

PUBLIC HEARING MEETING MINUTES
CITY OF NORTH CANTON
TUESDAY, JANUARY 16, 2018

Call to Order

COUNCIL PRESIDENT PETERS: Okay, I'd like to call to order the Public Hearing for the proposed amendment change regarding Fieldcrest. We have a half hour slated. Based on the crowd here, it looks like it may take us a little longer. So, we'll get right at it. We'll start with those that wish to speak in favor of the Fieldcrest rezoning. Step forward state your name and address. And if I could just mention also, you know we typically have a five minute limit on comments. If you could maybe depending on how many we have here, if you could try to limit that, get your point across in a little quicker manner, it would be appreciated. Thank you.

MARK MAJESKI: I'll attempt to do that Mr. Chairman. My name is Mark Majeski, I'm a Planning and Zoning professional with North Stark Planning and Design. I think as you're aware, I've been assisting Fieldcrest Estate in preparing their application, and working through the zoning process here. It is going to take me a little longer than five minutes to get this presentation done. I either need to ask your permission to do that or...

COUNCILWOMAN WERREN: Jeff, and remember they are responding to the other people that also spoke Calfee. And then this was their time to speak.

COUNCIL PRESIDENT PETERS: Exactly, gotch ya.

MARK MAJESKI: I'll go as quick as I can. Thank you very much. I'm here this evening with the owner.

COUNCILMAN FOLTZ: Let's call the roll first. So we have it on the record.

COUNCIL PRESIDENT PETERS: Yeah, I'm sorry. I didn't get it at the regular Committee Meeting. But let me do this first, so we can get it on the record. Clerk, could you please call the roll?

Roll call found the following council members in attendance: Cerreta, Foltz, Fonte, Kiesling, Peters, Revoldt and Werren. Thus having 7 in attendance.

Also in attendance: Mayor Held, Director DeOrio, Engineer Graham, Finance Director Brown and Law Director Fox.

COUNCIL PRESIDENT PETERS: Thank you. I apologize, please carry on.

MARK MAJESKI: Thank you. I'm here this evening with the owner, and the estate manager, and architect. She's brought her team to listen to the public hearing, because we are interested to hear public comment on this. We thank you for affording us our right to a public hearing about the proposed amendments to Council as required by your zoning code. We were concerned that we wouldn't get this opportunity, when the first hearing was canceled and not rescheduled. We've been participating in the zoning process since last April, and we were very surprised when things veered off course. But we're glad to be here. So, thank you again. We'd like to take some time to provide information about the proposed zoning. For Council, and the Administration, and to the community. We think it's important that everyone hear this information, so you have benefit of it before commenting, or deliberating, or taking any other action. This is especially important because of two long telephone conversations that I had with Mayor Held, in December. He was very generous with his time, given that it was the holiday season. Thank you again, Mayor. But he was also very candid with me. I had called him to ask for a meeting amongst himself and Mr. DeOrio, and the Law Director, and Mr. Revoldt, and any other parties he would like to have involved. So that we could present some of the things that we would like to present this evening. He refused both times when I called. Respectfully. Because he said he had already made up his mind, and was afraid of what would happen to him politically if he changed his mind after meeting with us.

MAYOR HELD: No, could I correct that? I didn't say that. So, I just want for the record, I did not say "politically." And you know that. Right?

MARK MAJESKI: I won't play, he said, he said.

MAYOR HELD: Yeah, that's okay. But I don't like you to plant seeds like that. But go ahead, just be truthful.

MARK MAJESKI: That does put us at a bit of a disadvantage. Because we are not professional politicians. I'm a zoning guy, my client is working to operate a business here in the City of North Canton. We think it's kind of an unusual burden for us, but we're going to go ahead and hopefully change a few minds, and maybe reset your minds to where they were last October. I'd like to address the following: briefly the history and character of this property, the owners' intentions, the process to date, the key features of what we propose in our zoning amendment, and some suggestions on how to move forward. Next slide please. And thank you to Clerk Bailey, for your assistance. I'm not from North Canton, so I'm not going to pretend to give a lecture on local history. Most of you know much more about it than I ever will. But I think you know how important this property is to the history of the community. Next slide please. Just a few brief notes. Things that I found looking at various sites, and sources of the history of the property purchased around 1917, by the Hoover family. Almost a 100 years ago, maybe more than a 100 years

ago now. Building's built in 1917, 1920's, Hoover Company, of course, owned it for a while. And the Sally Morse Dale Foundation purchased it in 2004. Next slide please. As you're aware, it's a very beautiful place. Next slide. Just a few more images. Next slide please. It was interesting to me to realize from that history that it's been an "events venue" for a century. The Hoover family events, Hoover Company events, and now Fieldcrest Estate events. Next slide please. This information about the owner's intention I think is very important. And this was set forth in the Calfee report, and stated several times in that presentation that the owner's intent is important as well as the community's intent. So we'd like to make sure you know what that is. This owner acquired this property with the intent of protecting it from residential development. She values the beauty and history of the buildings and land. We want the uses that are on this site, and necessary future expansions of those uses to conform with local zoning. Being non-conforming is a hassle, it is uncertain, it is time consuming, and it's not a good situation for operating a business. This is a big property, several of the buildings are large and old, and it's expensive to operate Fieldcrest. We believe that expansion of uses to a reasonable point will be necessary to keep Fieldcrest in existence. Some additional and compatible uses maybe be needed as the circumstances change. While we certainly have the interest of Fieldcrest as a priority, we've spent a lot of time, this team that's here this evening, debating on how best to be a good neighbor to the abutting residential neighborhoods. That concern is reflected in the setbacks and other standards which we volunteered in our zoning proposal. More on that topic in a moment. We were told by two different Zoning Administrators, and this is the final bullet point in this page, that their department does not have the time and resources for reviewing and approving monthly activities on this one property, or unnecessary conditional use permits. And that the simpler process we could devise and get approved, the better. Makes good sense. Good business sense. It appears to us that from both the City's standpoint and the owner's, that some flexibility is required to regulate this kind of use. And we've tried to write that into this text. Next slide please. One important point that I think was at least not reflected in the report that you received last month, is that there was a conditional use permit approved in 2006. I've not had the opportunity to review the record of what was approved, and why the approval expired. But I think it's an important piece of the zoning history of this property. Because the owner did apply for an obtained a zoning approval from the City shortly after acquiring this property. Activities on this site have not been entirely outside of the City's zoning system. I'm not blaming the author of the Calfee report, I don't know if he was even offered that information. But it wasn't mentioned in the report, and I think it's an important piece of background. Next slide please. From where we sit, this is what the zoning amendment process has looked like to date. The owner was told the City did not have the staff time or money to write zoning amendments to resolve the nonconforming status of Fieldcrest. So, the City instructed the owner to prepare a zoning amendment, if we wanted to get this resolved. The owner hired a Planning and Zoning Consultant, that's North Star Planning. I met three times with the City's zoning official. And again, with the subsequent zoning official, a fourth time. We submitted the application. We met with the Planning Commission three times, the Commission recommended with amendments. Next slide please. I apologize here if I don't have bullets two and three quite in order. But Council did receive the recommendations of the Commission and set a public hearing. Council cancelled the public hearing, hired an attorney to review the proposed amendments. The attorney submitted and presented a report opposing the proposed amendments. And then Council set a public hearing for the proposed amendments, which is what's happening this evening. Next slide please. I'd like to just address a few of the important points about what we're proposing. It is six pages, so I'm going through all the details. But the format and the outline of our text is consistent with the City's Zoning Code. We are encouraged to do that by the City's staff and the Planning Commission. As an intense statement, use regulations, schedule permitted uses, and all the other items that are essential in all your other zoning districts. My first draft did not look like that. And I was instructed to correct it. It was recommended to me to do that. So I did. It made good sense. It was good advice. And I would suggest too, that the format that we have looks very much like the outline that is suggested by the Calfee report. Because that's the way zoning is written. So, we're consistent there. A place where we agree. Next slide please. Proposed uses. Our uses are consistent with existing uses; lodging, dining, retail store, meeting and special events facilities, education and cultural facilities, seasonal and special events, agriculture, indoor and outdoor recreation. Let me explain how we came to this list of uses. I think it's important. We started with the uses we have, and expanded, anticipated some expansion in the future. Given the difficult process of amending zoning, as we're seeing here. We brainstormed additional uses, which might be appropriate in Fieldcrest in the future. We wanted to get this done as completely as we could now, and not have to go through this process again. The list is fairly large. And I think an uninformed reader may look at that list and assume the worst. They assume that Fieldcrest wants to be the next Cedar Point. Nothing is farther from the owner's intent. We want to, what we have, but room to be reasonable somewhat larger. If there are concerns about expansion of those uses, we'd like to hear what they are, and get a shot at addressing them, and some amendments to our proposal. Come back to that in a moment. Next slide please. A couple special regulations, which I think are worthy of note. 1) Is that we've proposed, we volunteered, this wasn't pushed on us by anybody, to have a minimum open space of 50%. This is due to the owner's intent to maintain the character of this property in the open space. I don't even find that in the City's park districts. There's no requirement for the amount of open space. That's not to be critical of the park district. But I think we're even doing better, when we do something like that. That's volunteering a great deal of property to be maintained an open space. We did ask for some special parking regulations, because of the nature of special events. We didn't think it made sense to create a huge parking lot that sits there and isn't used most of the year. That's not economically functional, or environmental appropriate. And it's a visual headache for the neighbors. Next slide please. We submitted this site plan with proposed setbacks, I'm sorry it's tough to read on this screen, Council has copies of it at the back of the handout. So you can take a look at that later. But these are the setbacks we've proposed. At this time we can't give you much more in the way of a site plan, because there isn't much specific that's being proposed. We're trying to get conforming with what we have. And then we'd like to be able to expand beyond that, based on whatever code we get adopted. Next slide please. Special regulations. We established proposed a number of setbacks. In the area up to 25 feet from the property line, only fence and signs, landscaping and similar. A minimum of 15 feet setback, then we'd also have walkways and trails, which would weave in and out. They wouldn't all be right up close to the property lines. And again, I looked at the City's park district to see if there's any standards in that regard. And there aren't any. You know, the City's parks, trails and such can be put whatever, at least as far as the Zoning Code goes. A minimum of 50 foot setback for special events, temporary parking, passive recreation. Minimum of 75 feet setback for all other uses. Any building closer than 100 feet to the boundary would be a conditional use. That 75 feet of

setback consumes 10 acres out of the 50 acres. That's a lot of property. It is a big boundary, so, but that's the way it turned out. An important note is that the Planning Commission's recommendation of a 200 foot setback consumes nearly 22 acres of the property. Almost half of the entire property. So we obviously have some disagreements with that. Our proposed setbacks for permanent buildings far exceed the requirements for uses similar to this in the R-70 district. And we'll illustrate those on this next slide. Again, my apologies because it gets a little small here, but let me explain what's going on. These are the setbacks, the dark black lines would be a property line. If anybody owns property in R-70. Conditional uses for the most part are only required to have a 40 foot setback. And we're showing up here a church, a public safety facility, a school, a library, playground can be 15 feet from your back line. And I love playgrounds, but they're not always the best neighbor. Daycare - 40 feet, community building - 40 feet, if you abut industrial, the building can be 50 feet from the back line of your property line. Our proposed minimum is 75 feet, and we felt we were being pretty fair and generous. That's much larger than what is already in the R-70 district. Next slide please. This just blows it up a little bit to make it easier to read. The 200 foot line, which is at the bottom there, the 200 foot setback, that's the minimum building setback recommended by the Planning Commission. Again pretty obviously why we disagree with that. Next slide please. Now this is very unusual. I've been in zoning for 40 years and I've not seen a situation like this. Typically we hear the applicant and the affected public, and there may be some assistance sought in deliberation. I haven't seen a situation like what we have here. In reading that report, and I've never had to comment on a report like this. But be that as it may, I didn't find any positive comments in this report about the proposed Fieldcrest District. About our proposal. That makes me skeptical, of the purpose and the content, and it makes me wonder what kind of direction and information was provided to the author. We've got some serious doubts about the fairness of this report. In my career I've written, and read, and attacked, and defended, and administered 100s of pages of zoning in dozens of communities. In about an hour of quick reading and analysis I marked his report up pretty heavily. It wasn't all negative. I want to be fair. It was not all negative. There's some good things in this report. I'd like to propose that consider a couple of those here in a moment. But I would just like to suggest to you, as I did at the last meeting, that are different opinions on how to do zoning, and that you should swallow everything you read. Please read carefully, and critically. Couple other points about this. It's noted at the beginning, both the community's and the owner's interest are very important. We could not agree more. However, the owner's interest are not reflected in that report. And as far as we know, the site was not visited, the owner was not contacted. None of her representatives were contacted. So, none of that's reflected in that report. Maybe that was the intent, I don't know. But it does call some things into question. Another important point is that the proposed district as we've written it, requires rezoning back to residential zoning before a subdivision could occur. There was some concern that maybe that the property was going to be sold right away to a developer. Well, you know, if that happened, they'd have to rezone back. It's like okay we don't want to be the FD District anymore. They come to the City, then you have a rezoning process, then you do a subdivision. If we do an overlay, it eliminates that zoning step. It's arguable easier to destroy what the City says it values, and wants to preserve. And it's easier to lop off pieces for subdivision. Okay, next slide please. If is recommended every new use in Fieldcrest needs to be a conditional use. There's some serious problems with that. Then the owner's land would have no uses permitted by right. Except what's already been there for 100 years. Even appropriate uses would be burdened by the conditional use process. All possible uses are subject to the uncertainty of the City process. This creates from the business owner's perspective an uncertain, unsustainable business model and may set Fieldcrest up to fail. It certainly creates an administrative burden and cost for the City. As I mentioned we've discussed that with the zoning administrators. Next slide please. As a zoning geek, this is something that really bothers me. The spot zoning comments. Overlay zoning does not allow the City to avoid spot zoning. Even the proposed overlay zoning would put this property into a special category unlike its neighbors. In my experience as a planner I've most often heard the phrase "spot zoning" used by amateurs who do not have a very good understanding of what that means. But it's the only zoning swear word that they know. And so they use that to oppose a zoning they don't like. I take that for what it's worth. Their concern is important, the use of spot zoning is quite often wrong. It's occasionally used correctly by a zoning professional, it's sometimes used by a zoning professional incorrectly, because he or she knows it pushes people's buttons. In this matter, no matter whose mouth it comes out of, this is not spot zoning. This proposed 50 acre district is much larger than many districts in North Canton. You can look at your zoning map, and look at the size of Fieldcrest and compare it to other districts in the City, there are dozens that are much smaller than this. So, it's not about size. Every one I've spoken to agrees there's a good reason for special zoning for this property. Whether it's a new district or a new overlay. And the proposed zoning is written to protect residential neighbors, a historic estate, and its uses. It has a good reason to be there, spot zoning typically does not. And I'm going to wrap up Mr. Chairman here. Next slide, Fieldcrest, yes, thank you. We think the fairest and most efficient businesslike way to resolve these questions is to continue to work together with you to address them. We request that Council tell us your questions, and concerns and give us a chance to address them with some amendments to our proposed amendment. You're in the driver's seat, you get to make the final decisions. But we think given the time and money that this owner has already invested in this zoning process, at the City's direction, we're due at least the opportunity to hear your concerns and come back with some solutions. We ask that you work with us to complete this zoning process, rather than starting over. And here's where I talk about some of the things that we see in the Calfee report that maybe helpful. If the City is convinced that it should be an overlay district, give us a shot at making it that way. There was a suggestion about consolidating uses into an events venue use. Maybe a good idea, give us a shot at it. Consider some uses as accessory. Fair enough. And maybe there's some limitations that are needed to swage any concerns that people have about...well a couple people said "You're going to build a Hilton Hotel." Well, we don't want to build a Hilton Hotel. So let's draw some lines around it that assure people that's not going to happen. With this owner, or another owner. So there's things we can do, and we can do it and get it done pretty quickly, in the process you're already in. Next, yes, thank you. We propose a working meeting with key players to hear the City's questions and concerns. This is the meeting I requested of the Mayor, maybe it would be more comfortable for you at this point, if you have some other support to do that. Please tell us who, when and where. Again, we'd like an opportunity to draft amendments responding to those concerns. Last slide. That's the end of my presentation. I thank you for allowing me additional time. And I thank you on behalf of the owner. Thank you.

COUNCIL PRESIDENT PETERS: Okay, at this time, if anyone has any comments up here, let's reserve them till the end. Let's wait

and hear from the residents that have shown up here. We've heard from the zoning planner for Fieldcrest Historical District. At this time if you wish to speak in favor of proposed zoning for the Fieldcrest Historical District, please step forward, state your name, address for the record.

ERNIE SCHOTT: 1431 Hanover Ct, Monticello. I've been a citizen there for approximately going on my sixth year. And I'm very proud to be in North Canton today. Let me just say something about the Fieldcrest, which I know of it. And I found it's a real, I want to call it the diamond in the rough. I never knew it was there. Much of it. I knew it was there a long, long time ago, because the Hoover Farm. I knew people were there, and when I was younger we used to go up there and probably get in trouble. But, today, I don't know if many of you know, and I'm sure City Council and the Mayor knows, but the lodge over there attracts many people from around the country. And we've got friends of ours from California, came there and stayed at the lodge. I've got friends that come down from southern part of Ohio, Tennessee, that come there and spend days at the lodge. And they get to enjoy not only the lodge, but different things we have in North Canton. I don't know if you're aware or not, we also are very much hooked up with the Football Hall of Fame. I know some of the things in the Hall of Fame aren't going maybe the way we want, Mr. Mayor, but they're coming. And thanks for your input on that. But, we're getting there, but we had, I don't know if you're aware of it or not, but we had one of the Hall of Famers there, not too long ago. Had a nice party, Eddie DeBartolo Jr. I don't know if you're aware of that or not. But he used the Fieldcrest. And I think it's just something to say about the Fieldcrest, that we have people of that caliber, come into our City in North Canton, to say "Hey, we have something here." I think the lady that owns the Fieldcrest, I'll be honest with you, I met her once. I don't know her personally, on a personal basis. Other than the fact that she took that piece of land over there and is trying to preserve it. And make it something that I think we can all enjoy. And with our grandchildren, and children to be, I think it's a great asset to our City. So, thank you very much.

RALPH LEIDY: 1633 Halifax Way, south and east of the proposed property. I work in downtown North Canton. But I'd just like to say that I think the Hoover Estate, the Hoover Farm is a really beautiful place. And I think we're very fortunate to have someone who wants to do something constructive with it. Do something great with it. And I think we ought to be considerate of what they want to do, and accommodating as much as possible within reason. I don't know the exact details, but I would, I think there's a lot worse can be done with that property, than what's being proposed. And I would like to vote, or state my support for the project within reason. Thank you.

JEFF MICHAEL: I live at 1468 Hillbrook SE, North Canton. I abut right up to the west side of Fieldcrest Estate. We've loved it there, we loved everything that she's done so far. And I don't see her hurting the community at all. And I'm just for whatever she wants to do there. And I know she's got a lot of commonsense, and I keep an eye on her ponies and stuff. And I just love it. And she had the dog, you know, the adopt a dog program here last summer. And we went over there and it was just, it's just awesome what she does. So I can't say much, enough good stuff about Fieldcrest. I love it. Thank you.

JIM PIERO: This is neither for nor against, so I figured I might as well squeeze right in here. 1681 Meadowlane SE, North Canton, 44709. I would like to speak with you this evening about the storm sewer infrastructure on Hillbrook, which is the street to the west of the Fieldcrest property. Along with Grassmere, which is the property to the south of Fieldcrest. To the best of our recollection, the Hillbrook system was installed in the early to the late 1980's. The Grassmere system was added later. Considering these systems are engineered to handle specific flows, and the Grassmere system was an addition to the Hillbrook system, can we be ensured, assured with the additional flow from the many additions, buildings, and parking areas, the Fieldcrest project that is considering, we will not have a storm sewer drainage problem? A short story. Our property is along both of these streets, we have probably the highest and one of the lowest 1.66 acres on these two streets. Our lot was bought in 1969. We viewed it many times, we built and moved in 1973. The low area was damp, not soggy. The neighbor had his garden down there. Did real well. We decided we would like to have the area completely dry. North Canton had a pipe coming across Hillbrook, from the Hoover Farm, flow from this pipe then ran parallel to Hillbrook, and emptied into our low area. This flow never caused a problem except on heavy rainfalls. We would end up with about one to one-half feet of standing water, which dried up in about three to seven days. We wanted to dry the problem. We called Stark Soil and Water, along with an excavator which we hired, and one of their field service reps, we found a sand vane about three feet below this area. We exposed the sand area and our problem went away. Since water was absorbed by this sandy area. One afternoon we came home from work to find a nasty green liquor flowing into this area with a definite greasy appearance. And a smell of a petroleum based product. We called North Canton. Of course, they did not know the origin. This happened on three or four subsequent occasions. Same story. Next time it happened drove up into the Hoover Farm, and found them degreasing equipment in one of their outbuildings. It ended up that the product was a degreaser manufactured by a company in Cleveland, that when mixed with kerosene was used to degrease equipment. Okay guys, what are we going to do? Well, we don't do it again. Well it was too late, the sand vane was plugged along with the surrounding ground. Next big rain, three or four feet of water in the low areas. The two neighbors to the north were flooded. North Canton brings a three or four inch pump and runs water over the hill. The area dried up. This went on for about one to two years. Finally, "hey guys, what are we going to do to solve this problem?" Not much. We enter into litigation again Hoover and North Canton, the settlement was; to dig a retention pond on the Hoover property, and unhook all floor drains. Unfortunately, we were young, inexperienced, whatever, people in that day and age did what they said. Inspection requirements were not part of the arrangement. We are not sure of the retention being built. To this day, water flows almost constantly directed from Hoover Farm. We had the sand vane re-excavated, and the neighbors to the north made arrangements to drain water through a 12 inch pipe to a neighboring property, which has the lowest spot in our area. The affected area now stays relatively dry. This area, our neighbors, okay, had to spend our own money on an outside problem. A neighbor on Grassmere, during a heavy rain, would have water flowing under his shed and would flood his side and front yard. When the storm sewer was installed he had a ditch dug and pipe installed and this area is now drained into the storm sewer. I don't think my time is up, because I timed it at home, and its 4 minutes 30 seconds. I think that's running from

somebody else.

COUNCIL PRESIDENT PETERS: I think you're talking a little slower than you did at home. Probably.

JIM PIERO: Point at hand, we have all coped in our ways, with our own money. We really do not want these problems again. Do you guys have any questions?

COUNCIL PRESIDENT PETERS: I don't have any questions now, but I think this would be a discussion to be had with Engineer Graham. Rob, I don't know if you have any answers tonight. But if you could, and not at this point, maybe if you guys wanted to kind of go sidebar. Let us continue on with the public hearing, as far as for or against the Fieldcrest.

JIM PIERO: You know what, excuse me, my ears are old. Do you mind speaking into your mic for me?

COUNCIL PRESIDENT PETERS: Yeah, I'm sorry, if he has any answers for you tonight, if you guys could take that on a sidebar and let us continue hearing input from the residents. If you don't have any answers for him tonight, maybe, you know, at a future time.

ENGINEER GRAHAM: Yeah, and we've talked in the past as well. So we can, I don't have any answers tonight. Glad to meet with Mr. Piero whenever.

JIM PIERO: You going to have a lot of additional water flowing that way. Was the system originally designed for the Hillbrook system, with the add on being Grassmere? You know, we don't want to get to the point it's "oh well."

MAYOR HELD: If I could just add something. Right, no you're right. If I could just make a few comments. First up, Mr. Piero for bringing up that information. And I think that's a perfect example of, you know, why we've got to follow the process. Because I do think that Fieldcrest is a diamond in the rough. I think it's a beautiful property. But we have to make sure, as the local government, that we're meeting all the regulatory requirements from the environmental standpoint. From a construction standpoint, an engineering standpoint. So, I'm glad you brought those issues up. Because we will address it. I just can't give you, I can't give an answer tonight, because I don't, this is the first time I've heard it. But I'm glad you brought it up.

JIM PIERO: And we have no problem with the Fieldcrest. There's a bunch to this thing that are extenuating circumstances, you're dealing with kind of an exclusive very nice neighborhood.

MAYOR HELD: And when you were talking about like a degreaser, there has to be a trap for that. When you're talking about a degreaser, there has to be a trap for that. You know, it cannot, you cannot use disinfectant degreasers and allow it to flow into the normal storm water.

COUNCIL PRESIDENT PETERS: Alright, if I could interrupt guys, if I could interrupt, let's continue that conversation on how we trap that whatever, at a later time. Other folks here want to speak as it relates to the actual proposed zoning amendment to the Fieldcrest. But we will address drainage questions and issues.

JIM PIERO: And it will be addressed to current EPA and pollution standards, correct?

COUNCIL PRESIDENT PETERS: Absolutely.

MAYOR HELD: Yeah, absolutely. Thank you.

COUNCIL PRESIDENT PETERS: Okay, that was neutral opinion, I'm still asking for anybody in favor. Yes, sir.

ANDY CAMPBELL: I'm the general manager at Fieldcrest at 1346 Easthill. I would just like to go on record stating what this gentleman was talking about from a maintenance standpoint of cleaning the equipment. Things were done prior to Ms. Dale owning the property. Thank you.

COUNCIL PRESIDENT PETERS: Okay, is there anyone else wishing to speak in favor? Yes, ma'am.

PATTY CAMPBELL: I do not live in North Canton, but I work in North Canton, at Fieldcrest Estate. I work in the gift shop, and I would just like to share with you, what other people have said. That it is truly a diamond in the rough. I was lucky enough to be a part of some of the events that they have at Fieldcrest. And it's just wonderful to see this gorgeous place being able to have so many people come there, and have such a good time. When people come into the gift shop, so many times the first they say is "Oh my gosh, I never knew this was here." And I always say "Where do you live?" And if they say "I live in North Canton." I'll say "Shame on you, you should know that we're here." But so many times the people that come into Fieldcrest are from out of town, which I think is, says a lot for the estate. It says a lot for North Canton, and it's going to continue to say a lot for your community. I, I really hope that you understand that, and you can see that. And everyone else can see how important that estate is there. Not only historically, but for your community. I can't understand why someone would not want to embrace everything that Fieldcrest has. And what it can do for the North Canton community. Thank you.

COUNCIL PRESIDENT PETERS: Thank you, Patty. Anyone else wishing to speak in favor? Alright, at this time, if you wish to address Council speaking against the rezoning of the Fieldcrest Historical District, please step forward and state you. Mr.

Osborne?

CHUCK OSBORNE: (read from a prepared statement) 307 Fairview Street SE, North Canton, Ohio. Number of points here. 1). I'll start out, I object to the fact that Fieldcrest was allowed to come up and speak again. They have spent hours, literally hours, before this body, and several other bodies. I think you know their position. 2). We're in this predicament and that's what I call it, because your Law Director, without consulting rest of Council, told Fieldcrest to go ahead and write your own Zoning Code. I can't fathom why any city would allow the fox to guard the henhouse.

LAW DIRECTOR FOX: Did I tell you to write that? Did I tell you to write that? I did not.

CHUCK OSBORNE: You're on the record. I've got it in the videos. Alright, so, as a result, our Mayor has come to the rescue, and I have to applaud him, because he wants to follow the process. And now we've had to go out and spend, at this point \$15,000.00 to write and evaluate their proposal. And I guess we're going to spend, I don't know, another \$5,000.00 or \$10,000.00 writing an overlay. So, we've spent a lot of money for needlessly. This is spot zoning. People are overwhelmed by the size of the property. Yeah, its 50 acres. You've got 100's, and 100's and 100's acres of residential all around this. So, proportionally I don't care whether we're talking a 10 acre parcel, and yeah, maybe that might be spot zoning. Proportionally, this is spot zoning. Now, I don't think anybody has any problem with letting them continue as they have operated. But that isn't what is being proposed here. Mrs. Dale has owned this for 14 years, and has tried every avenue she can, and I sympathize with her. She needs to make the property self-supporting. But this is kind of like what's going on at the Hall of Fame village. They're trying to plop an NFL Disneyland in the middle of a very solid middle class Avondale area. And we all know it's going to fail now. And you're trying to do the same thing over here. Now, I've got a report here, it does go back a number of years, but on page 4, and I'll leave this with you, this is the lead up to what went into a 1985 master plan for the City. This was written in 1964. And it says here, "Historically a self-contained village with a majority of the labor forces employed in local firms. North Canton has become a bedroom suburb for Canton and Akron." Well, we all know that, I don't need to give you this to show. We know we're a bedroom community. Don't you think we ought to be protecting our residents, their peace and tranquility of their homes? So, I'll just keep it at that. You guys have heard from me as well. I won't belabor it. You've got the most expensive housing in the City of North Canton. All around there. And you're going to do this to them? They've got at least a half million or more investment in their properties. And again, I don't fault them. Now you talk about the 50% open space that the consultant brought up. Well, in the mad rush to get this passed last year, Mrs. Werren and Mrs. Kiesling were proposing an amendment to reduce that to 30% open space. Further, they were proposing "Oh lets increase the hotel to a 50 unit limitation." So, describing this as an effort to maintain the historical nature of the property, has been a misnomer, and misleading. In fact, even the Planning Commission saw through it and they stripped out the title Fieldcrest Historical District. And just changed it to Fieldcrest District. Please protect, all we have left in this City is residential properties. Don't do this to those people. Don't do what you did to my neighborhood over here, allowing Mr. Lichtner over here to destroy the buffer we had against the Hoover District. We have lighting over here it's lit up like Las Vegas. And I'm waiting for you that second floor lobby stays lit up 24 hours a day, 365 days a year. I don't even have to turn on the lights at night, at home. They're so bright. And the lighting you put on East Maple, so please respect and preserve your neighborhoods and people's peace and tranquility of their homes. And I'll leave you this, Mr. Peters.

COUNCIL PRESIDENT PETERS: Alright, anyone else wishing to speak against?

ED CZEKANSKY: 1209 Grassmere Street SE, North Canton, 44709. And I really wasn't going to speak here this evening, but boy, I can't pass a chance up like this. I am the neighbor that Jim talked about that had all the water, in his backyard. And I'd like to say thank you very much, Mayor Held, Marcia. You were instrumental, I came, had pictures, and thanks to you and the Council's actions it was fixed. Now what I'm really worried about, if they have, I don't know what kind of parking they're going to have at Fieldcrest. If it is blacktopped, am I going to get more of that water, where I still am getting water from that area, where it's soggy? I don't have the problem that I had before. Not even close, but between my house and my neighbor's house, to the east right now it is just soggy. There's standing water. I'm worried about that. I think Fieldcrest is beautiful. I'm worried about that part of it. And I'm a little confused, people were talking about Fieldcrest, and people coming to visit, and how nice it is. That's not going to stop. People are still going to visit. They're still going to be able to have their parties, their wedding receptions. Where my niece, by the way, got married. So, that's a little confusing to me. That's off the subject, as far as I'm concerned, when people talk about that. Stephanie has been just wonderful to help me out with some problems I had recently. We won't even go into that. But it's taken care of, took her about 2 minutes. So, thank you for that Stephanie. But that's all I wanted to say. Thank you again for what you did to correct my problem. And I don't want to see it get worse again, because of something like parking. Thank you.

COUNCIL PRESIDENT PETERS: Thank you, Ed. Yes, sir?

TOM SERRA: 1535 Alexandria Parkway. My backyard abuts to Fieldcrest Estate, I live in Monticello. I don't know where really to start, but I just want to say that we have probably the top class City Administration, we have a top class City Council, and we have a top class Planning Commission, that do their jobs. We have an ordinance that we follow, to guide the City through. And it is kind of, you know, we have a chapter that addresses parking institutional district. And in there it shows what's allowed within 3 feet of a residential district. And within 300 feet, everything is conditional, except for what is permitted, which is outdoor recreation facilities, and public park and playground, which is what you would expect in the park district area. So, I understand they want to develop it, Fieldcrest is a beautiful facility. We want to see it grow, but to allow them to come close to the neighbors, without coming to the Planning Commission and City Council for approval prior, doesn't make sense to me. You know, we have in this book a conditional and permitted use, and this is what this is all about. Fieldcrest is not telling us what

they're going to use this property for. I'm willing to serve on the Planning Commission, which I do, and come every month, and review something, same as you do for City Council. So, just tell us what you want to use the property for. Bring it to us, let us review it, let the public have the opportunity to attend the meeting, and be able to speak their peace on what they want to use it for. We don't deny a lot of people at the Planning Commission. So, just tell us what you want. Why do you have to have a special chapter, and have everything as permitted use and not conditional, when our own City can't have things in the park without coming and asking for a conditional use? Thank you.

GALE NAGEL: 1503 Easthill Street SE, North Canton, Ohio, 44720. First of all, I agree that Fieldcrest is an asset, and I appreciate the events and types of things that they've had there. But I also feel that if you read the actual Fieldcrest proposal, it's very ambiguous. And some of the suggested uses I've touched on before when I've spoken. They seem to be permitted without much restriction, as long as it has the setbacks are followed. And for example, the sports, it doesn't say there can't be weekly, or nightly leagues there. It doesn't say if it's as far as duration, or frequency. It doesn't put any parameters on that. As far as music, we're thinking the occasional concerts that they've had in the past, but we're not limiting them at all. And it's one thing to have the music so loud that when you're in an enclosed house with the TV on, and the windows moving. It's one thing to have that a few times a year, it's something else if it's going to be once a month. Or every Tuesday. So, I feel that there needs to be, if they don't put an overlay district on it, either way they need to have some type of mechanism to control the frequency and duration of certain events. I also feel that in case the property is sold, the person who wrote the zoning proposal said talked about the owner's intentions. If the owner's intentions are focused changes, or if the property changes hands, if we give them permission to whatever they want musically, sports wise, retail wise, as far as strip mall, or we keep bringing up about the Hyatt or Hilton. If we don't have some type of limitations, the intentions may be good now and what's happened in the past, may have suited all the neighbors. But we may have unintended consequences if we don't have some type of restrictions. Also, we have, the gentleman was talking about, and they want uses permitted by right. I'm not sure what qualifies under that heading. But I would ask that the Councilmembers help us all to maintain the good relationships we have, by being proactive and foreseeing possible problems and by building in those mechanisms for the Planning Commission to hear and regulate future development, as this gentleman talked about. Hopefully this will prevent, or address unintended consequences. And please keep the residents in mind for decisions that affect the surrounding residents now, and in the future. Someone mentioned how long they had lived there, my family has owned that property for over 40 years. So anyway, thank you very much for listening.

COUNCIL PRESIDENT PETERS: Thank you, Gale.

SALLY LUX: 850 Easthill Street, Unit 201 North Canton, 44720. Thank you, and thank you. I just want to speak briefly. I didn't intend to speak either, I really was here to gather information. But I think the prior two speakers have really hit the nail on the head for me. I agree that this property is a lovely property, it would be nice to preserve it as is. And I think this, if I'm understanding correctly, this whole process started because it was operating outside the zoning ordinance. There's an easy way to fix that. And that is really to grant non-transferrable conditional uses limited to what is currently occurring on the property. The proposal that the Fieldcrest Estate has it before it, that I think is the subject of this hearing is the complete opposite of that. It is, it would amount to actually the City of North Canton abdicating their zoning responsibility for this property in favor of the owner. Because they are literally asking you to allow all of these potential uses, without coming to you for any conditional uses, any permits, anything of that nature. And that really is, they're asking you to appoint them Zoning Commissioner for that 50 acres. And I think that's simply unacceptable. Because again, I agree, while the current owner's intents are good, and the property is lovely. Who knows if it's transferred what a current owner would do. And I also agree that the setbacks are proposed in this current proposal before the Planning Commission are unbelievable. I mean they're incredibly close, 25 feet, 15 feet, even 75 feet. That's not even a third of a football field. Imagine sitting in your backyard and some special event with thousands of people suddenly is happening in your backyard. This owner knew what the zoning was when she purchased it. Apparently, she obtained a conditional use at some point in time recognizing that. I think that granting, as I said, a non-transferrable conditional use limited to the current uses is a way to get the property back into compliance right now. And if there is a concrete proposal with layouts and plans that can be presented at the appropriate time for expanding uses then do it then. That's our responsibility as a City, to be measured and thoughtful in our planning process, and not just grant the owner the ability to do what they will. And it does impact the neighbors. I will tell you, when I heard and apparently this is in the Calfee proposal. I haven't read that, but they were proposing an events venue use, or which the current owner's representative said "Hey, great idea." I live just down the street, I will tell you, when there's a big event at Fieldcrest, like the 720 Market. It is a nightmare to go about my normal business. I mean, traffic is crazy. Cars are parking on side streets, in residents' lawns, it is a nightmare. So, you know, an unrestricted events venue would really not be in the best interest, I don't think of the City. But the owner could do that if this current ordinance is passed as proposed. So, I would urge you to be considerate, to consider, of course, the owner's interest but also those of the other residents of the City of North Canton. Be thoughtful of your approach, and you know use the Zoning Code as it was intended to be used. I know it might be inconvenient to consider additional conditional uses and permits, but that's what we're here for. And so I would urge you to deny the application currently before you. Thank you.

COUNCIL PRESIDENT PETERS: Thank you, Sally.

COUNCILWOMAN WERREN: Did you see the redlined copy that Planning actually sent over to us? Or did you just see the original proposal?

SALLY LUX: I am just listening to what I heard tonight.

COUNCILWOMAN WERREN: Because like when you talked about the setbacks, the Planning had already sent back something.

SALLY LUX: Oh I was going from this gentleman's presentation, which my understanding is the proposal actually before you, no?

COUNCILWOMAN WERREN: Yeah, it's just...Planning sent back to us our redline version.

SALLY LUX: I did read, to your point, I did in the newspaper this morning something about a 200 foot setback. I still don't think that that's quite honestly, if I had an abutting property, 200 feet, that's two-thirds of a football field. That's nothing. If you're having a craft fair, or hundreds of people. I mean it really isn't.

COUNCILWOMAN WERREN: If you walked it though, I guess what you would also see is there are many trees. And they have a path, and you would never see it.

SALLY LUX: But they don't have to keep them under their current proposal. I mean, they can do anything they want. And that's the point. That's the point. Thank you.

DAVE ROGERS: 1501 New England Drive, North Canton. I grew up in the house directly across from where Fieldcrest is at right now. In fact, my mom still lives there. So, that's the little old lady back there in the back, still live there, been there since '75. You're right, Fieldcrest is a beautiful estate, and by the way, great presentation, for not being prepared to speak. Half of what she talked about is what I had in my comments. But, great estate, I got it, and no one talks here anymore about she has about the traffic as well. To the extent, everything we've been dealing with at Fieldcrest, my mom and everybody else have been living with. And that's fine, and we're dealing with it. But when you're asking to rezone something that is in the middle of residential living. Okay? You have to logically ask yourself, why would you do that? Why are coming up here, when you purchased the property to begin with in the middle of a residential zone. And then knowingly that's what you have, then it remains residential. We didn't buy a house, or you don't go buy a house next to a hotel, because who wants to live next to a hotel. Or next to an amphitheater, unless you considered that. But if you'd buy property, and you're living in a home that's next to a residential area, then that's what you're purchasing. And that's what you normally do. If you change that now, okay, for one estate, you're affecting everybody around there. And that's great if Monticello residents are happy about that. Then let's put an entrance and exit to Fieldcrest through Monticello. And I think you'll change your mind real quick. "Oh I don't even know it's there." Oh, we know it's there. Okay. And we live with that, and that's fine. But as soon as you change that zoning folks, okay, that opens the door. Oh, we're fine, let's put a bungalow here, let's put an amphitheater here, and let's put a ballfield here. The plan is not specific. Give us something to chew on. What are you going to do with it? Okay, whatever you want to make it, let us know so we can look at it. We're happy with what you're doing now. I wouldn't say we're happy, we're dealing with it. We're fine. It's functioning. But now you want to rezone it. Okay, why? It makes no sense to us. So, obviously maybe because you're not doing something legal, you try to make it legal. I got it. Let's figure it out. But keep it residential zoning. Okay. If you want to go further with that, down the road we call it Mission Creek, and we keep going, and keep going. Eventually you turn around and say "How did we get to this point?" Okay, in the middle of four squares, all housing, some \$250,000.00, some \$500,000.00, some \$1,000,000.00 homes. Some of you live next to those, next to that resident in those homes, and you're happy putting up a hotel, you're happy with putting up an amphitheater. I don't know. I mean you can live with the concert. We had the Beatles concert, great music. Excellent. Heard it all the way across the street, never had to buy a ticket. Okay. How often is that going to happen again? Okay, it's because you just learn to deal with it. But all we're asking is, figure it out, we can do that, keep the property as you want. That's fine. But don't rezone it. Because I'm telling you folks, they sell that thing, do whatever you want to do with it down the road. We'll say what? That's not what I bought, I bought this property with this zoning. That's all we're asking. So, I just tell you, all this stuff they want to do down the road, if you agree with all this and rezone this. Please look at the water issue, because we've had that water flowing through my mom's yard ever since Fieldcrest, not Fieldcrest, but all the new housing that's gone up. Look at the traffic on Easthill, the highway Interstate 55. If you'd look at that, okay. Consider that, I know it's a money grabber for a lot for tickets. It's terrible for turning in and out of there, trying to get in and out of our driveway anymore or my mother's driveway at times a minute to a minute and half waiting for traffic. Great plan, just specify what you want to do, and give us a chance to look at it. Because right now, there is no clear objective to what they're going to with Fieldcrest. Thanks.

MELANIE J ROLL: 308 Portage Street NW. I'm, it's my belief that North Star has presented a proposal that is too vague. That things can be done to this property without coming back to either Planning or Council. I don't think that is a good idea. The overlay proposal seems a better fit, leaving it single family. That's my brief comment. Thank you.

COUNCIL PRESIDENT PETERS: Thank you, Melanie. Okay, anyone else wishing to address Council tonight? Okay, seeing none we will, Chair do you want to take this? I have some comments I want to make.

COUNCILWOMAN KIESLING: No, go ahead.

COUNCIL PRESIDENT PETERS: All right, first of all, tonight the action by Council tonight is either to adopt the recommendation of the Planning Commission, or deny, okay. We have the proposal from North Star that was submitted to Planning Commission, they made changes to it, sent it to us, okay. That's the two documents that Stephanie was referencing earlier. In the interim we went out to Calfee, Calfee Zoning, Mr. Sean Suder, and asked him to look at that and give us his recommendations. Director DeOrio can give you the background on that. But he made some recommendations to us, and let me preficet this by saying, I think the underlying theme is we all agree, the Fieldcrest is beautiful, and we want to maintain what we have over there. And we also, we want to do that in a manner in which is going to be neighborly with the folks that live in the area, whether it be noise, sight, drain, drain off. What the Calfee report recommends to us. Well first of all, let me address this. It was brought up that this is spot zoning. We have an opinion from our Law Director, and I'm not going to get into the whole thing, but it's a pretty

extensive, the bottom line is, you know, we have Ohio Supreme Court case law that states that backs up this is not spot zoning. What is being proposed, either way, what we decide to go with here? So let's just kind of put that to rest. The recommendation of Calfee with the overlay district, what's important to know and it's in his summary recommendations. And I'll paraphrase here, "the overlay district shall allow for the existing uses on the property to remain as lawful uses." Which was the main goal. Because they've been operating outside the zoning for a while, and we wanted to bring them into compliance. "But also require that all new established principle and accessory uses be approved as conditional uses. This goes to what Mr. Serra was talking about. This gives Planning Commission, City Council a little extra oversight on each individual use. And protects the neighbors. And as far as another aspect of the overlay district is that if they were ever to sell, it would go back to R-70, which would, is what all the properties are around them. Which I think is not too much to ask. I think that is fair. So, he ends with, I'm sorry... .

LAW DIRECTOR FOX: If I may Mr. President, just too kind of attach onto that. What you could put into that, is not necessarily just because of the sale. Because the sale might be to an organization, or a person that wishes to continue, in furtherance of what the Fieldcrest Estate is doing now and proposes to continue. So, perhaps, it wouldn't necessarily once it's sold, revert back to the R-70. But perhaps you could draft into the legislation that so long as they no longer follow the intent and the purpose and the spirit, that the Fieldcrest Estate puts forward and wishes to continue. So, not necessarily the sale, but even if the current owners, they would step away and no longer follow those principles, and perhaps bring in some elements that aren't in the spirit and intent of Fieldcrest. Say instead of a hotel, they wanted to put in a Best Buy, or a Kmart, or something along those lines. And clearly they won't no longer be following that spirit and intent. So perhaps what we could contemplate is even if there is a sale, so long as it's in furtherance of the Fieldcrest vision.

COUNCIL PRESIDENT PETERS: Yeah, and that's certainly makes sense, and that gives further protection for the residents in that area. You know, I think it's important to note, and I think everyone agrees, that we want to preserve that property. We also don't want to put undue stress on the owners, so that they continue to operate that property in a profitable manner. And still be neighborly. I don't see, well let me finish this. He goes on to recommend if we want if Council wants to proceed in accordance with the recommendations, tonight we would have to deny the Planning Commission's recommendation to adopt and then move forward with this plan.

LAW DIRECTOR FOX: Well, let me... .

COUNCILWOMAN KIESLING: No, we're not doing anything tonight.

COUNCILWOMAN WERREN: This is just a public hearing.

COUNCIL PRESIDENT PETERS: No, well what I'm saying though, not at the conclusion tonight, but the next step is... .

LAW DIRECTOR FOX: If I can suggest, that the way our statute is written, that Council after this meeting has then...this is 1181.08, so its action by Council regarding a change in zoning. So, Council can either adopt the recommendation of the Planning Commission. It can deny it. Or adopt it with a modification. And the important part is it's the last paragraph in this statute, or this ordinance. And it states that "any proposal may be amended prior to voting thereon, by Council without furtherance or postponement of the amendment." If the proposal is germane to the subject matter, which is rezoning the Fieldcrest Estate, and the modification of the recommendation of the Planning Commission, this modification does not consider that this is overruling the commission's recommendation. So what you're permitted to do is adopt that the Planning Commission believes that the area should be rezoned. But you're permitted to utilize and modification such as perhaps a hybrid between our consultant and Fieldcrest's consultant. And so you can adopt the Planning Commission with that type of recommendation.

COUNCIL PRESIDENT PETERS: Okay, let me ask you this, from a procedural standpoint, if we do that, does that then go back to Planning Commission?

LAW DIRECTOR FOX: No sir. It stays here, nothing regardless deny, adopt, adopt with modification it won't return to Planning Commission.

COUNCILWOMAN KIESLING: So the next step is, I'm going to put it on the agenda in two weeks for Council of the Whole again, and we'll talk about it or whenever. Start talking about it, I think we want to do is get their consultant hooked up with our consultant or and/or us and modify both of the plans and meld them together to come up with what we all think is appropriate. And then pass it, if, you know, if we're all in agreement. It only takes four to pass it, but the process is, let's modify it, with everybody involved, them, us, Tim, us, everybody, let's get, come to an agreement, the residents, let's make everybody comfortable. We've got a lot of suggestions tonight, which I think have been wonderful, and move forward with it, and give it its three readings and be done. It does not have to go back to Planning, we don't have to have another public hearing. We could if we want to, we certainly could do anything we want. But they'll have public speaks as well. So, but a public hearing is a little more formal, we can send out notices saying "hey this is what we propose, this is what we're going to pass, we think we're going to pass. If you want to come speak on it one more time lets go with it." But we don't need to send it back to Planning.

COUNCIL PRESIDENT PETERS: Okay.

COUNCILWOMAN WERREN: Because I think Jeff, what we found was, you know, Fieldcrest was very willing to work with us. And so before we hired Calfee, we, they had a public meeting for, I don't know if it was public meeting, it was a private meeting for residents of Monticello and then behind. Which many people attended and voiced their concerns, and Sally did a great job,

as well. And then when we were all talking in different situations, I think I was under the understanding that it wasn't going to pass as is. We were already making recommendations. There was already a lot of redline comments from Planning, and we went to the site. I mean I think every single one of us have been out there, we looked at it, and we walked the tree line. We talked with owners. I've talked with Gale, I've talked with Bob, I've talked with Tom, and Ed. I've talked with many, many, many Monticello residents. All the people who almost about the property, who have those back tree lines, you know, if people think they're going to be upset with a 25, 50 or 200 foot setback, they aren't. They're okay with it. They think that Fieldcrest are good neighbors. And they want to keep that property, with Gale, with Dave, they're right. Some of those times and we've talked it is, there's a lot of traffic, but it's not every day. And a number of us had talked, and we said there aren't going to be concerts there weekly. But we had talked with Fieldcrest about that. And we, you know, we had tried to say to them "would four be okay, throughout the summer? Would it be six, would it be two?" And we were working towards that situation. So, you know, to his point tonight in his last comments, the idea is now we have to work together with Calfee. We both have spent a lot of money. Whether either of meant to or not, that was the process that was followed. We're not going to go backwards. We're going forward. So, we need to work with those. We heard a lot of your questions and concerns. And we want to manage both of those for the residents of Monticello, for the residents behind, for the owners, for the residents of Easthill. I've even had people, you know, call further back. Even in Eastwood. But the bottom line is this is a great venue. Thank you, Patty, for saying that. Thank you for saying this isn't just North Canton, this is Stark County, and beyond. Just like Gervasi is one of the most traveled places to in the country, or in the state. They're now building a distillery. They are moving forward, they encourage tourism in our region, which we need to do. Just like the Hall is doing. And folks, we better be onboard with thinking the Hall of Fame is going to succeed, and move forward. That's for the better interest of all of us. And Mr., the resident was wrong when he spoke that I wasn't saying it was supposed to be 70% developed. It was the opposite. And I got that, because one of our residents Gene Barnett came to that meeting and he questioned them at that meeting. So we followed up with that. And we said "how much is the property right now?" It's 11% to 13%, correct? Is that what the build is? I think I got that answer from you. So I say "well, is fair to say its 30% build is extreme? Leaving it open for 70%. When we talked to them about the hotel, we said "well, what is this hotel for?" And they commented "well, people want to have weddings there." Just like they do at Gervasi, people want to stay on site. They want their guests to. So, if you start taking a certain amount of wedding parties, they have I think 14 to 17 rooms right now. Is it unheard of to double that? I don't think so. Is that a Hilton? No, that's not a Hilton. And that isn't what they were intending, which they have made clear. So, I think we did have a lot of the answers. It was just good oversight to have Calfee come in. That was a second step. And that's all we wanted to do. And now we ask that we all work together, we can have another public hearing, if that's what everybody wants. Right? And keep it transparent, and open. We want it work for everybody. So... .

COUNCIL PRESIDENT PETERS: Okay, well, I'm glad it doesn't have to go through the whole process. I don't mean to interrupt you, because you and I talked earlier. That's when I was under the assumption. Okay.

COUNCILMAN FONTE: I was just going to say, like, it's like any change and unknown, it's scary. It reminds me of the Maytag Mall. When Washington Square, you know, like I remember seeing signs all over the place about the Maytag Mall coming. You know, it took some work back and forth, but look how nice it turned out. What an asset it is. Gervasi's an asset. And I think the owner of Fieldcrest is, you know, obviously committed to doing a good job. And I'd like to work with them, and I know the residents, the concerns that they probably have would be some of the unknowns. Like the traffic, I get traffic. It's like when church lets out on Market, you've got to have the sheriff there too quickly, you know, get people safely through, so we don't have crashes. So, I would think if we have limited activities like that, that require more volume it just has to be well planned out. I think the citizens need to know it's not to happen every weekend, maybe a half of dozen times a year. Or whatever the appropriate time is. I just think there's just a little bit more clarity that they're looking for. To feel confident that it's not going to be the Maytag Mall.

COUNCILWOMAN WERREN: And they are working on a different entrance, exit as well. That clearly is important, and we were working towards that with them.

COUNCILMAN FONTE: Yeah, so I think we just have to fine tune it a little bit to give you some piece of mind. And we can see for the last 13 years what her intent is. But obviously it's a business too, so it has to be profitable. I get all that. So, I'd say that's what we need to do, is just fine tune it a little bit. So, I would agree to something modifying it.

COUNCILWOMAN KIESLING: So Pat, next step?

DIRECTOR DEORIO: Well, I think I can give you the answer to the next step, but I guess that's what I'm limited to discussing. I will respond to that.

COUNCILWOMAN KIESLING: That's really all we need right now. That's okay. I mean if you want to give me more, okay.

DIRECTOR DEORIO: Next step is to determine what level of engagement we want. How, do we want a high touch experience? Meaning lots of contact with the Council, with the Administration, with residents. In addition to North Star. Or are we looking to just put North Star and Calfee in a room, and let them begin work on something, and see where we can find common ground, where our differences are. The difference in cost will be based on what it is that you're seeking here.

COUNCILWOMAN KIESLING: I don't disagree, and I agree. I think that's what we need to do. We need to get them in a room, I think we need to get something on paper, so the seven of us can look at it, understand it, if any of us want to be included in those meetings, that's fine. Obviously, you know, only one or two of us can at one time. But whatever we can do, it's amongst

us and them, now. I think we've got the residents input, I think we know where everything needs to be, and Mark, I assume you're willing to sit down with Calfee and try to figure this out.

COUNCILMAN FONTE: He said he wanted to communicate, and work it out. So, that's...

COUNCILWOMAN KIESLING: Well, the December meeting you weren't ready until now. So I assume now you're ready. That's where I'm going, I guess. To sit down and iron this out. What you think you want, what we think we want, let's mesh them together and figure it out.

MARK MAJEWSKI: Yes, I mean we were eager to sit down and work on this.

COUNCILWOMAN KIESLING: Okay.

MARK MAJEWSKI: I guess my question is: what the parties that should be involved?

COUNCILWOMAN KIESLING: What do you suggest?

MARK MAJEWSKI: I think it's inappropriate to have just two consultants, neither of us live here, neither of us represent this community. I think we need to have folks who do represent the community, certainly be in that discussion.

COUNCILWOMAN KIESLING: No, we agree.

MARK MAJEWSKI: As I mentioned before, I am concerned about the approach that was taken with that report. And I don't want to pound that too hard, but when I look at it, its, we need, I hope that Calfee is coming to the table with a balanced approach to this. I didn't read it in that report. I don't want to beat on it too much, because I don't what he was told to do. Or what he's instructions were. But I think it needs to be fair also, to the property owner. And so, pardon?

COUNCILWOMAN KIESLING: Don't disagree. So I'll be glad to be in all the meetings, anybody else want to be in the meetings. I assume Pat will make himself available, Tim, I mean we'll try to do it during the day when they can be available as well.

MARK MAJEWSKI: I think I may need to sidebar with my client, and see what she wants to do. But who do we call back?

COUNCILWOMAN KIESLING: Pat.

MARK MAJEWSKI: Call Pat. We haven't met yet, but I will call you. Thanks.

COUNCILWOMAN KIESLING: And we'll get going as soon as you're ready. David, you have a something to say?

MAYOR HELD: Yes, yes, if I could. Just to clarify, you know, my perspective on this. And we did have a couple lengthy conversations, Mark, which I appreciate. You know, what's interesting if you had asked me to meet privately back when I first started as the Mayor in the first year. I probably would have done it. If you would have asked me to support the zone change the first year that I was here, I probably would have done it. Because I didn't know.

COUNCIL PRESIDENT PETERS: Pat, did you have something?

DIRECTOR DEORIO: Well, I wondering if we were going to give the attention to the comments that were about to be made, there were a few sidebars.

COUNCILWOMAN KIESLING: I apologize.

MAYOR HELD: No, that's okay. So the thing is, you know, we've heard a lot from the, you know, we've heard a lot from the residents. I think this is really something that we can agree on. We can find that place of agreement, because Sally has really a beautiful property. And I've told her that. It's a great asset, I do believe personally it's a diamond in the rough, to the City. We've had a few issues, you know, as far as some of the events. You know, some noise complaints. Things like that. But really nothing major, at all. I also can see, Sally's perspective, the owner. As far as the sustainability of the property, in the future. Because she would like to have something that's sustainable in the future. Which will go beyond her period of time. Just the same, the City would like to have that same thing too. But we would just like to know what that is. And so, what we were proposing to do here, was to change the zoning. The zoning dictates how the property can be used. If we were going to make a zone change, what we would do if we were to approve this, you could do a zone change and you could do it with certain stipulations. But in my experience, what happens is the advantage would go, it would be giving a pretty broad brush, by making a zone change for a lot of unintended consequences. So what we could do is we could say "well, we know that the owners' intentions now are very good." Which I believe that to be true. We could say "well, we've talked about it, and this is good thing." I believe that to be true. But then when you look at what could happen under a new set of rules, there's a lot of things that can happen. You look across the street. We're going through it right now. You look at the Hall of Fame, we're going through it right now. Very good intentions over there, want it to work. Very good intentions with the Hall of Fame. We want it to work. But then what happens, if you don't have those unintended consequences nailed down, you're going to have problems. You will have problems. And so what I had asked Patrick to do, and we had talked to the Council about this, is that we brought in our consultant. And you can see what's amazing about this process, and Mark, you and I had very good conversations. But you

know it's like let's work together. I mean we don't need to start "oh the mayor's worried about politics, he's not support of development, or he's not supportive of the residents." I mean, I've been through this a long time. And it's not fair to the elected officials, it's not fair to myself, it's not fair to the residents. It's so easy to pit people against each other. What we want to find that place of agreement, and we want the rules to be set. And if I, as the Mayor, do not know what the future rules are going to be, how can I convey that to you? So I sit back and I ask the Administrator, and I ask the attorney, and then I ask our Committee Chairperson, I ask our Council, I ask our Engineer. I'm getting all different stories. I'm like "this isn't good. We've got to stop, I don't like this." So that's what we did, we put the brakes on and then we said "well, you've got to keep going." Why? "Well, because it's a hassle." I'm okay with hassles, it's going to cost more money. I'm okay with spending more money. On the short end, I don't like to waste it. But I'm alright with spending more money, if we do it right. Because over there, across the street, it's a bigger problem when you don't take care of it properly. It just is. So, time, hassle, talk, intentions, those are all good things, they make us feel good. But what I've learned, and this is just the hard way, you just make sure that you set the rules, you make sure that the residents are crystal clear on the rules, that I'm crystal clear, that Council is, and that's what we don't have right now. At least, I don't. And so I would say that my, I'm going to jump ahead here, and it's not too upset any of Councilmembers, or our residents, or the owner Sally Dale. Because I'm really confident we'll find a place of agreement, but it's just let's take a step back. Let's make good sound business decisions. Come up with a set of rules that will work for the residents, for the City, and for the owner. And I think we can do that. It will take a little bit of extra time, but let's not rush through it. That's all.

COUNCIL PRESIDENT PETERS: Nice job. Okay, Chairwoman Kiesling?

COUNCILWOMAN KIESLING: Alright, we're moving on, moving into Committee in two weeks. I mean if we have anything to report out, we will, if we don't, you know, it's going to be about us getting together and figuring it out.

COUNCILMAN CERRETA: One comment, first I want to thank everybody that got up and spoke here. This is exactly what a town hall meeting should be. I mean we have residents who have concerns, there's a lot of good things here. We have residents that have concerns, they came up here, very respectful, very courteous. I'm very proud of the way you guys presented this case. Usually we don't get that, we hear "but we need." We've got notes up from everyone here, and this is exactly what we need to going forward. We need to hear from both sides. And that's exactly what we did here tonight, and I really appreciate the way you did it, in that manner. So we'll move forward, and we'll keep going with that same manner too.

Adjourn:

COUNCIL PRESIDENT PETERS: All right this concludes the public hearing. Note to self, next time put a little more time. I'll entertain a motion to adjourn the public hearing.

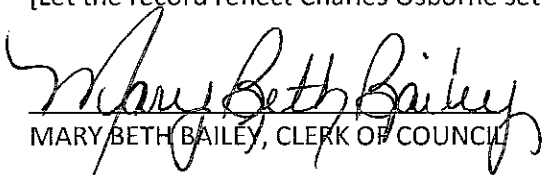
COUNCILMAN FOLTZ: Motion to adjourn.

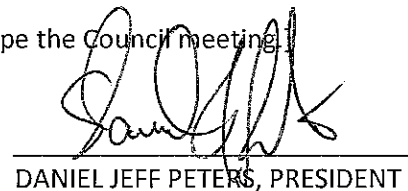
COUNCILMAN CERRETA: Second.

Unanimous voice vote of 7 to adjourn the public hearing.

COUNCIL PRESIDENT PETERS: Okay, we are adjourned.

[Let the record reflect Charles Osborne set up a tripod and appeared to videotape the Council meeting.]


MARY BETH BAILEY, CLERK OF COUNCIL


DANIEL JEFF PETERS, PRESIDENT