

112.00 RECORD OF PROCEEDINGS

Minutes of

COUNCIL OF THE CITY OF NORTH CANTON

REGULAR

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Tuesday, May 27, 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 Rev. Richard Scherpenisse, Northminster Presbyterian Church.
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, Director of Law Batista, Director of Finance Herr, City Engineer Benekos and Clerk of Council Bittle.

5. Consideration

Minutes of Special council Meeting: 4/21/03

Minutes of Council Meeting: 4/28/03

Financial Statement: April, 2003

Mayor's Court Receipts: April, 2003

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

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

No: 0

6. Committee Reports

Finance & Property Committee: Refer to the minutes on file in the Council Office of the Finance & Property Committee meeting held May 19, 2003.

Ordinance, Rules & Claims Committee: Refer to the minutes on file in the Council Office of the Ordinance, Rules & Claims Committee meeting held May 19, 2003.

Street & Alley Committee: Refer to the minutes on file in the Council Office of the Street & Alley Committee meeting held May 19, 2003.

Water, Sewer & Rubbish Committee: Refer to the minutes on file in the Council Office of the Water, Sewer & Rubbish Committee meeting held May 19, 2003.

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

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

No: 0

7. Recognition of Visitors

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

Ronald Kindy: Thank you. Good evening, I'm Ronald Kindy. Residing at 9 Bentley SE, North Canton 44709. I'm here on behalf of the North Canton TAP organization and would like to speak on the proposed community sign under consideration. You will recall I addressed this body on May 12th and unfortunately I had to leave that meeting because of another commitment after the meeting ran rather lengthy due to a delay from the first speaker out of the box. At that meeting I spoke of our TAP committee having sent out letters on May 7th, 2003 to most all of our community service organizations soliciting their support and funding for the sign. Most all service organizations meet monthly. Many have not yet had an opportunity to consider the request, but I am pleased to share the early returns, which are as follows: North Canton Rotary Club in favor, \$1,000.00; North Canton Chamber of Commerce in favor, \$5,000.00; Orange Crush Football in favor, will likely contribute funds; North Canton Playhouse in favor, will likely contribute funds; North Canton YMCA in favor, will likely contribute funds; Girl Scouts, in favor, no funding available at this time. It would be remiss if I did not share with you that over 30 community citizens from every walk of community life, have studied this project over the last few years and all completely support it enthusiastically. TAP is of the belief that the City of North

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Canton should embrace the community sign project for all of the benefits and value the sign will bring to the community. We also believe and recognize that although the services organizations contributing funds are important, they should not be the limiting criteria for the adoption. You will recall the purpose and benefits I highlighted previously, which are: Rapid communication of awareness messages of importance, produces and displays an environment of vibrant community activity, reduces sign clutter throughout the community, enhances sign ordinance enforcement, it's very cost effective in total reach with a very long life span and it promotes community camaraderie. And last, but certainly not least, it shows right up front, out in the open, in spite of all the front page negative dirty laundry, that in fact our town is very vibrant and in majority harmonious and desirous of leading the way in Stark County. We can show on a per capita that in wholesome community activities we compete with the best. It's a great part of why we choose to reside in North Canton, raise and educate your children and retire, as evidenced by our growing senior citizens housing. They choose to stay. Main Street is just that. It's where we show pride with our streetscape, where we show our brotherhood with our festivals and parades and we show off our schools terrific achievers. We've spoke of reasons and benefits the sign will bring. You may wonder who may use the sign and for what purpose. I'll list the guidelines and rules our committee has suggested. Organizations must have a classification from the IRS as nonprofit with a tax exempt status. Organizations requesting use must be located within the city limits. National organizations having a campaign fund raiser must positively support the City of North Canton, the community and have significant local involvement. The message may be displayed for a period of one week, but can be resubmitted for priority review. A board of three members shall be appointed for annual review of the rules and regulations and any possible deviations shall be appointed from the TAP organization - I'm sorry, any - yea, any possible deviations shall be appointed from the TAP organization, the City of North Canton and the Chamber of Commerce. We hope our presentation fills some of your wonderment and ask for your adoption. Thank you.

Mr. Snyder: Thank you Mr. Kindy. Inaudible...Mr. Weaver...

Dennis Weaver: My name is Dennis Weaver. I live at 2344 Wilkshire Circle. And my questions are on the pending purchase of Arrowhead Country Club. The first question to the council is, is there any truth the rumor that the City of North Canton, if they do purchase Arrowhead Country Club, will sell the club to Chippewa Golf Club, who will in turn sell it to DeHoff Realtors? Is there any truth to any part of that question?

Mr. Snyder: No sir. It's my understanding, and I'm speaking for my colleagues and pardon me Mayor, I'm speaking for the Mayor, it is the full intention of the city, if we're the successful purchaser of the property, we will maintain the property, the City of North Canton. Inaudible...

Mr. Weaver: Has there been any discussions by any council member or members concerning the selling of Arrowhead once the city owns the club?

Mr. Snyder: I beg your pardon sir, I didn't hear that.

Mr. Weaver: I said has there been any discussion by any council member or members concerning the sale of Arrowhead once the city owns the club?

Mr. Snyder: That I can't honestly answer, that is - I mean, you know what another councilman might say or councilperson might have said to somebody. It - what is public record and what is I believe, again speaking for my colleagues and the administration, what I believe is it is the city's intent is to buy the property and keep the property in perpetuity ...inaudible... Now there has been talk that the city might operate it as a golf course and possibly have a professional operator do that. Again that's the cart before the horse because we don't own the property yet.

Mr. Weaver: That's correct.

Mr. Snyder: But now as far as any discussions I couldn't answer positive to that sir ...inaudible...
Mr. Weaver: Thank you.

Mr. Osborne: Sir, could I add one thing?
Mr. Weaver: Pardon me.
Mr. Snyder: Go ahead sir.

Mr. Osborne: Where did you get the idea that Chippewa would be interested in reselling the property?

Mr. Weaver: I'm telling you it's just a rumor. I got a phone call, somebody said you live here, this is what I'm hearing. I'm just - I'm asking...

Mr. Osborne: Inaudible... they're a golf course operator. They run one golf course and the gentleman who made an offer earlier this year ...inaudible... And in my last contact with him, he's considering upping his offer. And ... we have a letter that all of council had received, his intention if he bought it was to continue it as a golf course and pay taxes to the city. The gentleman thinks he can make a go of it as a golf course.

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Mr. Weaver: I'm just asking - trying to put to bed a rumor that I've been given and I'm coming to the people that should know.

Mr. Osborne: Inaudible...

Mr. Weaver: And if none of you have had that conversation, then there's nothing - then it's a rumor.

Mr. Osborne: The zoning protects the property. And I certainly will not vote for a zone change and I would hope that nobody else on council would ...inaudible... for a zone change either. The neighborhood has grown up around that and ... to that area. And the original arguments that if it was sold to a developer we would have to upgrade the streets still holds true; that it would be ... tremendous expense to the city. And I have been hoping that a golf course operator would buy it and continue what Arrowhead has done there for 60 years. We would continue to derive taxes from it. And a...

Mrs. Magel: Let the gentleman speak. Do you have more?

Mr. Weaver: Yes, I do.

Mr. Osborne: Thank you.

Mr. Weaver: I do. My other - one of my other questions is, is the referendum to put this on the ballot for Fall, is that a dead issue or is that still alive?

Mr. Osborne: Well there's more than one referendum out there. There's two other individuals ... a referendum - there's Jeff Peters and a gentleman named Larry Brunner. As far as my efforts, I haven't time to complete the signatures so I have stopped collecting signatures.

Mr. Weaver: So it's still a possibility.

Mr. Osborne: I guess it's possible if the other gentlemen come up with enough signatures.

Mr. Weaver: Then my last question concerns that once the city does own the club, when they start into the development, will we as the neighborhood and the general public of North Canton have a vote or say in what happens to that land? As it stands right now, any development back there will cause flooding to my yard. Okay. I get the water from the school, from the golf course and all my neighbors. And Mr. Snyder knows it's been up to my waist - if you can imagine that. So I want to know for sure that when it comes time to develop that land or whatever the city decides to do, if they get the property, that we will have a vote. I don't want to end up with anything in my backyard that I don't have a say on.

Mr. Osborne: Well I'm hoping there's absolutely no development. I want to see it, personally, stay a golf course. And ...inaudible... stays a golf course the green space is free. And that's what I think the city should of been working ... facilitating another golf course operator who would come in here and continue what Arrowhead has been doing for 60 years. That would preserve your neighborhood and I'm for preserving ...inaudible... beautiful green space for the city. So...

Mr. Weaver: Am I to understand we will get an opportunity to discuss the development plans?

Mr. Snyder: Mr. Weaver, I can't answer that ... sir. We're not to that point. It is the desire of both of both council and the administration that the Mayor would ... appoint a committee ...inaudible... residents, people involved in the many facets of the community, as well as council to decide that. But again sir, the highest priority - I represent that ward and you know I've been to your home many times when the rain comes and in 1997 and '98 when they ...inaudible... golf course ...inaudible... any change ... will do that. However, most people desire to put it - and you know you served on their Board of Directors and been a member as I have. To operate it as a golf course from a debt service ...inaudible... is almost financially impossible. The city fortunately is in a position ... we ... operate it as money ... golf course. But for a private entity it's almost near impossible ...inaudible... and you know that ... that. But I don't think there's any intention to make it a real invasive park if that's what your real worries are.

Mr. Weaver: Okay. I mean I'm not here to discuss the financing.

Mr. Snyder: No no no - nor are we. We're not in position because we don't - again, until next Thursday officially, at that point I'm sure if you check with Mayor, he's been doing some things he'll probably be glad to share with you ...inaudible... it will eventually ... property. And I think, you know, the desire - I was surprised walking my ward, I was surprised how many people want to embrace it as a golf course, be it municipal or as a private, I was utterly amazed. I would of thought that most people that wanted to play golf ...inaudible.

Mr. Weaver: That's the phone calls I've been getting.

Mr. Snyder: Inaudible...

Mr. Weaver: I'm not here for that, I was here to kill a couple rumors and...

Mr. Snyder: Yea, that's what ...inaudible... they want to play golf.

Mr. Weaver: this was an opportune time to do that and ...inaudible... opportunity to...

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Mayor Rice: Inaudible...

Mr. Snyder: Sure Mayor, please go ahead.

Mayor Rice: Mr. Weaver, just to clear, at least from the administration's standpoint. Like we said from really day one, and I think the vast majority of City Council has said from day one, if we ... to acquire the property, our intention in the immediate future is to try to find someone to manage that property as a public golf course and restaurant facility for at least the next year or two. And then during that time, once that is dealt with, if we acquire the property, I've said for a long time what I would like to do is convene a committee, a large committee of residents, like yourself, that have an interest. Inaudible... people that live in that area to people from all across the city, to sit down and look at that property and we decide as a community what is the best long term use of that 105 acres. I don't think it's my decision, I don't think it's just this council's decision. With an investment like that and that much property, the city has to ...inaudible... involved in coming to a consensus of opinion of what is the best long term use. Maybe for a golf course, maybe for a park - who knows. The city, as far as I'm concerned, that is just a rumor that the city is talking about buying it and turning around and selling it for development. I've never heard this council as a group ever discuss that option, nor have we. I mean our intentions have been from day one to try to preserve that property as green space, to try to cultivate some water out of that property. And if something is ever going happen down there in the future, we can't foresee, some people have distorted this statement that we're going to do it now, that we can't forecast what's going to be the situation in the city 10, 15, 25 years down the road. But if and when the day comes that any development does have to be discussed in that area, which this council and this city at this time does not anticipate, the community needs to decide that.

Mr. Weaver: I agree.

Mayor Rice: It needs to be a community decision.

Mr. Weaver: I agree. If you're looking for volunteers to be on that committee, I would be more than happy to serve...

Mayor Rice: Inaudible...

Mr. Weaver: whenever it is.

Mr. Osborne: I would like to add one thing. There was a report in the Beacon Journal, ... May 3rd, reporting on a discussion of the Recreation Board and they discussed purchasing the property, ... mineral rights and reselling the property to a developer for as much as 6.2 million. You can check the ... Beacon Journal for May 3rd to see that article in there. And ...inaudible... information request and got that copy of the Recreation Board minutes and I have distributed it to probably four or five hundred residents. So I beg to differ Mr. Mayor, but there was a discussion at the City Administration level and they quoted Councilman Foltz...

Mr. Foltz: I'd like to read my quote now if I can. Let's clear this up once and for all instead of taking these shots behind the bunker, Councilman Osborne. Doug gave his opinion - that would be me, Councilman Doug Foltz, Ward 1. We should buy the property and let everything come together. I am not for putting housing on it. I am not for putting housing on it. Is that clear?

Mr. Osborne: Inaudible...

Mr. Foltz: It might be feasible to put say 30 houses up in order to recoup some of the money, but being a parks guy, I am for remaining open space as much as possible. There are grant opportunities through the Ohio Natural Resources. Mayor Rice has been working with individuals in Columbus to see what else is a possibility for us. I agree with Larry, Mark and Kim, I discussed it with Tom a couple years, if it's available we should go after it. It is important also that we protect the integrity of the neighborhood. If anyone knows my terms here on council, and I'm in my fourth term now, I represent my constituents very well. As far as buying it and selling it, you looked at all angles of the spectrum here when you're buying something. If you don't then you're being foolish. Okay. But I've been on record here plenty of times to say that I want this to be a golf course. I've probably on record five or six times in this council body and that's what I prefer it be, that's what I hope it becomes. And the best way that that can happen is not to sign the referendum and let us as a council body purchase this, because you, as voting constituents, have voted us into office to make these type of decisions. If we're going to run around and have a voter referendum on every issue, why did you elect us to council? And for those council members that differ in their opinion, then let the election process in November determine who's going to be here and who's not in our various positions here on council and the administration. I can't be any more clearer than that. It's that simple.

Mr. Weaver: I'd like to go on record to say I did not sign a referendum, nor do I ever intend to sign it. And I would oppose...

Mr. Snyder: Mr. Weaver one other thing, that I think needs to be said for the record. Number one, the Department of Recreation and the Recreation Board of the City of North Canton cannot offer for sale, nor is it authorized to offer for sale, any city asset. According to the Charter the only person that can negotiate a sale of property or assets of the City of North Canton, is the City Council. The only person that can execute the document is the elected mayor. So they can tell you anything they want to tell you ...inaudible...

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Mr. Batista: 149.03 the Code of Ordinances, the Recreation Board of the City shall act as an advisory board. They shall make recommendations, provide guidance and assistance to the Administration in regard to equipping, operating and establishing recreation programs for playgrounds, playfields, gymnasiums, swimming pools or recreational centers.

Mr. Snyder: Inaudible... Charter, the ... person that can negotiate the sale of any city asset is the City Council and of course that again is subject to the ...inaudible... As well as we've looked and we discussed and the Mayor and I have discussed it, City Council discussed it, it's what's called a scenic conversation easement, which we're looking at, which will prohibit any development on the property in perpetuity. So I mean it's not the intention of the Administration or the Council to acquire the property and develop the property. I mean it's just to - first of all as you know I represent that area. I lived there for 15 years, I belonged there, I know the property and for us to have that type of asset in our community - we will not get another chance in our lifetime. And we're the envy of the county to have ...inaudible... So I believe I answered your question.

Mrs. Magel: Inaudible... follow up...

Mr. Snyder: Please.

Mrs. Magel: on Doug?

Mr. Snyder: Please.

Mrs. Magel: It also - it was mentioned, at the administration level Director Held had nothing to say concerning selling the land for development. They were simply at a meeting of which one of the advisory board members made a statement about the 6.2. The administration did not say one word and Doug read his quotes. And Doug, I don't think it's been six times you've said you want a golf course ...inaudible... We all know where you stand Doug, you want it to remain as a golf course.

Mr. Foltz: Inaudible... The people that matter know where I stand. It's that simple.

Mrs. Magel: I think that's totally misleading to take a comment from somebody out of the blue. Somebody in this audience made comment and we're all responsible because the administration and the council attended that meeting. Okay, so those were very interesting questions. I'm glad you got those cleared up.

Mr. Weaver: Thank you.

Mr. Foltz: Thank you.

Mr. Snyder: Thank you Mr. Weaver. Thank you for your comments.

Mr. Osborne: Well I'd just like to go on the record that I would not approve or vote for any development whatsoever. And the purpose for the referendum was to encourage Arrowhead to work with other bidders who are interested in keeping it as a golf course. I was recently contacted by an Arrowhead insider who told me their own members proposed or attempted to propose buying it and their bid was not much less than the city's and they were told to sit down, that we're here to address the city's offer. As long as the city is making this very lucrative offer to the country club, they have no incentive to deal with any golf course operators out there who want to offer more than a fair price for it. I would highly encourage golf course operators to stay in there, continue private or semi-private ..., preserve the green space and continue to pay taxes to the city and then life would go on as it has always gone on. So that was the purpose of the referendum. As I've told people when I've gone to their door, the quotes in the press the Beacon Journal on April 30th, the Mayor said he would liquidate it if he got into some problems with our financial resources and then again on May 3rd, there was a quote describing discussions, I wasn't ... to the quote to Mr. Foltz, I just - in the article it's explanatory in itself. It said, there were discussions to buy it, keep the mineral rights and resell it. And then also I got a list of suggested uses from the Recreation Board. Suggestions - and they may have been just brainstorming, I don't know, but I was quite concerned to see salt storage facility as a suggested use, a BMX bicycle ...inaudible..., a future water park. We need to encourage private ownership and the city can ...inaudible... Just like we've done for 60 years ... Arrowhead. Inaudible... wasn't going to happen when you have the city outbidding the world. Nobody wants to compete with a municipality who has unlimited tax dollars, they seem to think, and outbid everyone.

Mrs. Magel: Mr. President, we have a visitor we'd like ...inaudible...

Mr. Snyder: Go ahead.

Nancy Fosnaught: Okay, thank you. My name is Nancy Fosnaught. I live at 1649 Hiram in Louisville. I am a full time auctioneer and realtor with Dimmerling Realty and Auctioneers. And I'm here this evening because I saw the articles in the paper saying that the city is interested in auctioning your Oster property. We would like to go on the record to put in a bid for auctioning the Oster property. I know in the past the city has always used an auctioneer firm to sell your unnecessary equipment and I would certainly hope for a piece of property of this value that they would, you know, also use a professional firm. And we would like to make an offer to help the city get the most money out of this property and we feel we could do the best job for you and at no cost to the city, if given the chance to do so, we'd like to make a presentation, if that's the route you decide to go.

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Mr. Snyder: I would say Mrs. Fosnaught thank you for that and I would encourage you to direct that either to the Mayor's Office or to the Director of Law.

Mrs. Fosnaught: Okay.

Mr. Snyder: If you would do that ...inaudible...if you would be so kind...

Mrs. Fosnaught: Certainly.

Mr. Snyder: At that point they would, again under the Charter, would handle that.

Mrs. Fosnaught: Okay, certainly.

Mr. Snyder: And then it comes back to us for approval. But if you...

Mrs. Fosnaught: Oh certainly.

Mr. Snyder: Inaudible... kind enough to please speak to the Mayor or the Director Law...

Mrs. Fosnaught: Certainly, I'd be happy to.

Mr. Snyder: Inaudible...both of them, I think they'd probably be able to put you in the right direction ... It's nice to see you again.

Mrs. Fosnaught: Thank you.

Mr. Snyder: Mrs. Fosnaught was a regular here for many years.

Mrs. Fosnaught: Well, thankfully I don't have to come up here quite as often. But I thank you for that. Have a nice evening.

Mr. Snyder: Nice to see you again. Mr. Blohm...

Mr. Foltz: Okay, thank you.

Paul Blohm: Mr. Mayor, Mr. President, Council, many of you know who I am. My name's Paul Blohm. I live at 527 Heatherwood. And I have walked in your shoes for many years as a 4th Ward council, as council at large and as president of council. But we've hashed over this situation ... course and the 29th of this month is upcoming and that's the date, as I understand it, that the referendum is to be filed and that is my concern. If any person has signed the referendum and wishes to have their name removed, the first thing they need to do is to contact that person that received their signature - whether it's Mr. Osborne, Mr. Peterson or Mr. Brunner. And follow that up with a note the Law Director and the Finance Director to be sure that that name will be removed. As I understand activity has been ongoing. Rumor was it - has it that Mr. Osborne has been out as recently as last weekend. I don't know whether that's correct or not, but that is a rumor. You can clarify that if you care to.

Mr. Osborne: I'm talking to residents and trying to provide information and city documents to let them know - further provide them with further knowledge on the ...inaudible...

Mr. Blohm: And securing signatures?

Mr. Osborne: Yes.

Mr. Blohm: After you said you were not going to secure any further signatures. Is that correct?

Mr. Osborne: I said I was going to back off on it because I had a lot of time constraints. I had jury duty one week, I had a lot rain and there was some deaths in the family.

Mr. Blohm: You're backing off and my definition of backing off are two different things, but that's neither here nor there. I once again want to repeat that if any citizen wants to have their name removed, contact the person first who got the signatures. Let them know they can put a line through your name so that name will not be included in the referendum. I know a neighbor of mine signed the petition and did successfully contact the person and had the name drawn through. So that can be done and it must be done immediately because we know what date this is and we know what date is the 29th. So and if Mr. Weaver wants to - any information regarding the gentleman from Chippewa Golf Course, I'd be glad to speak to him, put a call in for him today. Thank you very much.

Mr. Osborne: Are you a member of Arrowhead?

Mr. Blohm: No, I'm not a member of Arrowhead.

Mr. Osborne: So you have no financial interests?

Mr. Blohm: No. Do I look like I'm financially ...inaudible...?

Norman George: My name's Norman George. And I live at 1352 Lorrell Avenue SW. I'm glad that the remark of representation came up because that was what I was concerned about. And I would like to say that I felt that Mr. Osborne, Councilman at Large, had not given my concerns and possibly others the expected representation on the disposition of Arrowhead Country Club property. I know Arrowhead is entitled to get as much money as they can for their property and appraisals have been consistent for what is involved. Received opposition from residents could cause Mr. Osborne to disagree with the price. All he's required to do is say no and abide by the majority of the voting council. His pursuit of a referendum to me is out of character for his position and it placed in jeopardy a benefit for the City of North Canton and its concerned citizens of record. His action did not address our request for concerns for this important issue. Thank you.

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Mr. Snyder: Thank you Mr. George.

Mr. Osborne: Thank you for your comments. I would like to add this very quickly, this is a major expenditure for the city. It impacts beautiful green space ...

Mr. Snyder: This is not ... debates, this is public speaks from the audience.

Mr. Osborne: Pardon me.

Mr. Snyder: It's not for you to express your ...

Mr. Osborne: That's fine.

Mr. Snyder: election - reelection campaign. Sir would you step forward, state your name and address for the record ...

Shawn Warstler: 4200 Salway, off of 38th Street. I'd just like to ask a very simple question of the council and it's regarding the 75 acres next door that you'd like to sell or give out to auction to the church or whatever. I don't understand how it's okay to preserve a 104 acres in your backyard, but it's okay to chew up approximately 95 acres in my backyard and take it away as a green space to either put an allotment or a church or whatever is going to go in there. And I would just, you know, like an explanation of why it's okay to do one thing here, but it's not okay to do it over there. Can someone give me a reasonable answer for that?

Mr. Snyder: Yes sir, two reasons I can give you. Number one is it's not in the City of North Canton, it's in the township.

Mr. Warstler: But ...inaudible... all be working together as a community in Stark County? It's not a little separate entity isn't it? You're all to work together.

Mr. Snyder: Inaudible... the asset at the present time, the majority of the council feels that the asset at the present time is of more value to the city in liquid financial than it is as a piece of property. The offer that we first refused was two times the actual appraised value. And that...

Mr. Warstler: But you're not - you're evading my question. Is it okay to preserve a 104 acres here, but it's okay to throw 95 acres away next door to me as green space?

Mr. Batista: Inaudible... well if you want to ... an abandoned gravel pit to a developed golf course, you go ahead and ... You're talking apples and oranges.

Mr. Warstler: A green space is a green space no matter what it is, right?

Mr. Batista: That - I - did you hear me? I asked if you want to ...inaudible... a developed golf course with an abandoned gravel that's your business. I would think I can speak for the rest of this council, except one. Inaudible...

Mr. Warstler: Mr. Foltz just said two minutes ago that he considers it a green space. Did he not? Yes he did.

Mr. Foltz: It's developed green space, yes.

Mr. Warstler: Inaudible... green space.

Mr. Foltz: You're the first one sir that came up here against the Oster property, selling it. First one I've ever heard.

Mr. Warstler: Pardon me.

Mr. Foltz: First one in six months I've heard come up and speak against the Oster property being sold. Those neighbors there were happy with the plan at that time - the surrounding neighbors from Avondale.

Unidentified: They're here tonight...

Mr. Warstler: They were?

Mr. Foltz: Yes.

Unidentified: They're here.

Mr. Foltz: Oh, they're here tonight? Fine.

Mr. Warstler: They're going to speak next...

Mr. Foltz: Fine.

Mr. Warstler: On that...

Mr. Foltz: So this is news to me.

Mr. Warstler: Well it's always been news and there's several people that know that.

Mr. Foltz: And where do you - where do you live sir?

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Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

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Mr. Warstler: Right next door to it on Salway.
Mr. Foltz: You're...

Mr. Warstler: I've had one - to be honest with you sir, I've had one person from council at least have the courtesy and the respect to contact us and let us know ... what's going on. And also, I'll go back to the contamination part. I had to find out from the City of Canton, because I knew a guy that worked at the Water Treatment Plant, that you know there's possible contamination of our wells and he was nice enough to let me know about it so I could have my personal well tested. Because they were testing their wells for over a year cause they have a well on our property that they drawl water from. So you know you guys say you want it - you're working for the public. Well work for the public I guess and communicate to us.

Mr. Foltz: I feel we are.
Mr. Warstler: Okay.
Mr. Foltz: You might have a different opinion but...

Mr. Warstler: Well I didn't hear from anybody or nothing. Just because I live in Plain Township we all work together for the good of Stark County for the good of the state.

Mrs. Kiesling: Honestly sir, we didn't realize it was going to be on the agenda tonight. Last Monday we ...inaudible...

Mr. Warstler: Well I realize that and I was here two weeks ago when it was spoken about and I had to get a few thoughts together and I just wanted to bring it up, cause I know it's going to be coming up eventually down the pike.

Mrs. Kiesling: Tonight.
Mr. Warstler: Tonight.
Mrs. Kiesling: For a first reading.

Mr. Warstler: So, okay. Thank you.

Mr. Snyder: Anyone else wishing to speak before the council?

Damon Warstler: This is my other brother Daryl, I'm Damon Warstler. I'm speaking on something different here. I have a report here that was done for the environmental assessment for the church that's supposedly going to buy that Oster property. And in the environmental assessment your water superintendent makes reference to us as being - as dumping on the property and I would like that removed from that report - public record.

Mr. Snyder: Where did that report come from sir?
Mr. Warstler: It doesn't matter where it came from. My name's in there...
Mr. Snyder: Inaudible...
Mr. Warstler: My personal - that is fictitious, we've never dumped anything on that property.

Mr. Snyder: May I see the report?
Mr. Warstler: Sure.

Mr. Snyder: Sir...inaudible...

Mrs. Magel: Inaudible...

Mr. Warstler: It's a public document...

Mr. Snyder: Inaudible... it is not a public document.

Mr. Osborne: It's in Council Chambers.

Mr. Snyder: That document is the property of the Community Christian Church it's not the property of the City of North Canton. Inaudible...Community Christian Church.

Mr. Warstler: Inaudible... council ...inaudible...

Mrs. Magel: Inaudible... business.

Mr. Warstler: Yea, I'm upset about it. We've never dumped anything on the property.

Mr. Snyder: We'll - I'll turn it over to the Law Department and Mr. Batista, he'll follow up with you on that. And ...

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Mr. Warstler: Inaudible...

Mr. Snyder: Well that's not a problem.

Mr. Warstler: When will I expect - inaudible...

Mr. Snyder: Probably within a few days sir.

Mrs. Magel: That's the gentleman that if it - if I owned a business, I would of been upset, if my name were on that report.

Mr. Snyder: Anyone else wishing to speak to the council?

David Miner: Isn't public speaks ...inaudible...? David Miner. 4806 Darlington Avenue NW, Canton. I'm President of North Avondale Heights Homeowners Association. As an allotment of over 50 single family homes, we have seen a lot of development over the past 35 years. The vast majority of our homes were built prior to the construction of Belden Village Mall and let alone all of the development around the mall. North Avondale Heights Homeowners Association has attempted to work in cooperation with the business development, specifically to our west and to our south of our allotment. That would include BP ProCare, S.H. Kim Property, Toys R Us and the relatively recent condo development off of 46th and 47th Street and Whipple. As an allotment we have several legal agreements with the local businesses on Whipple concerning such issues as the variations to advertising sign sizes and we have several egress restrictions that have been placed on properties. As an allotment we have wondered for many years the fate of the Oster property. I've lived there for over 30 years and my neighbor behind me his name happened to be Oster and so we had many discussions over years - the fate of that property. Our allotment is generally in favor of the Oster property being developed. Obviously we'd prefer green space. I've lived beside green space for most of my life and I love it. But I also know I don't own the property and I may not control the fate of the property. So development either as a church property or as a quality single family home residence would more or less be agreeable to our allotment with several issues that come up with those kind of ideas. If you speak of advantages of the sale of the property, obviously the papers say the church has a strong shot at it and that they appeared to be very interested in before. We would consider them to be a quality neighbor. Churches generally maintain a high level of landscaping and general appearance to their property and we see that as plus. But we do have several concerns over church development or other sorts of development that might cause a fair amount of activity down there. The volume of traffic - in the paper the church who appears to be leading the pack in wanting to bid on it, I've heard numbers of 2,000 parking spaces, 3,000 parking spaces, that sort of thing - that's a fairly large entity. That means a lot of traffic in and out. The church members that I have talked to that have been working to develop a proposal, talk in terms of baseball diamonds, indoor gymnasiums, evening revivals, inviting speakers in for - outside speakers coming in for different events. And so that means that the traditional think of a church that is active on Sunday morning and the rest of the week it kind of sits there is not necessarily the way it's going to be. Ball games are traditionally - I've been on church softball leagues and you play evenings and sometimes you play till 9:00, 10:00 at night, that sort of thing. We have previously asked that North Canton City Council consider implementing the following points prior to the sale. So we appear to be getting closer to something at this point. So I come back with several points. You've heard them before, but I'm going to say them again. The first one is, we would ask that North Canton add a deed restriction to the property prohibiting any egress through the existing streets of North Avondale Heights. That would include streets by the name of Raymar, Edgemont and 47th Street. We would also ask that a buffer zone be provided on this property for both the Warstler brothers' landscape business, some of the - there's a condo south of us plus North Avondale Heights that some kind of an agreement could be had. With that many acres get a little bit of a buffer between all of the activity and residential. Once this property is sold by North Canton, all of North Canton's good intentions will come to an end concerning the Oster property. And I've considered up to this point, that North Canton has had a lot of good intentions. I'm not questioning that at all. But once you enter into a sale agreement, you can say well our hope was and at that point it stops. You can have the hope that you could want. You can tell me we wished they would of done that. But you only are in control as long as you have the deed and your property - as soon - in your pocket. As soon as that deed is transferred over to whomever that might be, whomever the auction might be sold to, then good intentions kind of fly out the window. Therefore, I would ask that the Mayor's Office or the Law Department or whoever, if they would, if you're interested in pursuing that if you would enter into good faith negotiations with the allotment to see what kind of things can be put in to ensure that egress issues - that amount of traffic is not going to come Edgemont and then end up at 50th Street and Whipple trying to make a left turn, which is near impossible, trying to make a right turn, which can be done although you have the traffic light of 177 there. We would just have a horrendous problem if we have egress issues. So thank you.

Mr. Snyder: You know Mr. Miner, please understand one thing, your points are well taken, but I wanted - inaudible...precluding that the church is going to purchase the property.

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Mr. Miner: I haven't precluded that at all. I said there's a high probability.

Mr. Snyder: Inaudible... high possibility. If that's the case, your ingress and egress is not a question because they've made provisions - they've purchased additional property to ...

Mr. Miner: They made no provisions with us.

Mr. Snyder: No, I'm talking about themselves. They purchased property to the south of that property to enter and exit through traffic signals ...inaudible...

Mr. Miner: No, they've made an agreements to enter from the west to Whipple Avenue, not from the south, I don't believe.

Mr. Snyder: Inaudible... Roy would know better than I do...inaudible...

Mr. Miner: Right in front of Outback Steak House.

Mr. Batista: So it would be to the south of your allotment.

Mr. Miner: Correct.

Mr. Snyder: The problem is when it goes for auction and there's a different buyer, you know, we're not just going to be able to stop them from either coming in from Salway off of 38th Street or through the property over there. Now, because you know that would be up to the individual buyer ...inaudible... If it would be the church, I know they've already made their provisions because they don't want to use that due to the fact that they probably could have 1,000 - 1,200 cars go back through there.

Mr. Miner: And I'm suggesting in discussions I believe with the Mayor and in talking to some of the council members, I have heard we want to work with you. We want to work on egress issues and I think that the language can be put in now. I don't understand. If you're telling me that way in and out of the...

Mr. Batista: Let me interrupt you, I'm the Law Director.

Mr. Miner: Okay, good.

Mr. Batista: I will be probably preparing the specification ...inaudible... and I would most certainly encourage you to get a letter to me. I will have these minutes typed up so I'll have some of your concerns in black and white. And I would encourage you to outline what issues you're concerned with so that we can look at it and see if the specification ...inaudible... and address those. I'm not saying we will, but we would be certainly willing to consider it.

Mr. Miner: Okay. I appreciate your willingness to consider. I would just remind you that I've got a strong indication that North Canton is just more than willing to consider if...

Mr. Batista: Well I think ...inaudible...

Mr. Miner: Okay.

Mr. Batista: Inaudible...

Mr. Miner: I will type a letter tomorrow.

Mr. Batista: Inaudible... there would no access through those side streets...

Mr. Miner: Okay.

Mr. Batista: Inaudible... I think probably ...inaudible... address that and ...inaudible... serious consideration.

Mr. Miner: Okay. I will send you out a letter, I'll type it tomorrow.

Mr. Batista: Yea, but I'm ...inaudible...

Mr. Miner: I'm serious.

Mr. Batista: we'll have these things - your remarks tonight will be typed up probably within a week. I probably won't work on that specification for probably a couple, three weeks. And if you've got some other comments that you want to send on behalf of your homeowners association, I will certainly take them into consideration. And of course ...inaudible... church ...inaudible... primary and I can discuss that with their attorney. Inaudible... they've got a few problems ...inaudible...

Mr. Miner: Okay, thank you.

Mr. Foltz: Jon, just a comment. Sir, as you know, the majority of this council voted in favor of selling that property to the church, which addressed most of your concerns at that time. Unfortunately a minority of this council decided they wanted to vote - work for a voter referendum and at that time the church pulled their offer. That's not news to anybody. So this could of been all water over the dam so to speak. So see what happens this next go around. Thank you.

Mr. Miner: I understand all that.

Mr. Foltz: Great. As long as you understand that.

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Mr. Snyder: Thank you...

Mrs. Magel: Inaudible...

Mr. Osborne: Let me just say one thing. It's one thing to address their concerns here, but you have to take action and start implementing them. And as Mr. Miner has said, he hadn't heard anything from the city or regarding their concerns and started putting something in black and white. So as he said earlier, we can talk all day ...inaudible... to accommodate them and unless we act on it, it doesn't do them much good.

Mr. Snyder: Anyone else wishing to speak to the council. Yes sir, step forward, state your name and address for the record.

James Hinderer: 509 Heatherwood SW, North Canton. The Oster - is that the pronunciation?
Mr. Foltz: Oster.

Mr. Hinderer: I was wondering if it might be possible to offer the thing for sale with and without mineral rights. Whereby the city could look at the offers both ways. It might be prudent to retain the mineral rights for the property. North Canton is in sort of a unique position, we are set up to provide water to the larger homes in Lake Township. These are some of the - the statistics show that they're some of the big users of water, they have sprinkling systems and what have you - it's all at a higher rate. And there's no cost for the city for the infrastructure to make that happen, the lines are there, the developments are put in, the houses are sold. We're the water supplier - it's a no-brainer. So just thinking that that - you know whatever goes on the property it's conceivable that you could retain the - those water rights. Also, the one to two million a gallon a day from Arrowhead is potential income. We have a built in customer base, we don't have any sales expense to do it, no expense to make it happen - that just occurred to me. Thank you.

Mr. Snyder: Thank you sir. Inaudible... answer his questions ...inaudible...

Mr. Batista: Inaudible...

Mr. Snyder: Mr. Sahadi.

Michael Sahadi: I'd like to speak for just a second. My name is Michael Sahadi. I live at 104 Walsh Avenue SE in North Canton. I had no plan on talking this evening, but after reading a couple things here about tonight's agenda I'd like to have some clarification. On - let's see Item No. 17, 75-03, Mr. Snyder could you clear something up for me? What does this pertain to?

Mr. Snyder: Which ordinance, 75-03?

Mr. Sahadi: 75-03 and also 78-03.

Mr. Snyder: And 70 - what other one?

Mr. Sahadi: 78-03, #20 on the list.

Mr. Snyder: No. 75-03 ...inaudible... the property as it's referred to, is a special purchase of the Oster property, is owned by the city water fund. In order to sell the property, the property has to be transferred from the Water Revenue Fund, which presently owns the property. Which retired ...inaudible... the bonds that were originally purchased under the Sanitary Sewer Fund in 1995, this four hundred and some odd thousand was transferred from the water fund to pay that outstanding obligation, at which time the Water Revenue Fund took deed to the property. In order to sell the property, it must be removed from the Water Revenue Fund and put into the General Fund as the owner. To which time the General Fund will repay back to the Water Revenue Fund four hundred and thirty odd thousand, plus interest to the tune of I think \$590,000.00 from the General Revenue Fund. No. 78, which reads, authorizing the sale of the property from the General Revenue Fund to the whoever is the highest bidder in auction.

Mr. Sahadi: Why is it put on for emergency?

Mr. Snyder: That should of been removed, they were all removed, that was an oversight. The legislation was typed and requested by the law firm of Squires, Sanders and Demsey, because again anytime that we negotiate a large funding or anything that's outside the normal expertise of ...general... council, we use the law firm of Squires, Sanders and Demsey. It was transmitted to us via email and I asked the Clerk, as I'm sure she'll attest to, to remove those emergencies and obviously I ...inaudible... in my communication did not tell her that. But it was my full intention to remove the emergency before it was read.

Mr. Sahadi: Thank you for clarification. I have a question for the Mayor. Mayor Rice, you basically said that you're going to invite the public and form some kind of committee for Arrowhead as to its uses into the future. I'm assuming you're doing that because the community as a whole is paying for this.

Mayor Rice: Correct.

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Mr. Sahadi: Okay. Why would you not invite the community to sit down with you, form a panel, I'd like to be on part of that panel, in fact I would like chair that panel in fact, about Oster. I'd like to know what kind of analytical material you have as far as the other reasons, okay, that we could use for Oster, taking in drilling for water. And my understanding, if I'm correct Mr. Snyder, that any water revenue that comes in, whether it's from East Maple, Dressler or any of the well fields, that revenue stays in the Water Department.

Mr. Snyder: That's correct.

Mr. Sahadi: And that's for the infrastructure of this city. It's used to maintain the wells - I mean the water flowing through the different pipelines and so forth to everyone.

Mr. Snyder: Inaudible...

Mr. Sahadi: And also future growth paying for those pipelines as they go ...inaudible...

Mr. Snyder: That's correct. And the Water Treatment Plant.

Mr. Sahadi: And the Water Treatment Plant. So it's self-sustaining in this case.

Mr. Snyder: No sir, it's - well it's sustaining to the point where we ...inaudible... the waterlines because of the rates we charge. Fortunately we charge one and seven-eighths or whatever it is now outside ...inaudible... somewhere right under two, which keeps the inside rates artificially low. But that's what the water - the water revenue is, by state statute, has to be kept in the water revenue fund.

Mr. Sahadi: Water revenue fund. So as a result that the more water we have to sell to outside entities - outside the corporate limits of North Canton, they're going to be paying us more for that water. Am I correct?

Mr. Snyder: To a point sir. Now please understand also, we are for the first time in 25 years or probably soon to be 36 years, that we've been - that the city has been in the water business, we now competing, such as the government, not ... local entity, but we're competing with the City of North Canton (City of Canton) and we're also competing with Consumers Water. We've been blocked basically to the north, we're blocked basically to the south, we've been blocked basically to the west and we're soon to be blocked to the east. So we're not Christianity. We're not - there's not unlimited customers out there. At the present time we can produce and we can process more water than we have water customers for. Should we - plus not only that, we could have all the water in the world, our capacity at the present time is still only 5.9 million gallons ...inaudible...

Mr. Sahadi: What about selling water to - I'm sorry, what about selling water to outside entities and let them process it itself. Say like Canton, Ohio; or Consumers.

Mr. Snyder: Canton, Ohio, produces at the capacity of ...inaudible... 55 million gallons a day - presently. They use between 15 and 22 million gallons a day. So I don't think they really want to buy it. Consumers Water has its own well fields, it's own capacity. Secondly, Consumers is a private entity controlled by the SEC, because they are a stockholder corporation. They charge their rates based upon ...inaudible...

Mr. Osborne: I would like to add something here. Consumers is looking for additional water reserves. They, as I understand it, they have talked to the city. So I am aware they are looking for other ...inaudible...

Mr. Snyder: Inaudible...

Mayor Rice: Inaudible... quite a number of years.

Mr. Snyder: But I know what you're saying, but we feel...

Mayor Rice: Inaudible...

Mr. Snyder: Mr. Sahadi, to be very honest with you and not be flippant, but by maintaining the rights to drill the water on the remaining 33 acres of green space, not on concrete or asphalt. Of the present proposal of the church, should the church be the successful bidder, we'll be left 33 acres of grass - some of it in a flood plain, yes. But we have the capability of setting our wells in those 33 acres. But at present, and into the near future, the near future being at least between five and seven years, our immediate need for water can be supplied either by our present, our possible purchase of Arrowhead and hopefully East Maple. And we do have a redundant line, as you know, that we presently have a contract up to two million gallons a day. We our complete completion of the Water Treatment Plant, in approximately five and a half years, we'll be able to process twelve million gallons. Without Oster we have the ability to provide the twelve million gallons to ...inaudible... to produce. Oster - the reason we're maintaining the water rights to Oster, it gives us that insurance should we need the water.

Mr. Sahadi: Why not drill those wells now to make sure that we have them exactly...

Mr. Snyder: That's a possibility...

Mr. Sahadi: Okay...

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Mr. Snyder: but that's ... that's a good point - that's point well taken. I've never ...inaudible... of course again - most of that comes out of the administration.

Mr. Sahadi: Mr. Snyder, I am not putting you - I don't want to put you on the spot.

Mr. Snyder: Inaudible...

Mr. Sahadi: What I - what I guess what I'm asking here is where is all this analytical information? Other than selling and getting a one time hit for the cash here, and that cash is already spent the way I look at it...

Mr. Snyder: Inaudible...

Mr. Sahadi: When you strip the city of its assets, okay and there's no discussion about doing joint economic development with Plain Township on this property too. We would continue to receive some type of revenue through taxes. Now I'm not an expert on the JEDD I spoke to somebody briefly about it, I need to be educated on it to be very frank. But selling a future asset that can bring in future income is important to consider. Not just selling a piece of property to sell it. Okay.

Mr. Snyder: See now when you're talking about - I assume you're asking about ...inaudible...enter into a joint economic development agreement with Plain and possibly erect some type kind of commerce park or some type of rental property there and sharing the actual income and revenue.

Mr. Sahadi: They would - my understanding they would get the real estate taxes and we would get the income taxes from that.

Mr. Snyder: Inaudible... sir, and again, I'm not a realtor, but I've been told and I'm waiting patiently after I fax a letter to the ...inaudible... But the property in question, as you heard Mr. Miner say, it has very limited ingress and egress - very, very limited. It's potentially landlocked. Of the 68 acres that are there, there are only 63, the other five acres are across the street, landlocked by the State of Ohio and the expressway. The 63 acres that are at Oster, 33 acres are undevelopable for anything. It's either the side of a hill, it's in a flood plain...

Mr. Sahadi: Or it's under easement.

Mr. Snyder: Under easement...inaudible...

Mr. Sahadi: Power line easement...

Mr. Snyder: That leaves approximately 35 acres.

Mr. Sahadi: Well a little bit more than that, probably about 49, 50.

Mr. Snyder: Inaudible... 40 - I'll give you 40. How are you possibly going to - and first of all as you know yourself sir, you're in the business of acquisitions and investment, you take a potential person there with no possibility of seeing their property from the interstate and to build something there and the only way in is to get off Salway or through those people's residential drive - residential streets, it doesn't make it a great asset or a great probability to build commercial development. As well as, if you could ...inaudible... better than I can attest to the fact that there's an over proliferation of office buildings in Stark County.

Mr. Sahadi: But it doesn't necessarily have to be an office building sir. Okay.

Mr. Snyder: Well, remember the other thing, it's zoned rural residential, which would only allow residential, single family home, church, mortuary - very much parallel to our zoning. And I don't know that the Board of Trustees, and I can't speak for them, would be too encouraged, especially in an election year to develop that into any type of density greater than what would be basically the zoning permits - I don't know...inaudible...

Mr. Sahadi: Well first of all, you know and again I'm not trying to put words in your mouth, it's a little too premature to say what the Trustees would do or would not do...

Mr. Snyder: Inaudible... can't say...inaudible...

Mr. Sahadi: Specifically if it means income to them and if we used some common sense and sat down with them and discussed that. What I'd like to see is what the Mayor basically has said for Arrowhead, appoint a committee, let's not rush into this, okay, and sell something. I'd like to see exactly all the alternatives. Okay. I'm not opposed to a sale if everything's been explored. But I brought up a couple points about why not drill the water now, okay, and connect to that well versus why buy from the City of Canton, okay, for emergency purposes. The second part has to do with developing the property jointly with Plain Township in looking at it - in looking and addressing those concerns that the residents have. At some point in time this property probably will be developed. If not by the highest bidder, okay, by the city reaching out to private enterprise to bring in jobs into this community. Okay. And the third part has to do with future annexation. We can leap frog right across the highway once we acquire additional property into the city limits. Okay. And annex those people into here - that property. The city, if it's going to stay exactly the way it is, it will stagnant, it needs to grow. It needs to bring in more ground to develop

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more businesses from that standpoint. But none of these things that I'm aware of have been addressed. And I'd like to have the opportunity of working with the community, okay, and the Mayor and Plain Township in discussing these things. Once those have been exhausted, we don't have to go - then we can sit down and talk about selling this properly. But until then, I think it's wrong to go forward and sell an asset before we have any idea what the future holds for that asset.

Mr. Snyder: Mr. Sahadi, one thing sir. You yourself, if I recall, were one of the proponents of the referendum on the last sale of Oster.

Mr. Sahadi: That's correct.

Mr. Snyder: Your statement as well as Mr. Osborne's statement was that we disenfranchise any potential bidder on the property - you fought the sale of the property. And you're ...inaudible... today. First of all sir, understand two things, we're about to possibly enter into a purchase of 4.2 million of which we're going to use two and a half million of liquid capital, borrow the rest about an interest cost of \$38,000.00 a year. Consequently, selling a property that we paid \$250,000.00 for it for a minimum bid - that's only 1.7 million dollars, is a pretty good return on an investment and you know that yourself. If you have a client that you...

Mr. Sahadi: Well let me ask you something. Return on investment - a constant source of income over and above the 1.7 million for years to come...

Mr. Snyder: Inaudible...

Mr. Sahadi: is a better investment.

Mr. Snyder: That assumes something not in evidence or in fact. You're assuming that is developable...

Mr. Sahadi: Well wait a minute, I may be assuming that it may be developed or that we take the water off. But you're also making the assumption out of hand, without any documentation, to demonstrate that.

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

Mr. Sahadi: How can you say that's not true, when you're telling me on one hand sir that - and I'm not upset with you, I just get a little excited here so take it easy, okay - on one hand you're telling me that you know yea you know the people are disenfranchised - the buyers are disenfranchised. And I agree with that statement. However, I also stated that my goals now are not personal any more, they're community minded.

Mr. Snyder: Okay.

Mr. Sahadi: I switched when I started to find out that the water on that property, okay, was excessive. What I mean by excessive, I mean very excessive.

Mr. Snyder: Now wait a minute. You also have to ...inaudible... the other side of the equation. Excess is ten million gallons is excessive. But ...inaudible...

Unidentified: Right.

Mr. Sahadi: Two million - what is it - two thousand gallons per minute...

Mr. Snyder: Ten million a day. That does not ...inaudible... you've got to also enter into the equation, the City of Canton has a million gallon collection well plus wells ...inaudible..

Mr. Sahadi: I'm very much aware of that ...

Mr. Snyder: Inaudible... wells. First of all it doesn't preclude the cost of obtaining the water and bringing it to our source. That all being equal sir, two things that you must and you're saying that we - the city and the administration did not do due diligence. Number one, if you were familiar with the operations of the city and you're somewhat familiar with it ...inaudible... understand that...

Mr. Sahadi: I'm becoming very familiar with it, yes.

Mr. Snyder: any contract to sell the property, it requires that the buyer ...inaudible... successful of the bidding of the property, enter into an agreement with the city to purchase its water at two and a half times the inside rate. However, also there's a caveat that requires that person who buys that property to sign an agreement ...inaudible... which forces them, at the mayor's discretion, to either sign or the mayor sign for them, to annex into the City of North Canton.

Mr. Sahadi: Well that's - wait a minute, you're talking about anybody who buys this property.

Mr. Snyder: It makes no difference who buys it.

Mr. Sahadi: Okay.

Mr. Snyder: That's part of the purchase agreement.

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Mr. Sahadi: Well let's go back a little bit for a second here and I'm not going to sit here and joust all night...

Mr. Snyder: No...

Mr. Sahadi: because you have other business to attend to. But I also want the city to understand that I have not seen and nor has it been discussed here in council, okay, that I'm aware and I've been very attentive to try and find out information, by the way, that what Mayor Rice is asking for Arrowhead, I'm asking for Oster. Because the future of this community, long after the depletion of what happens as far as jobs over across the street here, okay, it's going to leave us with a vacuum for cash. Okay. Where's that cash coming from?

Mr. Snyder: Hopefully from the sale of the Oster property.

Mr. Sahadi: Well the Oster property can't pay for Arrowhead, it can't pay for running the pipeline up to Arrowhead, it cannot pay for all the jobs that are lost from now into the future, once we acquire Arrowhead. And I think it's very important, very practical to sit down before you go off and sell a piece of property to see all the alternatives in black and white. You're not going to get an argument from me to sell the property, but what I'd like to see first of all is some people who can espouse certain viewpoints without getting their head taken off.

Mr. Snyder: Now let me ask you this sir. And again I come back to the fact to you use your own expertise ...inaudible... You in your own good sense tell me that you think that if a developer, whether it be a joint developer with the city or who or Plain Township, would put commerce in that particular location.

Mr. Sahadi: Let me remind you the Strip was one of the largest sand and gravel pits in the area. Mullinax Ford was a sand and gravel pit.

Mr. Snyder: Also the ingress and egress...inaudible...

Mr. Sahadi: I agree with you, but they also created their own out there.

Mr. Snyder: How would you do that over here?

Mr. Sahadi: Imagination and people sitting down and working together.

Mr. Snyder: First of all there's no other access that's being explored.

Mr. Sahadi: But we don't know that yet. You're saying that the people from the West Avondale, which I - I'm going to be very frank about it, I'm in favor of what they want done because in my backyard I got a baseball park overnight - literally overnight. Okay. And that's not how it was presented to me and nor do I want to do the same thing to these people. Okay. But I feel by working with them and addressing their concerns and addressing the future need for the city's need for income and grow, that we can work all these things out. But what you're saying, we'll throw the baby out with the bath water, we'll worry about it later. And that's not the right attitude to take.

Mr. Snyder: Let me ask you this sir. How about ...inaudible... for the sake of time. This ... process takes six weeks or three readings, takes five weeks for advertising - that's eleven weeks. I think in eleven weeks if you feel that there's a buyer there or there's somebody that wants to develop that...

Mr. Sahadi: I'm not saying that somebody should develop it. I say the city should retain it and do it themselves.

Mr. Snyder: Well we're not in the development business.

Mr. Sahadi: No, but you can make sure that it's available, okay, for development where the city continues to own the property.

Mr. Snyder: It's available right now.

Mr. Sahadi: But no, we're talking about selling it right now. Up until last year this property was off the table, no one ever talked about it.

Mr. Snyder: No sir, that's not true.

Mr. Sahadi: Well how many times it was for sale before this?

Mr. Snyder: Well the church that owns Edgewood tried to buy it under Mayor Revoldt.

Mr. Sahadi: Okay, they tried to buy it.

Mr. Snyder: Yea, but they wouldn't pay the price we wanted for it.

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Mr. Sahadi: What did you want for it?
Mr. Snyder: Two million dollars.

Mr. Sahadi: Why are we putting it up at the - well never mind. I'm not going to get into that discussion right now, it's not necessary. I'm asking the Mayor, okay, to consider what I have to say. Okay, I'll be more than willing to meet with you, more than willing to sit down with you, okay. Inaudible... some kind of committee and let's take a serious look at this property before we get rid of it. I'm not saying that we shouldn't sell it, but I also feel that we should - for the people that helped pay for that property through their tax dollars, I think it's important, okay, that they have the satisfaction of knowing that we can't do anything with it if that's the case. But if we can, the future revenue, future expansion, future water, because there's no reason for us to buy water from Canton, Ohio, when we have our own water. Okay. That's all I ask. I thank you for your time sir.

Mr. Snyder: Thank you very much. Anyone else wishing to speak to the council? If not...

OLD BUSINESS:

8. Mr. McLaughlin moved and Mr. Foltz seconded to **read by title only, third reading** of Ordinance No. 63-03. All members present voting:
Yes: Magel, McLaughlin, Osborne, Snyder, Foltz, Kiesling and Lindower.
No: 0

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

Mr. Snyder: Chairman Magel.

Mrs. Magel: Yes, this is our third and last reading. It's standard repair and preventative maintenance of the roads - \$250,000.00 allocated for asphalt, \$25,000.00 for concrete. Last week in your - well I'm not sure if it was last week, you were just presented with a list of proposed street maintenance and I hope you had time enough to look it over.

Mr. Osborne: Inaudible...

Mr. Foltz: Yes.

Mr. Osborne: Inaudible...

Mr. Foltz: It was passed out at the end of the committee meeting last week.

Mrs. Magel: And a - so this is the list as was promised last Monday and I hope that - especially ward people took time enough to look ...inaudible... make sure the streets that you had asked for are on there. And a ...inaudible... then that would be it. Then we receive the bids and...

Mr. Benekos: Correct.

Mrs. Kiesling: I have one question for Jon, James is on here.

Mrs. Kiesling: Isn't James due to be done in the next year or two?

Mr. Snyder: James I think is 2006 or 7. I don't have that list in front of me. You have that list ...inaudible...

Mrs. Magel: Oh ...inaudible...

Mr. Snyder: Well the other thing is...

Mrs. Kiesling: I'm surprised because actually last year it was on for this year and it ...

Mr. Snyder: Yea and the reason that James - the reason James is on here we normally won't do a street that is designed for five years. If you recall James is in such a deplorable shape ...

Mrs. Kiesling: It is.

Mr. Snyder: It will not make it probably six months. It will be there - it will be in the mud. And I believe that was the Engineer and Mayor's intention to do James to buy that extra couple years until we go forward...inaudible... Even though sometimes people say it's not smart. Inaudible... ask you if he does have to travel James and it's rippled due to the water that comes down in that area there, which is actually part of the Arrowhead runoff.

Mrs. Kiesling: Inaudible... Arrowhead.

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Mr. Snyder: And it does have to ...inaudible... your street Marcia and ...inaudible...
Mrs. Kiesling: It's my backyard.

Mr. Snyder: And they were sympathetic to my ear on that and decided that they would kind of bend the rules somewhat and that's the reason. Because James will not make - won't make it through to the fall.

Mrs. Kiesling: I just wanted to make sure it wasn't ...inaudible...

Mr. Snyder: No, no. But it is in such a very very bad - it's very similar to Hillcrest and some of these other ones where we have water problems - underground water, the gravel and the ...inaudible...

Mr. Osborne: Inaudible...again.

Mr. Snyder: No, no. It's not legal - redo ...inaudible... whatever's on there. But it has to now put a surface of asphalt ...inaudible...

Mrs. Magel: Inaudible...

Mr. Snyder: Yea, just ...inaudible...

Mr. Osborne: Inaudible...Julie, did you find what it said on there?

Mrs. Herr: Yea, it's on here for 2004.

Mr. Osborne: Okay.

Unidentified: So you're going to rebuild it next year?

Mayor Rice: No, it's - no, that's why it's on this year. I was talking with Jon - just so you understand folks when we do projects, already in talking with the Ward 4 councilman, at his guidance ...inaudible... major projects in Ward 4 that are ahead of when James is going ...inaudible... We've got Middlesworth Phase 2, is the next thing in his ...inaudible... He then has pill hill area, which is going to be probably a two year project, like Middlesworth is - it's a very large project. Count the years now, that's one, two, three years already. Then he's got the Wilkshire, Heatherwood ... areas up in the Lipton area. He's got the Salway, Linda, Lorrell area. Everything south of Everhard Road, with the exception I believe of Surrey Hill, is in need of curb and gutter. So Jon's got in Ward 4 a lot of people lined up cause everybody should know that's the worst ward. And there's no way James was going to get redone and Jon has the other ones as priorities to be done before James does as far as curb and gutter.

Mrs. Kiesling: I have a question then about ...inaudible...

Mayor Rice: Inaudible...

Mrs. Kiesling: Because it keeps getting bumped back year after year ...inaudible... paving. You know I honestly thought James was on for next year and thought we were good to go. But if this gets bumped back another four or five years, Bonnet is behind it and we haven't been resurfaced in - well I've been there ten years, we've never been resurfaced. So...

Mr. Osborne: Inaudible...

Mrs. Kiesling: I don't know but I'm ...inaudible... is a circle ...

Mr. Snyder: Yea.

Mrs. Kiesling: But Bonnet - I guess my question - I'm just shocked at James because I knew it was on for next year and Bonnet is behind it and we haven't been resurfaced in ten years.

Mr. Lindower: Some streets hold up longer than others.

Mrs. Kiesling: True, but James and Bonnet do look pretty horrible so...

Mayor Rice: Oh, understand...

Mrs. Kiesling: Inaudible...

Mayor Rice: this list is pretty lengthy and there is ...

Mrs. Kiesling: Inaudible...

Mayor Rice: It's not likely all these streets are going to get done folks. So ...

Mrs. Kiesling: Well we'll work on it for next year then.

Mayor Rice: Inaudible...

Mr. Snyder: Some of those Marcia we're going to have to change from curb and gutter ...inaudible... of course Bonnet would have to be waterlines. We have no choice there because they're older lines. But I just and council, the majority, knows this, the problem - that is the problem at Arrowhead. When you take ...inaudible... Wilkshire area, there's no storm sewer capable of handling the present water flow and we're doing is deteriorating our infrastructure because ...inaudible... people's yards. So we must address those ... streets with storm water as well as if you go down Salway, it's like riding a washboard because of the water. That's all caused of a 105 acres water ...inaudible...

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Mr. Osborne: Well I'd like to add our Finance Director has told us that we're not going to be paving as many streets and rebuilding as many streets with this purchase of Arrowhead. So I think you know talk about this and telling people we're going to be paving their streets here and moving right along. Inaudible... with Arrowhead and you've got these pending job eliminations at Hoover, I just wondered how you can continue to promise the projects with money and income going out the door quickly and not coming in that quickly. Job losses ...

Mr. Snyder: We'll buy some lottery tickets.
Mr. Osborne: Well that will reassure the public.

Mrs. Magel: Any other questions council ...inaudible...? Then I recommend this be...

Mr. McLaughlin moved and Mr. Foltz seconded to **adopt the third reading** of Ordinance No. 63-03. All members present voting:
Yes: McLaughlin, Osborne, Snyder, Foltz, Kiesling, Lindower and Magel.
No: 0

Mr. Snyder: Thank you.

9. Mr. McLaughlin moved and Mrs. Magel seconded to **read by title only, second reading** of Ordinance No. 67-03. All members present voting:
Yes: Snyder, Foltz, Kiesling, Lindower, Magel and McLaughlin.
No: Osborne.

Ordinance No. 67-03 - Second 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 purchase and installation of a community sign and landscaping at North Canton City Hall.

Mr. Snyder: One thing before we ...inaudible... know that the ordinance was redrafted and amended to spell out sign and landscaping. Inaudible... you should of been given a copy of ...inaudible... Mr. McLaughlin made a motion. Sir, is there something ...

Mr. McLaughlin: No - yea I would...

Mr. Snyder: You'd like to add to that at this time?

Mr. McLaughlin: Yes I would. Two comments on the sign ordinance. First of all is any sign in the City of North Canton should be conforming to our sign ordinance. I talked to the Mayor and he has no problem with that. So as you remember that the sketches we had were just sketches. It was just an idea. It was not going to be held to anybody's ...
Mr. Foltz: Right.

Mr. McLaughlin: Feet to the fire. But, they had no problem conforming to our sign ordinance. Second of all is I have no problem voting yes on the second reading, but I would like to see more money in the till for this from the community itself. I have no problem next time if a - the third reading of us tabling the issue until after summer break to see if they come up with some more money. I know that Ron and I've talked, there's a lot more organizations out there ...inaudible... a lot more input from the community and a lot less on the City of North Canton.

Mr. Snyder: Yes sir, and I can understand that. You have a figure there that'd you like to ...inaudible...?

Mr. McLaughlin: I'd like to see around \$20,000.00 from the community itself - I would like to see it. I don't know council feels about it, but I would like to see at least \$20,000.00.

Mr. Snyder: So now it is your intent that you'd like it to have a second reading and pass it...

Mr. McLaughlin: Right.

Mr. Snyder: and then in two weeks for the third reading just table it...

Mr. McLaughlin: If they don't come up...

Mr. Snyder: Inaudible...money ...inaudible... It is my understanding that it will not exceed 32 square inches is this - under the present...

Mrs. Magel: Inaudible... square feet.

Mr. McLaughlin: Square feet.

Unidentified: Inaudible... small.

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Mr. Snyder: Inaudible... 32 square feet.

Mr. McLaughlin: Yes sir, that's my intention.

Mayor Rice: Inaudible... the draft ...inaudible... have Gene look at it and by our sign code that draft, the idea the conceptual drawing you've got as I gave you dimensions before, are approximately 4 by 10 ...inaudible...

Mr. Snyder: Right, so they'll just reduce it a little bit.

Mayor Rice: And our zoning code on signs, according to Gene, is 32 ...

Mr. McLaughlin: Yes.

Mayor Rice: square feet.

Mr. McLaughlin: Yes.

Mayor Rice: Got no problem with that.

Mr. McLaughlin: Thank you.

Mayor Rice: and I don't think the people that are supporting the sign have any problem with that.

Mr. McLaughlin: Okay.

Mayor Rice: You know making sure that the size of the sign ...inaudible...

Mr. McLaughlin: Thanks ...inaudible...

Mrs. Magel: Yea, actually the drawing that we had when we were using the term 10 by 10, I mean we weren't including the base...

Mayor Rice: Right the walls...

Mrs. Magel: and the flowerbeds and the walls...

Mayor Rice: You got the walls all the way up and down Main Street.

Mrs. Magel: Right.

Mayor Rice: But there's a similar type wall with the red brick and then the sandstone on top of it and the sign will simply sit on top of that base wall.

Mrs. Magel: We never meant ... the sign was 100 square feet.

Mr. McLaughlin: No...

Mayor Rice: No, the sign was only 40 square feet...

Mrs. Magel: That's right.

Mr. McLaughlin: Right.

Mayor Rice: Roughly.

Mrs. Magel: But now you're willing to - 32 ...inaudible...

Mayor Rice: Yea, I mean - again as I told you, what we presented to ... was just an artist's rendering ...

Mrs. Magel: Right.

Mayor Rice: of - to give you an idea of what it would look like. I told you at the time the specs haven't been fully developed because we wanted to get the approval of council first and certainly ...inaudible... you know. And I don't think there's a problem with 32 square foot depending on what the actual sign ...inaudible...

Mr. McLaughlin: I appreciate it. Thank you very much.

Mr. Osborne: Inaudible...

Mrs. Kiesling: I just want to make a comment. But I meet with Mr. Kindy and Jack Baker today and went into the sign in detail. And I learned a lot through the TAP Committee that this sign has been around since '89 that they've been working on it and having to bring it back to us in a form that we'll accept it as council. And why people are involved - a lot of businesses, a lot of merchants, it's - I think it's embraced by a lot of people over the years. However, a couple weeks ago it just - the way it was presented I just felt like I didn't receive a whole lot of information about the sign. I wasn't empowered with information ...inaudible... Mayor. Therefore, I'm very happy that Mr. Kindy and Mr. Baker called me up and asked me specifically to sit down and let's talk about what - how this evolved over the years. And that really has made me open up my eyes.

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Mayor Rice: Right. I don't recall you ever calling and asking for any information about the sign, but I'm sure ...inaudible... decided to change your mind yet again.

Mrs. Kiesling: Oh I haven't changed my mind. I ...inaudible... Mr. Mayor.

Mayor Rice: Inaudible... okay.

Mrs. Kiesling: I do have a question though. Who is the vendor that is doing the you know, who are looking at to build it for us - to ...inaudible... us?

Mayor Rice: That will be advertised and bid and...

Mrs. Kiesling: Okay. The other - my other thought was and I spoke with Mr. Kindy before the meeting tonight, I - this idea from the get go I thought was a great idea. However, I think financing and the state of the city right at the moment, I have so many questions. Timing has definitely been an issue as far as the sign coming to council. But me and Mr. Kindy we spoke and I would like to in the next couple weeks find some evidence - we're going to look at cities that have these signs, in Ohio and other states, wherever as to what they think they've brought to their cities, how they made it - how the sign has made it better as TAP really believes it will. I would like to gather some evidence for myself ...inaudible... So we're going to work together and find some of this - some these facts and maybe I can bring it back to you and we can look at it a little bit more closely. The money is definitely an issue, I agree with you Rick. I don't know if I have a boundary, but I'm - I think it's wonderful that there are groups coming forward to give us some money. I mean I agree that ...inaudible... more money in the next couple weeks, tabling it. I was willing to table it last week. I'm willing to table it this week. So I did more research. But if we need to table it that's fine. Inaudible...

Mr. Osborne: My turn ...inaudible...? Most - there's not just one single issue that makes or breaks the sign for me. Money certainly is a factor. I don't think there's enough real estate out front there to do this. Inaudible... very close to the intersection here. People will be running up and down the street. I'd like to see the money put in to improving the flow of information and communication ...inaudible... right through our internet web site. It was talked about before I came on council and nothing has happened with it. So there's nothing that you could do here to get me onboard with this sign. We've got imminent job eliminations coming up here. I think ...inaudible... tells the public ...inaudible... continue to spend in spite of jobs just flying out of this community. Thirty years ago a sign would be great because that was back in the 60's, 70's, that's how ... communicated with people, but in this day and age people are at home they get online to see what movies are playing and what times they're on, they can even order groceries. In some communities they can see what's going on in their city government. So I'm not going to be swayed on this sign. Thank you.

Mr. Snyder: Any other comment? Mrs. Magel...

Mrs. Magel: Before I vote, I have a question.

Mr. Snyder: Please.

Mrs. Magel: Am I voting for the ...inaudible... of this?

Mr. Snyder: No mam...

Mrs. Magel: Inaudible...

Mr. Snyder: No mam, that is a proposal Mr. Kindy ...inaudible...

Mrs. Magel: Okay.

Mr. Snyder: We are voting on the 35 or possibly \$35,000.00 - \$15,000.00 for the landscaping. It was Mr. McLaughlin's wish that ...inaudible...

Mrs. Magel: Okay.

Mr. Snyder: You're only voting presently on ordinance 70-03 ...inaudible...

Mrs. Bittle: 67-03.

Mr. Snyder: 67-03.

Mrs. Magel: Thank you.

Mr. Snyder: But it is - you are voting for a sign and it's in compliance with the city sign ordinance.

Mrs. Magel: Correct.

Mr. Snyder: It's no longer nonconforming. It is complying.

Mrs. Magel: Thank you.

Mr. Snyder: You're welcome.

Mr. Osborne: Inaudible... that will be a first ...inaudible... we're conforming up here.

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Mr. McLaughlin: Inaudible... call the question...

Mr. McLaughlin moved and Mr. Foltz seconded to **adopt the second reading** of Ordinance No. 67-03. All members present voting:

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

No: Osborne and Kiesling.

10. Mr. McLaughlin moved and Mrs. Kiesling seconded to **read by title only, second reading** of Ordinance No. 68-03. All members present voting:

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

No: 0

Ordinance No. 68-03 - Second 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: Our contract does not expire. However, for housekeeping purposes so we don't have to treat it as an emergency when the other one does expire ...inaudible...

Mr. McLaughlin moved and Mrs. Magel seconded to **adopt the second reading** of Ordinance No. 68-03. All members present voting:

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

No: 0

11. Mr. McLaughlin moved and Mr. Foltz seconded to **read by title only, second reading** of Ordinance No. 69-03. All members present voting:

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

No: 0

Ordinance No. 69-03 - Second 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 a summer expiration, but to move it along in a more timely fashion and eliminate the emergency, we're asking for it now. And that being just a housekeeping matter.

Mr. McLaughlin moved and Mr. Lindower seconded to **adopt the second reading** of Ordinance No. 69-03. All members present voting:

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

No: 0

12. Mr. McLaughlin moved and Mr. Lindower seconded to **read by title only, second reading** of Ordinance No. 70-03. All members present voting:

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

No: Magel.

Ordinance No. 70-03 - Second 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: Mr. George Zablo, the owner of the property, has asked for relief from this storm sewer easement as it is no longer applicable to the city, the city has no intention of using it. It runs right through the middle of the proposed two developments that he wants to put in there. Two developments being two additional condominiums on the properties. And all this storm water is contained on the property and ...inaudible... through pipes outside this property and into the city storm sewer system. Consequently they're of no use to him or the city ...inaudible... Planning Commission ...inaudible... requested by the council ...inaudible...

Mr. McLaughlin moved and Mrs. Kiesling seconded to **adopt the second reading** of Ordinance No. 70-03. All members present voting:

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

No: Magel.

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NEW BUSINESS:

13. Mr. McLaughlin moved and Mrs. Kiesling seconded to **read by title only, first reading** of Ordinance No. 71-03. All members present voting:
Yes: Osborne, Snyder, Foltz, Kiesling, Lindower, Magel and McLaughlin.
No: 0

Ordinance No. 71-03 - First Reading

An ordinance authorizing the vacation of a portion of Alley No. 37, from a point at the South line of Lot Number 44, North to the South lines of Lots number 5903 and 5929, a distance of approximately fifty-five (55) feet; and a portion of Alley No. 61 from a point at the North line of Lot Number 606 to the South line of Lots Number 6488 and 6489, a distance of approximately ten (10) feet and located within the corporate limits of the City of North Canton and declaring the same to be an emergency.

Mr. Snyder: Chairman Magel.

Mrs. Magel: Yea, this what we had our public meeting on several hours ago. This is the property we need to vacate for St. Paul's. We just concluded a public meeting earlier, ten to seven. And there were two gentlemen that had a question and they were satisfied. And there was somebody who spoke on behalf of it and no one spoke against it. You know it is on an emergency and I believe Mr. Shanabruch explained why. In general we don't do this on emergency and I'm not advocating that we do it anymore of these on an emergency, but St. Paul's does need to get moving on this - improvements there. So therefore, I would indulge - ask your indulgence that we can do this on an emergency basis. It's recommended and no one spoke against it. Any comments ...

Mr. McLaughlin moved and Mr. Foltz seconded to **adopt the first reading** of Ordinance No. 71-03. All members present voting:
Yes: Snyder, Foltz, Kiesling, Lindower, Magel, McLaughlin and Osborne.
No: 0

Mr. McLaughlin moved and Mrs. Magel seconded to **suspend the rules** for Ordinance No. 71-03. All members present voting:
Yes: Foltz, Kiesling, Lindower, Magel, McLaughlin, Osborne and Snyder.
No: 0

Mr. McLaughlin moved and Mr. Lindower moved to **adopt under suspension of the rules** Ordinance No. 71-03. All members present voting:
Yes: Kiesling, Lindower, Magel, McLaughlin, Osborne, Snyder and Foltz.
No: 0

14. Mr. McLaughlin moved and Mrs. Magel seconded to **read by title only, first reading** of Ordinance No. 72-03. All members present voting:
Yes: Lindower, Magel, McLaughlin, Osborne, Snyder, Foltz and Kiesling.
No: 0

Ordinance No. 72-03 - First Reading

Ordinance No. 72-03 approving, confirming and accepting the dedication plats for Ream Avenue N.W., being part of Lots 924, PT.925, PT.80 and PT.23 and being parts of Lots 16 and 17 in the City of North Canton, Stark County, Ohio, for public use purposes and declaring the same to be an emergency.

Mr. Snyder: Chairman Magel.

Mrs. Magel: Yes, last week we discussed this, we had a map. This boils down very simply, it's just to have the aprons on both sides of the Ream so we can open it up and the turns will be much better especially for the school buses and then the other one was for the road right out here, ...inaudible..

Mr. Lindower: Portage.

Mr. McLaughlin: Portage.

Mrs. Magel: Inaudible...

Mr. McLaughlin: East Maple or West Maple.

Unidentified: You mean Charlotte?.

Mrs. Magel: Inaudible...

Unidentified: Portage...

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Mrs. Magel: Anyway all it is is a paper to make sure that ...inaudible... turn. And I'd ask please to put this on an emergency so we can get this done over the summer prior to the school buses so they can use it...inaudible...
Mr. Lindower: School year, yea.

Mr. Foltz moved and Mr. McLaughlin seconded to **adopt the first reading** of Ordinance No. 72-03. All members present voting:
Yes: Magel, McLaughlin, Osborne, Snyder, Foltz, Kiesling and Lindower.
No: 0

Mr. McLaughlin moved and Mrs. Magel seconded to **suspend the rules** for Ordinance No. 72-03. All members present voting:
Yes: McLaughlin, Osborne, Snyder, Foltz, Kiesling, Lindower and Magel.
No: 0

Mr. McLaughlin moved and Mr. Foltz seconded to **adopt under suspension of the rules** Ordinance No. 72-03. All members present voting:
Yes: Osborne, Snyder, Foltz, Kiesling, Lindower, Magel and McLaughlin.
No: 0

15. Mr. McLaughlin moved and Mrs. Magel seconded to **read by title only, first reading** of Ordinance No. 73-03. All members present voting:
Yes: Snyder, Foltz, Kiesling, Lindower, Magel, McLaughlin and Osborne.
No: 0

Ordinance No. 73-03 - 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 Pearl/Rose Court Improvement project and declaring the same to be an emergency.

Mr. Snyder: Chairman Magel.

Mrs. Magel: Yes, this was appropriated for the amount - the total project curb and gutter and the waterline and resurfacing. And the entire project is \$375,000.00 - it's appropriated. We're asking for it to be on an emergency basis to get this started.

Mr. Snyder: Okay...

Mr. McLaughlin moved and Mr. Foltz seconded to **adopt the first reading** of Ordinance No. 73-03. All members present voting:
Yes: Foltz, Kiesling, Lindower, Magel, McLaughlin, Osborne and Snyder.
No: 0

Mr. McLaughlin moved and Mrs. Magel seconded to **suspend the rules** for Ordinance No. 73-03. All members present voting:
Yes: Kiesling, Lindower, Magel, McLaughlin, Osborne, Snyder and Foltz.
No: 0

Mr. McLaughlin moved and Mrs. Kiesling seconded to **adopt under suspension of the rules** Ordinance No. 73-03. All members present voting:
Yes: Lindower, Magel, McLaughlin, Osborne, Snyder, Foltz and Kiesling.
No: 0

Mr. Snyder: I'd like to point out that the ...inaudible.. three ordinances are ...inaudible... note.
Mrs. Magel: I'd like to point out that it's all three street and alley.
Mr. Snyder: Inaudible... one thing...

Mr. Osborne: Is that a compliment, Mr. President, for me?
Mr. Snyder: Inaudible...
Mr. Osborne: Inaudible...

Mr. Snyder: One question, before I have him read 74-03 - and I have an emergency clause in that and it's in there for a purpose and if in fact we are successful, we are bound by a contractual agreement which we will execute ...inaudible... that we do provide that financing within a 60 day window. But if there is any possibility that you cannot do it or you want to abstain your vote, please tell me now and we'll remove the emergency from the legislation. As a courtesy to ... for myself and the Mayor and to Arrowhead and to yourself. So everybody's comfortable with that?

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Mr. Osborne: I'm not.

Mr. Snyder: Well ...inaudible... I'm not being smart with ...inaudible...

Mr. Osborne: I know...

Mr. Snyder: Mr. Batista, you'd ...inaudible...

Mr. Batista: Yes, I'd like the record to reflect that I have before me, with respect to Ordinance 74-03, Fiscal Officer's Certificate, signed by Director of Finance Herr, dated May 27, 2003. This is the certificate that is a prerequisite ... adoption of the ordinance.

Mr. Snyder: And that certificate will state that ...inaudible... \$2,100,000.00 ...inaudible... Is that correct?

Mr. Batista: No, all it is, is a certification of the estimated life ...inaudible... is less than five years, the estimated ...inaudible... that we will be issuing bonds ...inaudible...

Mr. Snyder: Okay. Any questions on that? If not...

16. Mr. McLaughlin moved and Mrs. Kiesling seconded to **read by title only, first reading of Ordinance No. 74-03**. All members present voting:
Yes: Magel, McLaughlin, Snyder, Foltz, Kiesling and Lindower.
No: Osborne.

Ordinance No. 74-03 - First Reading

An ordinance providing the issuance and sale of \$2,100,000.00 notes, in anticipation of the issuance of bonds, for the purpose of paying a portion of the costs of acquiring the premises known as Arrowhead Country Club, located at 1500 Rogwin Circle SW in the City of North Canton, Ohio, and declaring an emergency.

Mr. Snyder: Inaudible... familiar with this. It simply says that we agreed upon the purchase price being 4.2 million - \$2,100,000.00 will be used from ... funds, \$2,100,000.00 will be ...inaudible... in a series of notes over the next five years ...inaudible... about \$38,000.00. And at the end of five years we will either put them into long term bonds or we will pay the property off depending on the treasury and the wishes of council. If not ...inaudible... any questions?

Mr. Osborne: Mr. President, I have a couple comments.

Mr. Snyder: Please...

Mr. Osborne: The 38,000 a year ...inaudible... short term notes?

Mr. Snyder: That's correct. For one year notes.

Mr. Osborne: The interest expense will go up whenever we do long term bonds.

Mr. Snyder: Depending on the bond market.

Mr. Osborne: Inaudible...

Mrs. Herr: If that's what happens, then ...

Mr. Osborne: Inaudible...

Mrs. Herr: the long term bond rate is higher than the short term.

Unidentified: Correct.

Mrs. Herr: We can always continue to go short term after five years, we just have to start paying it down.

Mr. Osborne: Oh, I thought we could only go short term for five years ...inaudible...

Mrs. Herr: We can go short term and not pay it down for five years, but after the fifth year you have to start paying that principal down.

Mr. Osborne: Oh, we can continue to have short term notes? Oh, that isn't the way I've understood it clear up to now.

Mrs. Herr: Yea, that's...

Mr. Osborne: I thought it was represented that we had to after five years get long term bonds.

Mrs. Herr: No, we just have to start paying it down as if we were paying bonds.

Mr. Osborne: Okay and how much would you be expecting to pay down on the principal each year?

Mrs. Herr: That's ...

Mr. Osborne: Is there a minimum?

Mrs. Herr: Inaudible... year it's going to be you know, it's just ...inaudible... to whether we want to payoff none of it, all of it, some of it. That's...

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Mr. Osborne: But there's - to meet that requirement after five years, is there a minimum amount that has to be paid down?

Mrs. Herr: No, no.

Mr. Osborne: So you actually pay down ten thousand and ...

Mrs. Herr: You could not pay any down as long as after five years you pay something down after five years - by that fifth year.

Mr. Osborne: I don't think you answered my question.

Mr. Snyder: There is no...

Mr. Osborne: After five years.

Mr. Foltz: It doesn't matter you're not voting for it anyway.

Mrs. Herr: Okay, after the first three years we can roll it over at the same amount for every year.

Mr. Osborne: Correct.

Mrs. Herr: The fifth year we have to pay something down on it in order to continue ... pay you can roll it over for four years without paying anything. After the fifth year...

Mr. Osborne: Inaudible...

Mrs. Herr: you have to start paying it down as if we were issuing bonds and paying bond...

Mr. Osborne: Okay.

Mrs. Herr: principal payment.

Mr. Osborne: There's no requirement for a minimum principal reduction?

Mrs. Herr: Every year, no. Only until you get to that fifth year, then you have to start paying it down.

Mr. Osborne: That's what I'm saying. So in that fifth year...

Mrs. Herr: Yes...

Mr. Osborne: Can you just pay it down a hundred dollars?

Mrs. Herr: No, you have to - whatever the calculated amount is as far as over that life of the anticipated bond, you have to pay that down. And I don't know if that exactly what that figure is.

Mr. Osborne: Okay.

Mrs. Herr: But I think after five years you know it won't be paid off entirely or it won't be you know it won't be an issue because ...inaudible... paid off a good portion of it at end.

Mr. Osborne: Inaudible... to pay this off in five years without any strain or...

Mrs. Herr: It's possible, yea. But I'm not ...inaudible... predict the future. I'm not going to you know go out there on a limb and say ...

Mr. Batista: Inaudible... 20 year bond.

Mrs. Herr: Yea.

Mr. Snyder: It's a 20 year ...inaudible...

Mrs. Herr: Yea, if we do decide to go the bond route. Okay.

Mr. Foltz: We could write a check.

Mrs. Herr: But that's still a decision to be made way down the road. We ...inaudible... end up paying it off over two, three, four years ...

Mr. Osborne: Alright, so if we don't pay anything down until the fifth year, the principal payments will be what \$210,000.00?

Mrs. Herr: No, there won't be any principal payment. You would just be rolling it over.

Mr. Osborne: The fifth year we start making a principal payment?

Mrs. Herr: If you decide, I mean we could be paying it off before that.

Mr. Osborne: I understand that. But if we continue just to pay it ...inaudible... for five years and then we have to start making interest payments - I mean principal payments, what would be the principal payment on that fifth year?

Mrs. Herr: Well 2.1 over 20 years, whatever that means.

Mr. Snyder: \$100,000.00 a year.

Mrs. Herr: Yea ...inaudible...

Mr. Snyder: \$8,000.00 a month.

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Mr. Osborne: Okay, that's all I wanted to hear.

Mr. Snyder: I have a privileged question of the Mayor. Mayor, is it - am I correct in my intentions and I apologize I ... assumed, but is your intention that this property would be managed by an entity that would include overall cost of the 38,000 in interest and any potential principal. That is basically somehow to try to recoup that. Am I thinking in the right direction here?

Mayor Rice: Yea, I mean I actually sent a memo to the Law Director last week asking for his advice on how to proceed, if the city acquires this as far as the proper process and procedure for contracting with someone to manage this. I don't know whether it's ...inaudible... process, if it's under professional service agreement how ...inaudible... and what restrictions we may have due to the debt, the financing and ...inaudible... certainly we want to maximize our revenue from the property.

Mr. Snyder: Right now I mean basically that ...

Mayor Rice: Inaudible...

Mr. Snyder: That would be to ...inaudible... accelerate that debt payment ...inaudible... possibly in a few years will be nonexistent.

Mayor Rice: That would be ...inaudible...

Mr. Snyder: Inaudible...

Mayor Rice: Inaudible... council and I couldn't give you anything ...inaudible... to that ...inaudible... till we start sitting down and talking ...inaudible... council. But I'll be working with the Law Director to do what we can...inaudible...

Mr. Osborne: I have ... one other question. I had an Arrowhead insider call me with concerns. Will the city be assuming any expenses that have been accumulated by the country club when we take it over?

Mr. Snyder: Inaudible... we purchased nothing other than the property and the chattels that are in ...

Mrs. Kiesling: In the contract.

Mr. Snyder: In the contract. We purchase no liability.

Mr. Osborne: When are we actually taking the property?

Mr. Batista: Inaudible... the contract as it is right now, gives the - it calls for December 31, 2003. I believe ...inaudible... option to turn it over to us earlier ...inaudible...

Mr. So my question is will they be paying all the operating expenses as long as they're there?

Mr. Snyder: Yes, as well as the real estate taxes.

Mr. Osborne: Well I wouldn't think the real estate taxes...

Mr. Snyder: Yes they are, it's in the contract.

Mr. Osborne: Okay.

Mr. Snyder: The city has the property under lease ... no longer tax exempt for that particular person be it the city or the lease holder has to pay them. And it says in the agreement that they will pay the real estate taxes.

Mr. Batista: Inaudible... we're intending to close within the 60 days after ...inaudible... And if they continue to hold the property after say if closing would happen no later than July 31st, if they continue to hold the property after July 31st there's kind of a floating pro ration of taxes.

Mr. Osborne: So if they continue to operate it after we have assumed ownership of it, are they paying any kind of lease or rental payments to the city or....

Mr. Batista: No.

Mr. Osborne: So they would be able to operate from July through December if they want to.

Mr. Batista: If they choose to yes.

Mr. Osborne: Will they be maintaining the property, cutting the greens and...

Mr. Batista: Well I assume if they expect to collect money from people playing golf they're going to have to cut the greens, yea.

Mr. Osborne: So will the city be paying those green costs and maintenance costs and...inaudible...

Mr. Snyder: No, the contract reads that they'll maintain the property as is. And we're holding...

Mr. Osborne: At their expense?

Mr. Snyder: At their expense. And we're holding in escrow...

Mrs. Kiesling: 70,000

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Mr. Snyder: to maintain that...
Mr. Batista: Yea.
Mr. Osborne: Okay. Thank you.

Mr. McLaughlin: Call the question.

Mr. McLaughlin moved and Mrs. Kiesling seconded to **adopt the first reading** of Ordinance No. 74-03. All members present voting:
Yes: McLaughlin, Snyder, Foltz, Kiesling, Lindower and Magel.
No: Osborne.

Mr. McLaughlin moved and Mrs. Magel seconded to **suspend the rules** for Ordinance No. 74-03. All members present voting:
Yes: Snyder, Foltz, Kiesling, Lindower, Magel and McLaughlin.
No: Osborne.

Mr. McLaughlin moved and Mrs. Magel seconded to **adopt under suspension of the rules** Ordinance No. 74-03. All members present voting:
Yes: Snyder, Foltz, Kiesling, Lindower, Magel and McLaughlin.
No: Osborne.

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

Ordinance No. 75-03 - First 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: Inaudible... as I explained to Mr. Sahadi, this is simply transferring the ownership of the Oster property from the Water Revenue Fund to the General Fund ...inaudible... process need two ordinances. Where is said no longer needed for water purposes, that doesn't mean that the water rights are no longer needed to be owned by the Water Revenue Fund. Any questions on that?

Mr. Osborne: I have one comment. Since we're already into this and the water rights...

Mr. Snyder: Mr. Osborne, I'll caution you sir, you must be on point to this particular - you're going to refer to the map and water, it's not on point and I will not entertain that question. I will entertain anything relative to Ordinance No. 75-03 only. And if it does not pertain to that, I will not entertain or allow you to filibuster on anything that is not pertaining to that ordinance. If it is pertaining to that ordinance sir, I'll entertain the question. Otherwise I will call the question.

Mr. Osborne: Well I can wait till later.

Mr. Snyder: Thank you. Is there any other information? If not...

Mr. McLaughlin moved and Mrs. Magel seconded to **adopt the first reading** of Ordinance No. 75-03. All members present voting:
Yes: Lindower, Magel, McLaughlin, Snyder ...
No: Kiesling and Osborne.

Mrs. Bittle: Foltz...
Unidentified: He stepped out.
Mr. Lindower: He disappeared.
Mrs. Kiesling: He'll be back shortly.
Mrs. Bittle: Should we just hold it for a minute?
Mr. Snyder: Hold it ...inaudible...

Mr. Osborne: May I get up and make my presentation while we're holding?
Mr. Snyder: No.
Mr. Lindower: No.
Mrs. Kiesling: Inaudible...

Mr. Osborne: Inaudible...

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Mr. McLaughlin: Inaudible...
Mrs. Magel: He's very ...inaudible...
Mr. Osborne: Inaudible...
Mrs. Kiesling: Inaudible...

Mr. Snyder: Oh, okay.

Mrs. Kiesling: Say yes.

Mr. Foltz: I thought I had a half hour. I was going to watch leave it to Raymond but - Yea, I apologize, I've been fighting a sinus infection. So I thought I had some time. I thought there would be discussion. So...

Mr. Snyder: Inaudible... on ordinance?

Mr. Foltz: Yes.

Mrs. Bittle: Thank you.

Mr. Snyder: Thank you.

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

Mrs. Bittle: Osborne.

Mr. Osborne: I'd like an explanation on this one here before we - I haven't had a chance to talk Julie on this.

Mr. Batista: You know you're so far out of order...

Mr. Snyder: Sir, first of all...

Mr. Batista: Inaudible... an opportunity to address.

Mr. Snyder: First of all sir it has to go around. There's no debate, it's not on the floor.
Mr. Osborne: I'm not debating ...inaudible... I just want it explained to me.

Mr. Snyder: Inaudible... we will do that. Are you voting to ...inaudible... this or not?

Mr. Osborne: Sure (yes).

Mr. Snyder: Okay.

Yes: Snyder and Foltz.
No: Kiesling.

Ordinance No. 76-03 - 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 \$500,000.00 for the current expenses during the fiscal year ending December 31, 2003.

Mr. Batista: Inaudible...

Mrs. Kiesling: Inaudible... I don't want ...inaudible...

Mrs. Herr: This is - in order to facilitate the previous ordinance where we're selling the property from the water fund to the general fund. The general fund actually has to purchase the property. They actually have to ...inaudible... and cut a check. And in order to do that you have to have the appropriation as part of that. And we only have a hundred thousand dollars appropriated from land acquisitions in the general fund. So this is merely transferring the money from the income tax fund to the general fund and then subsequently it will get appropriated in that land acquisition account so we can actually cut the check from the general fund to the water fund. Inaudible...

Mrs. Magel: It's juggling the ...inaudible... fund.
Mrs. Herr: Yes. That's ...inaudible... so...
Mrs. Magel: Right.
Mrs. Herr: So...

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Mr. Snyder: Any other questions? Mr. Osborne, you have any other questions?
Mr. Osborne: No, that explains it.

Mr. Snyder: Alright...

Mr. Osborne: I would of voted no if I would of known that.

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

Mr. McLaughlin moved and Mr. Foltz seconded to **adopt the first reading** of Ordinance No. 76-03. All members present voting:
Yes: Magel, McLaughlin, Snyder, Foltz and Lindower.
No: Osborne and Kiesling.

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

Ordinance No. 77-03 - 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 amount of \$500,000.00 for the current expenses during the fiscal year ending December 31, 2003.

Mr. Snyder: Again this is simply moving the money into there so that we can pay the water fund back plus interest of \$591,000.00. Any questions on Ordinance No. 77-03?

Mr. McLaughlin: No.

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

Mr. Batista: Inaudible... Ordinance 78-03 ...inaudible... had indicated...

Mr. Snyder: Yes. Inaudible...

Mr. Batista: Inaudible...

Mr. Snyder: But I also, prior to that, I would like - I inadvertently heard something from Member Kiesling that this was not going to be on the agenda. However, if she would look at the minutes of Finance and Property of Monday, May the 5th where she signed...

Mrs. Kiesling: I read it.

Mr. Snyder: Yea. So consequently there's been a two week period. So...

Mrs. Kiesling: Oh no, I just meant about the Monday I didn't realize ...inaudible...

Mr. Snyder: Oh, I thought you were referring to...inaudible...

Mrs. Kiesling: Oh no, I know. I read the read committee report. Inaudible... on the agenda. So ...inaudible...

Mr. Osborne: And I would say the same thing, I didn't realize this was going to be on the agenda tonight. Inaudible...

Mr. Snyder: Well as I said - it says in here prepare - the legislation will be prepared by Squires, Sanders and will not be ready for the May 12th agenda and will appear on the next regular council meeting agenda on May the 27th.

Mrs. Kiesling: As of last Monday night that ...inaudible...

Mr. Snyder: Inaudible... normally don't discuss the agenda, that's up to the discretion of the President of Council as what goes on or what doesn't go on.
Mrs. Kiesling: Right. As of...inaudible...

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Mr. Osborne: Inaudible... that's a significant piece of information ...inaudible...

Mr. Snyder: Well if you don't spend all your time chasing signatures, you could call me and find out what's on. Is there a motion to amend the Ordinance No. 78-03 to remove the emergency?

Mr. Snyder: Roll.

Mr. McLaughlin moved and Mr. Lindower seconded to **amend Ordinance 78-03 to remove the emergency clause**. All members present voting:

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

No: Osborne.

20. Mr. McLaughlin moved and Mr. Lindower seconded to **read by title only, first reading, as amended**, of Ordinance No. 78-03. All members present voting:

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

No: Kiesling and Osborne.

Ordinance No. 78-03 - First Reading

An ordinance declaring certain real property located in Plain Township and owned by the City of North Canton is no longer needed for municipal purposes and authorizing the sale of that property at public auction.

Mr. Snyder: Okay, as you know, they're referring to the piece of property Oster. It's ...inaudible bid that - by bidding the minimum bid of at least a \$1,700,000.00, the property ...inaudible... advertised ...inaudible...or the Law Director, the Mayor of the City of North Canton. And that's basically it. Mr. Foltz...

Mr. Foltz: Jon, just to go on the record, and I'm sure it's going to be addressed in the deed requirements, restrictions, however we word it - I'm unfamiliar with that term, but we will retain the water source at that property. They will purchase, whoever the bidder - successful bidder is, will purchase water from the City of North Canton and also they will sign an annexation agreement if we're ever contiguous to that property, we can bring that into the city. So I want to make sure that we discuss all the scenarios about the availability of water, but if we retain the water rights it's kind of redundant - we retain the water rights. You can always go back and look at that at a future date. So just get on the record with that one more time. Thank you.

Mr. Snyder: The other I think we should address Mr. Miner's concerns. The Law Director will be - probably the only person we know that's a potential for there at this time is the church and we will address that as well as the concerns and I'm sure he could do that to their satisfaction. So ...inaudible... invasive going into their area. Inaudible... please one other thing. I'll probably get shot, but those water rights are also are an asset that we can sell, contrary to ...inaudible... We own those rights. It's the same as owning stock in an oil well. We could negotiate that, trade it for ...inaudible... precluded ...inaudible... deed should we ...inaudible... and it's another asset that we retain.

Mrs. Magel: Inaudible... water...inaudible...

Mr. Snyder: Yea. Inaudible... Any other comments on that?

Mrs. Kiesling: Yes, I have a comment.

Mr. Snyder: Please.

Mrs. Kiesling: The only reason I'm going to vote no tonight is because I sat down with the church and the attorneys and I definitely feel that this has been a great week for the land. However, just ...inaudible... getting our 375 ...inaudible... report from the church, which I appreciate them letting us look at. It does appear that wells clean - all four wells are clean. And I had a conversation with their attorney today also and ...inaudible... from the EPA and Dave ...inaudible... I'm going to take some of the stuff from the ...inaudible... and fax it to them and have them ...inaudible... actually look at the results, look at their site plan. Inaudible... for sure that we are protecting our rights completely. And the only people who possibly could know that is the EPA, not myself. So I - that is my purpose for voting no. I want to make sure we're covering every ... I believe it is one of the richest aquifers in the county and we ...inaudible...

Mr. Snyder: Inaudible...please let caution Member Kiesling on one thing ...inaudible... attorney ...inaudible...

Mrs. Kiesling: I spoke to Mr. Moore.

Mr. Snyder: I was going to say that I would suggest that...

Mrs. Kiesling: Inaudible... I spoke to ...inaudible...

Mr. Snyder: once you get his signature on that ...inaudible... prosecution. And I would not release that without his signature that allowed me to ...inaudible... tell you that ...inaudible...

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Mr. Batista: We did take jurisdiction of those in confidentiality...

Mrs. Kiesling: Inaudible... in confidentiality ...inaudible...

Mr. Snyder: Yea.

Mr. Batista: Inaudible... if you're able to get an ... answer the EPA, that would be very helpful.

Mr. Snyder: Yea, that's not.

Mr. Batista: I have reservations ...inaudible...

Mrs. Kiesling: Inaudible... she said she'll do her best...

Mr. Batista: Yea.

Mrs. Kiesling: with I had - what we had.

Mr. Batista: I think she could probably give you kind of a best guess.

Mrs. Kiesling: Yea, with what we can put into the contract if there's anything else she thinks should go into the contract.

Mr. Snyder: Inaudible... questions privately ... publicly announced to you about the ...inaudible...I have to fax a letter tomorrow on the city stationery, it is prepared and its assessment of the property for use as either a development park or office park. But he will not release the ...inaudible... because he is a licensed realtor in the State of Ohio, without some authorization that he's doing it. Inaudible... authorized by the President of Council to do it.

Mr. McLaughlin: the president of council...

Mr. Snyder: So I'll have Mary Louise do it tomorrow. Hopefully I'll have that to you some time this week at which time we'll share it with the press.

Mrs. Kiesling: That'd be great.

Mr. Snyder: Okay.

Mrs. Kiesling: Thank you.

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

Mr. Osborne: Yes, I have some comments.

Mr. Snyder: Is it related to the ordinance sir? Or if it's related to water or ...inaudible... it's not in the ordinance we will not entertain it. We have had this discussion previously. If you have something about the selling ...inaudible... or the process selling of the property, we'll entertain it. If you're talking about water rates and so forth it is not in the ordinance, it is not germane to the...

Mr. Osborne: You just let Mr. Foltz talk about water rates...

Mr. Snyder: I'll ...inaudible... that I'm not going to allow you stand up here for 15 minutes ...

Mr. Osborne: I'm not going to ...inaudible...

Mr. Snyder: to pontificate about the water rates.

Mr. Osborne: I'm not going to stand ...inaudible...

Mr. Snyder: We all have that sir.

Mr. Osborne: Please.

Mr. Snyder: Please sir, I'm telling you that...

Mr. Osborne: Number one this...

Mr. Snyder: Please call the question.

Mr. Osborne: Inaudible... I'd like to talk.

Mr. Snyder: You're out of order sir.

Mr. Osborne: I'm not even walking up there.

Mr. Snyder: You're out of order. You have not been recognized by the chair.

Mr. Osborne: Inaudible...

Mr. McLaughlin: I'd like to call the question.

Mr. Snyder: May I have a motion to adopt the first reading of 78-03?

Mr. McLaughlin: So moved.

Mr. Osborne: I protest it...

Mrs. Magel: Second.

RECORD OF PROCEEDINGS

0301

Minutes of

COUNCIL OF THE CITY OF NORTH CANTON

REGULAR

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Tuesday, May 27,

20 03

Mr. McLaughlin moved and Mrs. Magel seconded to **adopt the first reading** of Ordinance No. 78-03. All members present voting:
Yes: Lindower, Magel, McLaughlin, Snyder and Foltz.
No: Kiesling and Osborne.

REPORTS:

Mr. Snyder: Any reports - Director of Law.
Mr. Batista: No report.

Mr. Snyder: Director of Finance.

Mrs. Herr: The only ... I wanted to mention just in case anybody was wondering about our income tax collections, as of Friday they're about \$100,000.00 ahead of last year - it's very busy. We ...inaudible...

Mr. McLaughlin: Considering the doom and gloom that people have been spreading.

Mrs. Herr: So ... you know... Hopefully that will ..inaudible... but even if we do have future things that happen we'll ...inaudible... That's all.

Mr. Snyder: Thank you. Mr. Held.
Mr. Held: No report.

Mr. Snyder: Mr. Mayor.
Mayor Rice: No report.

Mr. Snyder: Mr. Engineer.
Mr. Benekos: No report.

Mr. Snyder: Madam Clerk.
Mrs. Bittle: No report.

REPORTS - COUNCIL:

Mr. Snyder: Thank you. Member Foltz.
Mr. Foltz: No report.

Mr. Snyder: Member Lindower.
Mr. Lindower: Nothing. Thanks.

Mr. Snyder: Member McLaughlin.

Mr. McLaughlin: Two - I've got three things here real quick. The one - the Memorial Day Parade was very excellent. It was a good ceremony and ...inaudible... I'm glad ... came out. Second or third thing is, I talked to Roy tonight. Roy would you ... first of all I know we talked about the car wash up there and the ...inaudible... I think I ...inaudible... Planning Commission ... what ...inaudible... the Planning Commission on those that we have a situation where they approved GB - GBA and GBB, is there something you can do to have a letter sent out or public hearing...
Mr. Batista: Well...
Mr. McLaughlin: ongoing first before...

Mr. Batista: Number one, all Planning Commission meetings are public meetings.
Mr. McLaughlin: Okay.
Mr. Batista: So you do have public hearing. My suggestion to you is perhaps the area of non residential zoning - so that the office building up that we perhaps amend - and I don't want to go an amendment ...inaudible...
Mr. McLaughlin: No, not...
Mr. Batista: Inaudible... but amend the ordinance and provide that when there is a site plan review of the nonresidential ... that there be notification to the adjoining and abutting and property owners across the street. I don't see where that'd be - as long as we do it in the time parameters of the filing with the Planning Commission and the hearing, which I think if I remember right it's probably gives us at least a couple weeks. We could very easily send out ...inaudible... notice.
Mr. McLaughlin: Okay.
Mr. Batista: Then I'll - as soon as the ordinance is in place then I'll ...inaudible...

Mr. McLaughlin: Mary Louise ...inaudible... keep me informed of ...inaudible... Second of all is, my second question is, if that property fails that thing can be used as a dry cleaner in GBB. Is there something we can do to stop the use, cause it's so close to the school - it could never be used for a dry cleaner? Is there an ordinance we can put together that...

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COUNCIL OF THE CITY OF NORTH CANTON

REGULAR

Meeting

Minutes of

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Tuesday, May 27, 20 03

Mr. Batista: I think the only thing you can do is rezone it. That would be...
Mr. McLaughlin: Inaudible...that's spot zoning - that's spot zoning though.

Mr. Batista: Inaudible... rezone out of ...inaudible..
Mr. McLaughlin: GBA?

Mrs. Kiesling: Rezone the whole section.
Mr. McLaughlin: Okay.

Mrs. Kiesling: Inaudible...
Mr. McLaughlin: Inaudible... I remember ... inaudible... I never want that thing to be a dry cleaners.

Mr. Snyder: Inaudible... if you rezone those sections it take care of your ...inaudible...
Mr. Foltz: Yea.
Mr. McLaughlin: Inaudible... that's what I'm afraid of too. Inaudible... a very responsible ...inaudible...
Mr. Snyder: Inaudible...
Mr. McLaughlin: Well...

Mr. Batista: Well, if you down zone you take the risk of adverse condemnation. I don't know any other answer.

Mr. McLaughlin: No and see I wouldn't want to put Erik - Erik is a very responsible, very - I mean very successful business person. He's kept to word on everything he said.

Mr. Batista: Well he's not a drive through.
Mr. McLaughlin: No ...inaudible... not a drive through he's a food store person.

Mr. Snyder: First of all the liquor laws will not permit a drive through that close - within 500 feet of school ...inaudible...

Mr. McLaughlin: That's why I couldn't - I looked it up and I couldn't determine - Okay ...inaudible... answered my question.

Mr. Snyder: Inaudible... that's the law, 500 feet of the church or the school.

Mr. Batista: Oh, you're talking about drive through liquor.
Mr. McLaughlin: Yea, drive through, yea.

Mr. Batista: Well the first thing you'd have to do is divide it up.
Mrs. Kiesling: Right.

Mr. Snyder: That precinct ...inaudible...
Mrs. Kiesling: Inaudible...
Mr. Batista: Inaudible...

Mr. Snyder: Is that precinct - was that the whole precinct...inaudible...
Mr. Foltz: Yes...inaudible...
Mr. Snyder: Inaudible...
Mr. Foltz: that passed.
Mr. McLaughlin: They're grandfathered in.

Mr. Snyder: Inaudible...

Mrs. Magel: Inaudible... precinct one in Ward 2 and one in Ward 3.
Mr. McLaughlin: 3. So you got ... people on the other side of the street that have that ...inaudible...
Mr. Batista: No.

Mr. McLaughlin: That's why I say is there any - could you please just look at that for me when you have some time in the next couple weeks and just give me an answer.
Mr. Batista: Mary Louise ...inaudible...
Mr. McLaughlin: Okay, Mary Louise ...inaudible... I appreciate that very much. Thank you very much.

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

Mr. Snyder: Member Magel.

RECORD OF PROCEEDINGS

0363

Minutes of COUNCIL OF THE CITY OF NORTH CANTON

REGULAR

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Tuesday, May 27, 20 03

Mrs. Magel: No, I just have comment or ... a question. There is going to be ...inaudible... concerning that car wash. If there is some meeting I would like to know because I have the list of the people who were here and who wanted to be notified. So I would have to be notified so I can notify them. So if there's some kind of meeting going on or an appeal process or something. I'm not aware of ...inaudible...

Mr. McLaughlin: No no no, there's not.

Mrs. Magel: There's not?

Mr. McLaughlin: I just - No there's not. I'm just saying that I just don't want ... to happen ever again ...inaudible...

Mrs. Magel: Well if there ever is any meetings...

Mr. McLaughlin: There's none.

Mrs. Magel: I have the list of the names and telephone numbers of people who want to be notified ...inaudible...

Mr. McLaughlin: Inaudible... Zoning Board of Appeal special meeting...

Mrs. Magel: Sorry ...inaudible... somebody let me know, that's all I'm asking.

Mrs. Kiesling: We don't know yet ...inaudible...

Mr. McLaughlin: Inaudible... we don't know yet.

Mr. Snyder: I didn't even know ...inaudible...

Mrs. Magel: Let me know.

Mr. McLaughlin: Right ...

Mrs. Kiesling: Inaudible...

Mrs. Magel: Inaudible.

Mrs. Kiesling: Inaudible... bring up an appeal to Gene, yet they have officially ten days before we can set a special hearing ...inaudible... the Board of Appeals, which I think one of the gentlemen is in the process of doing. So...

Mr. McLaughlin: But the building is going up.

Mrs. Kiesling: Correct.

Mr. McLaughlin: The building has been razed and then the new building is going up. So I think that ...inaudible...

Mrs. Kiesling: Inaudible... you'd have to get an injunction, which is their only other option.

Mr. McLaughlin: Okay.

Mr. Snyder: Inaudible... Mr. Osborne.

Mr. Osborne: Concerning the car wash, I picked up information on it - information this morning. I think they are going to be surprised. I think you think you have to file an appeal within 30 days. Is that right Mr. Benekos?

Mr. Benekos: I'm not aware of that. Inaudible...

Mrs. Kiesling: I spoke to Mr. Treadon and he said ... file an appeal and then ... inaudible... as well. Inaudible...

Mr. Osborne: I will agree with him. Inaudible... and I think it has to be filed within 30 days of the original ...inaudible... So we might have to take other avenues to address this. Several things. Number one, I don't know what ever happened to renaming of East Maple. I know Plain Township finally took it upon themselves to rename their end. And I wish somebody would pick up the ball and take care of that. Number two, I had talked to the - actually addressed several letters to the Law Director. I'd like to see the city withdraw from Plain Township. Unlike all municipalities in this state, we have never really withdrawn from the township. Consequently we're paying, from the latest figure, about \$35,000.00 a year to Plain Township and all the tax payers get for their money is they can vote for the trustees every two years. I'm just ...inaudible... come back from administration or somebody and they would probably say oh that ...inaudible... for good communications. But I don't think we need to buy communication with our township and have to pay for it. Next, what I was going to say earlier, by stopping Oster or the sale of it last year, we have learned two things. Number one we have discovered that there is clean water out there. This was not known last year. And that report is dated September of 2002. All through the ...inaudible... of the legislation and everything, I don't know why we're just now getting this information here in the last week or so. Secondly, the offer going to start at almost \$200,000.00 more than they were going to sell it for a year ago. So if anything, if it sells, the city is going to accumulate \$200,000.00 more than they would of had if it sold last summer. Now I'd like to go up to the map. As I've shown before...

Mrs. Magel: Then why do it again?

Mr. Osborne: But it's my privilege.

Unidentified: Inaudible... all talked out.

RECORD OF PROCEEDINGS
COUNCIL OF THE CITY OF NORTH CANTON

REGULAR Meeting

Minutes of

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Tuesday, May 27, 20 03

Mr. Osborne: Everyone continues to say that we're going to retain water rights. Where would you put the wells? You have flood plain right in this area, which I understand you can put a well in it. But where else would you put wells? There's homes right along in here. You have to have a 300 foot radius for around your wells. This is a massive project - parking for almost 2300 cars. There is no place to put wells. As I've shown, from the Ohio Department of Natural Resources map, this property is located in the highest source of water in all of Stark County. Granted we may go to East Maple here and that will tide us over, but if we ...inaudible... the capacity of our treatment plant to almost ten million gallons a day, we could easily use the water source. I was looking back over the minutes from the last Fall and repeatedly it stated in there we could pick the points we want for our wells. Well where are you going to - there is not place in this whole huge facility you could put a well except out beyond this parameter of this flood plain. So that's all I wanted to point out. Retaining water rights, as I said last Fall, is window dressing.

Mr. Batista: And I take exception to that, you don't know what you're talking about.

Mr. Osborne: Well that's fine.

Mr. Batista: Inaudible...

Mr. Osborne: We all ...inaudible... an opinion.

Mr. Batista: And so am I. I don't think I got disenfranchised when I was appointed Law Director.

Mr. Osborne: And that's all I have. Thank you.

FINAL CALL FOR NEW BUSINESS:

Mr. Snyder: Inaudible... anyone else? Last call for business. Anyone wishing to speak to the council? If not, I'll entertain a motion to adjourn.

ADJOURN:

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

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

No: 0

The meeting ended at 9:17 p.m.

PRESIDENT OF COUNCIL**ATTEST:**

CLERK OF COUNCIL