr. Snyder: Thank you. And I've always said it's always a pleasure to have the young kids from Hoover here. We do appreciate it. We always hope you come back. It was very kind of you to say that. Anybody else wishing to speak? If not, I'll recognize Mr. Osborne and your guest this evening.

Mr. Osborne: Mr. President, I'd like to introduce two gentlemen from Buckeye Energy Brokers. Mr. Tom Bellish and I believe it's Mark Burns. They're going to make a presentation on gas aggregation. I was approached by a citizen here a few weeks back and I went down and talked to the City of Canton and was able to talk to the Law Director who has been quite instrumental on their gas aggregation program and I thought we could just get a little primer tonight as to how their process works and we'd go from there. So, Mr. Bellish, the show is yours.

Yes, thank you. Mr. President, Members of Council, my name is Tom Bellish, I'm the Chief Sales Engineer for Buckeye Energy Brokers. Our address is 8870 Darrell Road, Twinsburg, Ohio. Tonight we'd like to have discussion about natural gas aggregation, little bit more about Buckeye Energy Brokers and how North Canton can take advantage of deregulation and it's choice in the natural gas market. I have some handouts here I'd like to hand out and then a short presentation as well. (handouts distributed) We'd like to start off tonight is about the endorsement in the Canton Repository. This was last year Buckeye Energy Brokers worked with City of Canton and there was being part of the ballot it was endorsed by them. We have the

RECORD OF PROCEEDINGS

Minutes of COUNCIL OF THE CITY OF NORTH CANTON

REGULAR Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, March 24

20 03

...inaudible, which is, it's in the handouts if you want to read that further. It was endorsed by the Repository and next I'd like to bring up how the vote went in Canton it was more than 2 to 1 it passed.local communities passed it and started programs, the Village of Brewster is one, passed it easily. Here's one of our communities Buckeye Energy Brokers is working with. ...inaudible ...community of Green it passed 3 to 1 and up in Summit County communities have passed as much as 12 to 1. These are communities Buckeye Energy Brokers is working with. So you can see there's a lot of public interest in the subject of aggregation. But what I'd like to do is have Mark Burns come up and talk about the Stark County Council of Governments their participation there ...

Thank you Tom. I just want to point out that Buckeye Energy is already working with North Canton to help you control your natural gas cost and that was through the Stark County Council of Governments' program. Couple of years ago we set up a program with 18 communities in Stark County, well over 100 natural gas accounts and aggregation is simply a concept of bringing together natural gas loads or electricity loads and bring them together so that you have like a big buying group in a short period of time and you can use that power to go out and get better rates with suppliers. We put together a program in Stark County there's over 18 communities participating, over 100 accounts and here in North Canton you have 11 facilities just like we're in tonight that are benefitting from that power of aggregation. And the same concept supplies over 100 cities doing this for the residents and businesses bringing them together the governments are a natural choice for that. So often we think of government initiatives taking money out of people's pockets to do public works well here's a chance for government to go ahead and use their power to aggregate to put money back in the pockets of people. And I mention here there's 11 North Canton accounts, nine of which are choice accounts, tend to be smaller ones they've used less than 2000 mcf per year. Put that in perspective, a typical homeowner uses about 125 mcf per year. This facility may be one of those choice accounts. You have two large ones; one on Freedom Ave and the other one 7th St. They fall under a general transportation service category and just trying to show the rates here that we were able to negotiate. Your program over these facilities you're paying 5.30 and 5.17 per mcf – mcf is a thousand cubic feet of gas – standard measurement for gas by the utilities. The local regulated rate for this upcoming month is going to be 7.05 per mcf. So you can see quite a bit of savings there. And then that just shows you how much volume we'll use over the course of the year.

Mr. Osborne: So that current price is what you have locked in to for this season.

Mr. Burns: Last October we entered a, we went out and negotiated with our 16 suppliers, brought back a number of options and the option that was chosen was to lock in a fixed price. Under Law Director {Director of Finance} Julie Herr, working with Stark County she raised a lot of good questions, had some issues and I hope she's found our answers and our responses to be more than satisfactory but, yes, we locked in a one year fixed price. Speaking of prices, here's what the local utilities charged going back as far as we can find data for this. Seven year history you can see it on this chart, every three months the local utilities go down to Columbus and adjust their gas costs through the Public Utilities Commission of Ohio. The local utility does make any money on gas, it's strictly a pass through and you can see for about from 1996 up to the fall of 2000 prices hovered in the 3 to 5 dollar range and just coincidentally or because of a couple cold winters that when deregulation cam to Ohio you can see what happened to the prices. They went from the 4 or 5 dollar range and shot all the way up to \$8.70. They've since gone back up to over \$7.00 this winter and I'm sure there's members up here and members in the audience who'd like to have some additional options trying to control those costs and we think once again government aggregation is a way that a community like yours can go ahead and form a big (inaudible) short order. And there are even other communities in the area that are expressing an interest and possible working with you. Plain Township has contacted us and with your geographic border with them they may be a logical choice to talk to. But anyhow the idea of getting yourself in a position to go ahead and enter contracts when the markets

RECORD OF PROCEEDINGS

Minutes of COUNCIL OF THE CITY OF NORTH CANTON

REGULAR

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held March 24,

20 03

are favorable so that you don't subject your residents to those peak prices particularly in winter time when they're using more of their gas.

Mr. Osborne: Mr. President, do you have a question?

Mr. Snyder: No. I was just trying to figure the difference. I see where it spiked there at nine dollars and some cents.

Mr. Burns: Yea, this line right is showing when deregulation in Ohio – Dominion East Ohio service territory occurred. And we did have a cold winter that year and we're having a cold winter this year no one denies that. But we also think there's some fundamental things that have happened in the market place that we're going to continue see, just because of deregulation. So that volatility, high and low, we expect to be much more than what we saw back here in the regulated environment and you know, a community like yourselves either has the expertise or can contract the expertise with a firm like ours so that we can set up a program and when the opportunities are right we can go ahead and enter up a contract for you. At this point I'll turn it back over. We don't want to take up too much of your time. My partner and he's going to talk about some of the options for the different types of programs.

Mr. Bellish: Thank you. I talked to Mr. Osborne earlier and mentioned a couple of the options that you can do with an Opt-in Program. A person has to affirmatively make a choice to enter the program whereas Opt-out the notices are sent to all eligible customers. Eligible customers are those with Dominion currently. If you're with an alternate marketer your not eligible for Opt-out program. You have to do something to get yourself in, make a phone call or something like that to get into the city's program. This will only affect those with Dominion's supply right now. So, one of the things you might want to note about an Opt-in program typically 10/15% participation rate and with an Opt-out we've even had participation rates as high as 90% in other communities we've been working with.

Mr. Osborne: Tom, if I could interject here when I talked with Mr. Martuccio, the Law Director, they got into this program in a two step process. The first winter they locked in a price and residents had to opt-in to participate. They weren't locked into it automatically. They could test the waters and opt-in. Given that there's a lot of interest in an opt-in program, you would naturally think that most residents would want this kind of program so what Canton did, and you have to correct if I'm wrong, they locked in a program and they put it on the ballot and let the residents decide. Do we want to lock all of our the City of Canton into a fixed gas price and it passed very successfully so at that point once the residents have voted on this in a referendum all residents were locked into this program unless they want to opt-out. So, you can get your feet wet for one winter by opting-in once the City has locked in a price. If it's quite successful, if you want to continue you can pass legislation. I believe Tom has some sample legislation. Mr. Martuccio gave me some sample legislation from the City of Canton. It goes on the ballot and then you're in, you're geared up and ready for the next winter. And then if residents would prefer to take the risk and think they can do better on their own, as an individual, they can opt-out and do what most people are doing today in the City of North Canton you're just locking in a price as an individual. Is that...

Mr. Bellish: That's right. The opt-out program just give residents an additional opportunity. One difference can be pricing; notice the pricing can be a little bit better for an opt-out because of the critical mass the number of customers who are in it. Like I was just saying, 90% participation in an opt-out, maybe 10/15% in the opt-in.

Mr. Osborne: That's very interesting Mr. Martuccio did not really emphasize that there's better pricing in an opt-out program rather than an opt-in program. So, that's something, as an incentive I guess to ...

Mr. Bellish: And it's possible, it's just, notice it's just another community to work with. We've noticed that. I think the City of Canton is hard to compare because it was two

RECORD OF PROCEEDINGS

Minutes of COUNCIL OF THE CITY OF NORTH CANTON

REGULAR Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, March 24

20 03

different time periods. The market's showing how volatile the markets been. So is it a question of market or is it a question of the program structure. It's hard to tell but generally just more suppliers ...inaudible... opt-out of the program...

Mr. Osborne: They see that there's going to be widen participation in an opt-out program.

Mr. Bellish: That's right.

Mr. Osborne: Okay

Mr. Bellish: And just talking about – put together some numbers using the population of North Canton and what example savings rates you know we can kind of expect 10% savings for a program like this and this is based on 5600 households participating – small businesses can participate as well in a program like this. So it can be offered to them if they wish to opt-out they can. ...inaudible... one more choice they can look at.

Mr. Osborne: So this is a savings that a home owner can realize...

Mr. Bellish: Right, home owner wide and then city wide at the different rate.

Mr. Osborne: This last year, what was the savings in the lock-in price – between the lock-in and the current cost.

Mr. Bellish: I know the City of Canton locked in at 4.98 and at Dominion East Ohio it was about 6.01 for that same period.

Mr. Osborne: Well what percentage of savings was that.

Mr. Snyder: 46

Mr. Bellish: Between \$5.00 and \$6.00 there was the difference

Mr. Snyder: That puts you in between 4.70 and...

Mr. Bellish: \$4.98

Mr. Snyder: 4.98 and what was there figure.

Mr. Bellish: 6.01

Mr. Snyder: 6.01 so it's a ...

Mrs. Magel: so it's 5 cents

Mr. Osborne: So that's 20%

Mr. Snyder: 20%. Yea, it's about 18 3/4

Mr. Osborne: That's even better savings than what you show up there then.

Mr. Bellish: That's right but there, you know, that's just a quarter but it's a most important quarter. Their program was fixed in the winter, variable in the summer. The winter is where the bulk of usage is so that's where we like to lock in to a fixed price if you can. And it's not an option, their program structured that it's not an option to the average resident throughout Ohio. That particular program's specific to governmental aggregation. This is some of the things that Buckeye Energy would handle. We would expect very little administration on the city's side. We handle all the phone calls and all the liaison with the supplier. You hold the public hearing – it's required if it passes on the ballot, put on the ballot. We have a lot of experience in aggregation overused us for their program.

Mr. Osborne: I believe Mr. Martuccio said he had I guess interviewed or took bids from probably a dozen different brokers and you guys have stood out two years in a row for them and they're quite happy with...

Mr. Bellish: I appreciate that – appreciate him saying that. I'll thank him. But really the next step – any questions, I'll be more than happy to answer them. ...inaudible... review a proposal – submitted one tonight to Mr. Osborne and look forward to working with the City of North Canton.

From audience: And how do you people get paid then.

Mr. Bellish: It's in a detail in our proposal and it's really, our proposal is confidential....working with Council.

Mr. Osborne: I think he's asking where you, what your profit is in this.

From audience: How do they get paid is what I'm saying. If that's confidential, this is not confidential to the City of North Canton is what I'm saying it's the residents. Why would that be confidential and the other one is not.

RECORD OF PROCEEDINGS

Minutes of COUNCIL OF THE CITY OF NORTH CANTON

REGULAR

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, March 24

20 03

Mr. Bellish: It's confidential to our competitors. I mean I can tell you but I don't want to tell our competitors.

Mr. Osborne: Well, you resell the gas, right. You lock...

Mr. Bellish: No, we don't buy the gas, we don't take title, we don't take title to the energy. We are consultants; we're a certified brokers and we work with bringing in the best offer and doing the administration of the program.

Mr. Snyder: Sir, if you like, you're more than welcome to stay and if there's some questions after the meeting that you might engage with a councilmen if you'd be so kind. I do appreciate you taking the time to make the presentation.

Mr. Bellish: Thank you.

Mr. Snyder: Any time sir. Is there anyone else in the audience wishing to speak?

Mr. Osborne: Thank you Mark.

Mr. Snyder: If not...

OLD BUSINESS:

8. Mr. Snyder: May I have a motion to read by title only the second reading of Ordinance No. 40-03.

Mr. McLaughlin moved and Mr. Foltz seconded to read by title only second reading of Ordinance No. 40-03. All members present voting:

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

No: 0

Ordinance No. 40-03 - Second Reading

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

Mr. Snyder: Chairman Lindower?

Mr. Lindower: Yes, this is again just the amendment to place in the writing into the Personnel Handbook a written travel policy. We discussed this in the past.

Mr. Snyder: Any question of the Council? If not, may I have a motion to adopt the second reading of Ordinance No. 40-03.

Mr. McLaughlin moved and Mr. Foltz seconded to adopt the second reading of Ordinance No. 40-03. All members present voting;

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

No: 0

9. May I have a motion to read by title only second reading of Ordinance No. 41-03.

Mr. McLaughlin moved and Mr. Foltz seconded to read by title only second reading of Ordinance No. 41-03. All members present voting:

Yes: Snyder, Foltz, Lindower, Magel, McLaughlin

No: Osborne

Ordinance No. 41-03 - Second Reading

An ordinance authorizing the Mayor of the City of North Canton, through the Board of Control, to enter into a professional service agreement for the groundwater quality evaluation of East Maple well field.

RECORD OF PROCEEDINGS

Minutes of COUNCIL OF THE CITY OF NORTH CANTON

REGULAR Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, March 24

2003

Mr. Snyder: Chairman McLaughlin.
Mr. McLaughlin: We're going into EPA letting us to go into quarterly testing of our wells on E. Maple and it's the same process we did over on Dressler. I'd like to get that thing started so that we can start checking our wells, get a game plan in the future of what we do with those E. Maple oil wells, excuse me water wells, excuse me.

Mr. Snyder: Any questions of Council
Mr. Osborne: Mr. President, I'd like to make a couple comments. As I mentioned once before I'm quite concerned with the possibility that if this was put in operation we're going to dry up a lot of wells in that area. I'd like to see the City begin aggressive evaluation and testing at the Oster well field. As I've shown in Ohio Department of Natural Resources maps, it's located in the highest source of water in all of Stark County and I have not heard anything as far as the testing and that's all I have to say.

Mr. Snyder: Is there a motion to adopt the second reading of Ordinance No. 41-02.

Mr. McLaughlin moved and Mr. Lindower seconded to adopt the second reading of Ordinance No. 41-02. All members present voting:
Yes: Foltz, Lindower, Magel, McLaughlin, Snyder
No: Osborne

NEW BUSINESS:

10. Mr. Snyder: May I have a motion to read by title only first reading of Ordinance No. 47-03.

Mr. McLaughlin moved and Mrs. Magel seconded to read by title only the first reading of Ordinance No. 47-03. All members present voting:
Yes: Lindower, Magel, McLaughlin, Osborne, Snyder, Foltz
No: 0

Ordinance No. 47-03 - First Reading

Ordinance No. 47-03 authorizing the Mayor of the City of North Canton, through the Board of Control, to enter into a Project Funding Agreement by and between the City of North Canton and the Stark County Area Transportation Study (SCATS) for the South Main/Everhard Improvement Project (STA-CR 66-Main St) and declaring the same to be an emergency.

Mr. Snyder: Chairman Magel
Mrs. Magel: Yes, as discussed this is for the intersection of South Main and Everhard for the improvement that will be there. The request is to have this on an emergency because what we're really doing is entering into a project funding agreement which we would like to see as soon as possible. Funding agreements -- money coming our way -- with SCATS to assist in this project. I think we all know that intersection needs improvement and we would like to start on this as soon as possible.

Mr. Snyder: Any discussion? If not, may I have a motion to adopt first reading of Ordinance No. 47-03.

Mr. McLaughlin moved and Mr. Foltz seconded to adopt the first reading of Ordinance No. 47-03. All members present voting:
Yes: Magel, McLaughlin, Osborne, Snyder, Foltz, Lindower
No: 0

RECORD OF PROCEEDINGS

Minutes of COUNCIL OF THE CITY OF NORTH CANTON

REGULAR Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, March 24

20 03

Mr. McLaughlin moved and Mr. Foltz seconded to suspend the rules for Ordinance No. 47-03. All members present voting:

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

No: 0

Mr. McLaughlin moved and Mr. Foltz seconded to adopt under the suspension of rules Ordinance No. 47-03. All members present voting:

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

No: 0

11. Mr. Snyder: May I have a motion to read by title only first reading Ordinance No. 48-03.

Mr. McLaughlin moved and Mrs. Magel seconded to read by title only first reading of Ordinance No. 48-03. All members present voting:

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

No: 0

Ordinance No. 48-03 - First Reading

An ordinance authorizing the Mayor of the City of North Canton, through the Board of Control, to enter into an agreement for the purchase of four (4) police cruisers for use by the Police Department, within the purview of the Ohio Cooperative Purchase Act, or, in the alternative, authorizing the Board of Control, 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 to enter into a contract for the purchase of four (4) police cruisers for use by the Police Department and declaring the same to be an emergency.

Mr. Snyder: We talked about this last week. This was part of the capital appropriation for the City 2003. We'll be purchasing four cars; we're going to alternate where in the past we purchased I believe 7. Is there any comment on that?

Mr. Osborne: Mr. President I'd like to make a couple comments. I'm gathering some information together researching the fact that emergency vehicles, police vehicles need higher visibility. I'd like to see a some close study of some previous research that has been done in that area. I spoke today from a former chief of police he's head of an outfit called the "International Association of Chiefs of Police" and as you requested I will be forwarding this information to Chief Grimes.

Mr. Snyder: Good

Mr. Osborne: I did have a resident speak to me about this a couple of months ago which is this is what kind of raised my concern that the visibility, especially at nighttime, of our city vehicles, city police vehicles needs to be greatly improved for safety. We need to have more visibility and prominence. I think it would reinsure the citizens and improve traffic enforcement here in the city. So I will be passing it on and if there's anything particularly interesting I would be glad to share it with the rest of Council.

Mr. Snyder: I appreciate that and if you'd be so kind to give copies to Mr. Lindower's the Chairman of that committee. Now, are you, we're alright with passing, continue to pass this ordinance or are you...

Mr. Osborne: Yes, I will

Mrs. Magel: Mr. President, for the record. This is the first reading - comes from the account 5150 for \$100,000.00.

Mr. Snyder: Thank you for that. Any other questions of Council? If not, may I have a

RECORD OF PROCEEDINGS

Minutes of COUNCIL OF THE CITY OF NORTH CANTON

REGULAR Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, March 24

20 03

motion to adopt the first reading of Ordinance No. 48-03.

Mr. McLaughlin moved and Mr. Foltz seconded to adopt the first reading of Ordinance No. 48-03. All members present voting:

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

No: 0

Mr. McLaughlin moved and Mrs. Magel seconded to suspend the rules for Ordinance No. 48-03. All members present voting:

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

No: 0

Mr. McLaughlin moved and Mrs. Magel seconded to adopt under the suspension of rules Ordinance No. 48-03. All members present voting:

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

No: 0

Mr. Snyder: Being no other business I guess is there...

Mr. Osborne: Mr. President I'd like to amend the agenda to include the first reading of the City's proposed North Canton zoning ordinance. I drove up to D.B. Hartt today picked up the one hard copy which Gene has ran off a couple copies and the CD and I would like to get this moving.

Mr. Snyder: Is there a second?

Mr. Osborne: No one wants to second this? Two weeks ago we were going to start reading this before we even had back a hard copy. And now we have a hard copy and no one wants to start on this. When do you want to start on this?

Mr. Snyder: I would suggest that you provide a – we'll have – the clerk will provide a copy to the members of council. Has that gone through committee already or this has to come back through Committee since it's been redacted.

Mr. Osborne: Mr. Law Director

Mr. Batista: I think we've got a committee report on it and didn't we agree what was going to be pulled out.

Mr. Snyder: Yes

Mr. Osborne: Yes sir we did.

Mr. Batista: I don't need another one

Mr. Snyder: Well, the question is then I would send it to – my suggestion would be to expedite it if that's what your it's your intentions are obviously is to have the Clerk provide each member of the Council a copy this week and we will not meet next week as it is the fifth Monday however the first Monday of April will be the 7th, which is a working meeting I believe is it not and at that point, I know there's other legislation to be considered for a meeting after the ...

Mrs. Bittle: We can't do the zoning at a special meeting.

Mr. Snyder: Oh it's a special meeting. It'll have to wait until the 10th or 14th. Now that's right, it's zoning.

Mr. Osborne: 14th of April

Mr. Snyder: Yea, it's, you're not allowed to consider zoning at a special council meeting.

Mr. Osborne: Well, Mr. President, I tried, several people tried calling you today so we could have Kinko's run off numerous copies for the library, for all of council, for the council chambers. You were unreachable I guess.

Mr. Snyder: Well, that sir I find very unlikely. Simply for the fact that I do have voice mail on the home, my office, my new business that I'm working on and also I have a cell phone which I am totally accessible any time. Now I might not answer the phone but I will return a call normally within 15 minutes of receiving it. So, to the best of my knowledge, I received no calls from anyone about that.

RECORD OF PROCEEDINGS

Minutes of COUNCIL OF THE CITY OF NORTH CANTON

REGULAR Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, March 24

20 03

Mr. Osborne: Well, I believe the Clerk of Council did call you today. It was...

Mr. Snyder: She did, and I spoke to her twice. But I did not at any time speak of that ordinance.

Mr. Osborne: Well, this Council did agree ...

Mr. Snyder: Well, sir...

Mr. Osborne: May I speak sir, I have the floor.

Mr. Snyder: No sir, you do not have the floor. No sir, you do not. There's no motion on the -- there's a motion, it's died for a second. That's the end of it.

Mr. Osborne: Okay Mr. President may I speak though.

Mr. Snyder: No sir, you may not speak. There is nothing before you to speak. At this time I'll consider reports.

REPORTS:

Director of Law: Today we received a request for my attention on a taxpayer's suit in respect to the traffic light at Wilbur and North Main. It came from the law office that represented Mr. Osborne when he previously made a request for a taxpayer suit, which is an interesting coincidence and Mr. Osborne you can tell your attorney I'll respond to this on Thursday.

Mr. Osborne: Mr. Law Director, I did not bring the law suit.

Mr. Snyder: Thank you.

Director of Finance: I just wanted to make mention that on our web site now there is a link that you can access the weekly agenda for the council meetings. It is on there.

Mr. Snyder: Thank you.

Director of Administration: No report

Mayor: No report

City Engineer: No report

Clerk of Council: No report

REPORTS - COUNCIL:

Mr. Foltz: Roy, just so I understand this clearly, you're saying that the law firm that was used by Member Osborne earlier this year sent you a letter concerning the light at Wilbur.

Mr. Batista: Excuse me.

Mr. Foltz: Concerning the light at Wilbur that this Council approved.

Mr. Batista: Yes.

Mr. Foltz: Unbelievable. That's all I have to say.

Mr. Lindower: No report

Mr. McLaughlin: I'd like to thank Mr. Held for that sign up there on Schneider Road. It does make a difference. I think people did notice the bigger sign about not blocking the driveway into Walgreens and backing up the traffic. I thank you on that. Second of all, I know that Spring's coming up and I know that we'll be putting out our list of streets to be paved and I, as you know, I like to get my list to you probably, hopefully in the two weeks because I've got a couple streets on it ... like Pershing and a few others on there. So I would like to have a list and I'll give it to Kathy too that some of the streets I'd like to have paved for this year.

Ms. Magel: Yes, I have two things. First of all as Rick alluded to, I am the Chairman of Street & Alley, which Alley 4 comes under. Apparently there will be a police report come out tomorrow

RECORD OF PROCEEDINGS

Minutes of COUNCIL OF THE CITY OF NORTH CANTON

REGULAR Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, March 24

20 03

and I reserve any comments until I see what really happened and I have loose facts but I think this needs further looked into. Second thing, I'd like to talk to the Administration about a unique situation that happened Friday night. I went to the concert at the Cleveland Pops at Severance Hall and it was a specialty on John Williams for Superman, ET, Star Wars – the whole show was...the specialty of it all was this was first time ever, ever that there was a performance for Schindler's List. So Cleveland was the number one, the Cleveland Pops unveiled and we received special letters from John Williams accolading Cleveland for its initial, for its music and to be the premier to ever have the single for Schindler's List. But that's not what I wanted to talk about. The end of the movie, the end of the theater, the conductor as you remember has the red clarinet and he plays that bar scene from Star Wars. I can tell you everyone in the ... it was standing ovation. Everyone was happy and it was a cheerful moment. And I'd like to say that the City of North Canton gets the privilege of seeing that for free. And I would like to tell you it was a standing ovation, it was a sell out performance. It's the same conductor and the same band or orchestra that comes down to North Canton and performs for us for free. And I just thought, I'd like to thank the administration for its – allowing the citizens of North Canton to see that cultural for free because believe I paid a lot of money for my ticket up there. But, just wanted to say something positive. Thank you.

Mr. Osborne: Thank you Mr. President. I would like to continue what I started earlier. This council two weeks ago was in agreement that we were going to read this legislation - two weeks ago, even though we did not have a hard copy. And the Law Director counseled us, advised us that you really should wait for a completed hard copy to be compiled. We were told it might be as much as one or two months before it would be available. Well, I've coordinated with D.B. Hartt in Cleveland. They were able to get it done today; I drove all the way to Cleveland – half of my day, gas, mileage to bring this back and there was total agreement that we were going to pass this. The Law Director hustled over the weekend to write the legislation. Here's the legislation. It's all ready. This council will do anything to snub me whether it endangers this City or not. Now it's going to be quite funny if in two weeks they're ready to vote on this but tonight they're not. We could have this enacted two weeks earlier and it's clear to me that they just want to say Mr. Osborne, we're going to show you, you drove to Cleveland for nothing at your expense. And we don't care whether it hurts the City or not. We're going to delay this vote. It's been over six years to get this to this point. So, if that's what you want to do, that's fine and dandy. I'll be glad to tell the .. Mr. Berardi over there on Salway and the whole group, the hundreds of people who signed that petition that Council would rather snub Mr. Osborne than do what's best for this City and start voting on this new proposed zoning. So, ...

Mrs. Magel: Mr. President, may I speak. What a crock? Would you please define we? Do we have a copy. You just told this audience we said we were willing to vote when we had a copy. Do we have a copy? Yes or no.

Mr. Osborne: The Law Director said...

Mrs. Magel: Do we have a copy.

Mr. Osborne: We have a copy right here.

Mrs. Magel: We?

Mr. Osborne: I will share this with anybody that wants to look at it.

Mrs. Magel: I'm suppose to read that in a half of minute?

Mr. Snyder: Let's not engage in individual things. Is there...

Mr. Osborne: Well, I will just let this be in the record that everybody just sat here and they're going to wait two weeks. Nobody is going to read this. We've been reading it for six years.

Mrs. Magel: I give you my word that I will read that.

Mr. Osborne: You've already it. The two years you were chairman.

Mrs. Magel: Not that. I've not read that.

RECORD OF PROCEEDINGS

Minutes of COUNCIL OF THE CITY OF NORTH CANTON

REGULAR

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, March 24

20 03

Mr. Osborne: Well, okay.

Mr. Foltz: Jon, just to follow up if I may.

Mr. Osborne: Endanger the City.

Mr. Foltz: Thank you. Kathy, once again, you're the only one that's really done their homework on this, that's pushed this through. We had meetings that we came in before Council, after Council, during Council, we solved a lot of these issues that were lingering out there for months if not years. Okay. And this Council is not snubbing our residents, our constituents or this City when we choose to look at a hard copy and have enough time to review it. And I know when Council member Magel says she's going to review it page by page, that's what she's going to do.

Mrs. Magel: Thank you.

Mr. Foltz: Because this woman is very thorough and has spent weeks on this zoning ordinance. And I think to come here in the 11th hour Member Osborne and to expect us to just pass something after we had the Law Director explain to us earlier that we had to have a hard copy on it is unreasonable. Two more weeks is not going to hurt the process at this point. And I agree with Kathy, let's all get familiar with what we said and make sure it's in the book and I'll be more than happy to pass the first reading.

Mr. Osborne: Two weeks ago you were going to pass it without even having a hard copy. And the Law Director had to intercede and said let's wait until it's recompiled. It's all recompiled. Here it is. I don't know why Gene Hemminger didn't send over a few other copies. I don't know why the president of Council didn't return a call so we could rush it over to Kinkos and have the printing presses rolling. I know what's going on and they would rather endanger the City.

Mr. Snyder: Madam Clerk, would you please for the record did you contact me regarding the duplication of that?

Clerk Bittle: I had a call into you on another matter when Chuck came in, Mr. Osborne came in with the zoning.

Mr. Snyder: And I had no contact Mr. Osborne relative to that particular thing right there so please do not read something into there that I had no part of.

Mr. Osborne: So you did not call back in the 15 minutes that you said you're available.

Mr. Snyder: I most certainly did. Sir, I do have a living. I have to make a living and I do spend a lot of time on Council business however I do make a living and I am not at the beckon call of you or anybody else of Council be it the Clerk or the Mayor. I make myself available by voice mail.

Mr. Osborne: Why was this issue not address with her?

Mr. Snyder: Sir, it was of an important issue. It was on the agenda ... it was not. I'm sorry you do not have the votes to get it off on the floor. It should have been put on the agenda the way it was suppose to get done.

Mr. Osborne: We didn't know if this would be back today. It was...

Mr. Snyder: I'm sorry. Sir.

Mr. Foltz: Once again, Member Osborne you took on yourself to do something without going through proper procedure. It's that simple. Okay. You might have had good intentions but the bottom line is it wasn't in our packet. It was 11th hour. It was not known to me until right - at this meeting tonight that we were going to review this or look to vote on it. It's that simply.

Mr. Osborne: How is it the Law Director was able to prepare the legislation. He's got the legislation right here.

Mr. Foltz: And I want that to go on the record. Thank you.

Mr. Snyder: Well, we've discussed this enough. Thank you. I.. it's my turn I think. Mr. Batista, I have a privileged question sir. Under a, under a taxpayer's law suit does normal discovery take effect in that where we would be depose anybody that we would so ordered to be deposed sir.

Mr. Batista: The action is brought by the taxpayer against the City, yea, the Law Director would..

Mr. Snyder: Then we have the right to depose anybody that we depose and we could do it normal derogatories and so forth.

Mr. Batista: Yea. To my knowledge discovery is available.

RECORD OF PROCEEDINGS

Minutes of COUNCIL OF THE CITY OF NORTH CANTON

REGULAR Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, March 24 20 03

Mrs. Magel: Don't we get to know who the taxpayer is?
Mr. Snyder: Well, I think he did say who the taxpayer was.
Mr. Batista: Tom Irwin
Mr. Snyder: Which gives us the right to subpoena and depose anybody. We'll find out to the bottom of it and then...because that's their ... they're deposed under oath and should they choose to lie, they're in contempt of court. So, we'll see about that.

Mr. Snyder: Is there any other body in the audience wishing...

Mr. DiFiori: I just wish to say I did call Mr. Snyder today about my concerns. He was not home. He has a job and a life. He called me back in twenty minutes. Twenty minutes. I had no problem at all.

Mr. Snyder: Thank you sir. Anybody else wish to speak to the Council? If not, I'll entertain a motion to adjourn.

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

Meeting adjourned at 8:15 p.m.

PRESIDENT OF COUNCIL

ATTEST:

CLERK OF COUNCIL