

RECORD OF PROCEEDINGS

Minutes of COUNCIL OF THE CITY OF NORTH CANTON

REGULAR

Meeting

DAYTON LEGAL BLANK (ING., FORM NO. 10148)

Held Monday, June 11 7:00 p.m. 20 12

Call to Order:

1. The council meeting was called to order Monday, June 11, 2012 at 7:00 p.m. by President of Council Snyder.

Opening Prayer:

2. The opening prayer was delivered by Rev. Richard Scherpenisse (retired) Northminster Presbyterian Church

Pledge of Allegiance:

3. All present recited the Pledge of Allegiance.

Roll Call:

4. Mr. Snyder: Madam Clerk, please call the roll.

The following members of council responded to roll call: Cerreta, Foltz, Fox, Griffith, Kiesling, Peters, and Snyder.

Also present were: Mayor Held, Director of Administration Grimes, Director of Law Nilges, Director of Finance Alger, City Engineer Benekos, Director of Administrative Services Bartos, Director of Permits & Development Bowles, Congressman Renacci, Stark County Hydraulic Engineer Conner, and Clerk of Council Kalpac.

Consideration:

5. Public Hearing Minutes – May 14, 2012
Council Meeting Minutes – May 14, 2012
Council Meeting Minutes – May 29, 2012
Special Council Meeting Minutes – June 4, 2012

Mr. Snyder: May I have a motion and a second to approve as presented the Public Hearing Minutes of May 14, 2012; the Council Meeting Minutes of May 14, 2012, Council Meeting Minutes of the 29th of May, 2012, and the Special Council Meeting Minutes of June 4, 2012:

Mr. Fox moved and Mr. Peters seconded to approve the public hearing, council and special council meeting minutes. All members present voting:

Yes: Foltz, Fox, Griffith, Kiesling, Peters, Snyder, Cerreta.

No: 0

Committee Minutes:

6. Mr. Snyder: May we have a motion and second to approve as presented the following Committee Report Minutes: Community & Economic Development; Finance & Property; Ordinance, Rules & Claims; and Street & Alley, all held June 4, 2012.

Mr. Griffith moved and Mr. Fox seconded to approve as presented the committee report minutes. All members present voting:

Yes: Fox, Griffith, Kiesling, Peters, Snyder, Cerreta, Foltz

No: 0

Community & Economic Development Committee: Please refer to the minutes on file in the Council Office of the Community & Economic Development Committee meeting held June 4, 2012.

Finance & Property Committee: Please refer to the minutes on file in the Council Office of the Finance & Property Committee meeting held June 4, 2012.

Ordinance, Rules & Claims Committee: Please refer to the minutes on file in the Council Office of the Ordinance, Rules & Claims Committee meeting held June 4, 2012.

Street & Alley Committee: Please refer to the minutes on file in the Council Office of the Street & Alley Committee meeting held June 4, 2012.

Mr. Snyder: Thank you. Before we have the - I apologize, the Clerk has informed me that our bulb in the projector went array and we're unable to broadcast the actual agenda in front of you. So, our apologizes for that, at this particular time. We'll have that corrected by the next meeting. At this time the Council will recognize anybody wishing to speak. Please step forward to the podium and state your name and address for the record.

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Recognition of Visitors:

7. Sherman Mattocks: 1031 Werstler NW, North Canton. I'd like to speak regarding the proposed rezoning, once again on the Postly property on Applegrove. I have with me a petition with 39 signatures of friends and neighbors. And they've signed to: "I/we protest the request to rezone to Ronald S., William P. Postly property with frontage on Applegrove NW from R2-F and R-70 to GB-A, General Business District. First reason: North Canton Council is setting precedent by rezoning R-70 to GB-A. Item 2: North Canton is setting precedent by allowing rezoning of property to GB-A while contiguous with other R-70 on west and south adjacent properties. Item 3: North Canton has approximately 31.2% of building dwelling as rental. The addition of 60 additional apartments further dilute the community of single family dwellings. Item 4: The zoning will eliminate additional single family dwellings be built by eliminating available lots currently zoned R-70. I'd like to submit this if I may.

Mr. Snyder: Please give it to the Clerk, she'll ... thank you.

Mr. Mattocks: In addition, I would like to recap a few of the comments that were made over the last few weeks by myself and members of Council. This same property was requested as GB-A change 2002, 2005, 2011, and now once again in 2012. North Canton City Council turned it down on three previous requests. Mr. Cerreta stated that Applegrove changed. I asked to request what it changed in 2005. Well I've driven around and looked around and the only thing I see changed, they tore down the old CVS on the corner of Applegrove and Main and built a larger one. That is General Business A and they have every right to do so. East Applegrove is now a four-lane, this is a change. But if we're going to make every four-lane highway GB-A, then I think we need to rezone Everhard Road. We talked about that in 2005. It's been a four-lane for many years. So, I don't think that's a reason to become General Business. In the very first meeting I stated there's nine plus acres of vacant land already available, already zoned General Business A on North and South Main Street alone, including the vacant Waterside. Why eliminate R-2 and R-70 to build more rentals when we have plenty of space available already zoned GB-A - General Business A? The President of Council has expressed concern, North Canton has 26% rental. The U.S. Census say we have 31 (percent), but it creates a problem for safety forces, for tax base and so on, which I'll discuss a few minutes more in a minute. President of Council stated last meeting that it would to just do the frontage of this property would be too expensive. However, on the first meeting here the additional three lots PT212, 5070, and 5069 would have been included but there wasn't time available, which indicated that these will come forward to be rezoned in the future. If it's too expensive to rezone the front part of the Postly property, how would it not be too expensive to rezone the three other pieces of property that are just to the west? At last meeting I asked about the petition for zoning states R2, about Out Lot 231 and 232 roughly one and a half acres is shown as R70. President of Council stated that he was aware of this. So, Saturday I took a little drive down to talk to my Councilman, and also looked at the Canton Repository for previous readings, and on 6/4 the North Canton Neighbor News stated, once again R2 to GB-A; no mention of the R70 change. I asked Mr. Foltz if he was aware of it. He said it was news to him. He was not aware that there was R70 lots in this property. Nor does the application say so. My question is, how many other Councilmen are not aware that they're voting on something that is R70 as well? That brings up another question. If this is a discrepancy on the application, was the Planning Commission aware of it when they passed it or did they think it was all R2 as well? If it is only going to be the R2 property, this being rezoned, then how can the property be built as it was shown here on the plot because two of the buildings are clearly almost half of the building on the R2, Out Lot 231, 232, as well as the garage, I believe, on the North side is on Out Lot 232, which are R70 and they're not really being rezoned according to the application. And why the secrecy and deception to the citizens of North Canton if nobody knew this was R70 or if they did know? Our people read the North Neighborhood News for City Council reading, for local information in both Plain Township, Jackson, and North Canton. But the indications are, it's R2. Nowhere does it say R70 in any of the articles I've seen, nor the application here that was passed out at the very first meeting. Or is this how we do business now in North Canton? We do things to deception rather than being total honest? I hope not. Lastly, if Council was to look at the past support of this community, you've had great support passing levies, police; fire; street; street repairs; school levies. Jackson doesn't have that luxury. I think they're had some problems getting school levies passed. Lake can't get a safety passed. They're going to lose their police force or part of. You folks have done a great job. In 2010, I believe the Mayor was looking at a one million dollar deficit and I believe you ended up with a 1.1 or 2 money left over at the end of the year. The following year, you had a two million dollar, at least that's what's stated in the last report I saw of the City. You did this through attrition; through getting your safety forces to work with you, which they have done; but now we're going to add to them, we're going to add more work to them; more additional street improvements, more streets to keep salt in the winter time and keep the snow off, and so on. But let's face it, business people don't build because they like to. They build to make a profit. There's nothing wrong with making a profit, that's what keeps this country going. But if you had 26 or 31%, depending whether it's Council or U.S. Census that you look at, rental property and that goes to 30, 35, 40%. If we continue to build multi-family, high density housing, what happens to the demographics? The U.S. Census shows that there's 5,658 single homes in the City of North Canton. There's 1,484, four to twenty unit available. I don't have any way to come up and see

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whether those are four, five, six, ten, but if you had one and a half voters in the 5,658 that's 8,487 registered voters, if you have 1 1/2 per household. Some have 2 or 3. Some only have 1. So, we'll stay with the 1 1/2. These people have a stake and ownership in this community. They're the people that have passed these levies because they enjoy having what we have here. I hope everyone that is on this council grew up here or moved here because they wanted to be in that kind of community. This change, guessing on those number of lots, where that - well I shouldn't say lots, where that many rental properties, that's if there's, or I'm sorry, 11,000 - 8,056 homes and we have 1484 multiples, is that 15,000/ 20,000 voters? I don't know. But it's certainly more than the 10 or 11,000 in the single family. They have landlords. In the future the landlord has to make money. That person that lives in that rental property doesn't have ownership, he doesn't pay that levy. He pays the income tax if he doesn't work in another city and they keep his money. But the landlord has to pay that. So, the landlord or his property manager, very simply states to these folks if that levy passes, we'll have to raise your rent. Now, we said that these were going to be for young professionals and for retirees. First off, the retirees are on a fixed income. They can't afford to have their rent raised. The young professional, they're here for a short time until they move on and build out the City where they're not affected by some of the income tax and so on, they're going to vote it down. And what are you going to do for that income? You going to go back for a second levy like Lake, a third levy? And Lake lost by one vote folks, they had to go to court. Change the demographics, add these 60 apartments with the other 20, that's 80 apartments. Put two people in each one of those, that's 160 votes. Lake lost by one. I want to see my children and grandchildren have the same opportunity that I had living in this town. And the opportunity that my kids had; the downtown street fairs; the community spirit that we have; the YMCA; the Dogwood Pool. That's why people are here. 2008 or 2009, I think you did a survey, and the two main things that the citizens of this community came back and said to you that they wanted, they loved, the school district and the sense of community. Transient people, part-time renters, you don't get that in the six months or a year if you know you're going to build a house somewhere else because you can't build in North Canton because we're taking away the property. We're taking away the R70 lots that are available. So, they're going to move out of the City to Jackson, to Green, wherever they want to. You know, we've got to - not to knock the developers, they do a lot of good in this area, no question about it, as did their fathers when they were lumberyard people, when they were developers. Bentbrook Village is one of the early ones that Lemmon's did. I worked on it back in the 60's. Very nice property. However, the City gave an ODOT (Ohio Department of Transportation) grant for \$350,000 or obtained an ODOD (Ohio Department of Development) grant, I believe that is Ohio Department of Development. And it was so that Mr. Lemmon and Dehoff could build Waterside. You also did another \$275,000 in improvements. That's \$625,000. It's a vacant lot. It's been a vacant lot for over three years. Why don't we let them build their apartments down there if we're so hell bent on letting them build apartments in the City. The property's there. The City has \$625,000 already invested in it, and I don't know, I'm a mechanical contractor, so I don't know how land grants go, but I know when we get grants for hospitals, for school education, for energy grants, there is a time limit. If that work is not completed, give me the money back; the State takes the money back. I don't know if an ODOD grant is the same way or not. So is that the case? How many years do we have before you have to, you Councilmen, have to come up with \$350,000 to pay back the State because Waterside is not developed other than grass and City streets that we have to maintain. I think it's enough with the gifts corporate welfare. Times are tight. You guys did a great job keeping this City on its track. Why do we want to change the course that you're doing? That's all I really have to say. Thank you.

Mr. Snyder: Thank you, sir.

Gary Fogle: I'm Gary Fogle. I live at 1023 Werstler on the cul de sac. I'm not as articulate as Mr. Mattocks. I'll make it short and sweet. I went up and down Woodrow between Pierce and - how far down it go?

Mr. Mattocks: And Browning.

Mr. Fogle: And Browning and I didn't talk to anybody that thought it was a great idea to rezone this. When we bought our house, or built our house on that cul de sac, I checked the zoning. I wouldn't have built if I thought they were going to change that into General Business. General Business is not going to help my property value, I know that. Mr. Mattocks brought up some points I didn't even think about when it came to voting, etc. And I would like to say that, as a retired police officer, we had from my point of view, a policeman's point of view, we sure had a lot more problems with the rentals than we did in residential family homes. Needless to say, I'm not excited about this at all. I hate to see our City going backwards. I do like our City. I felt as great about North Canton the day I retired as the day I started. And, I hate to lose that. We do have family, we do have a feeling of belonging. You don't get this with a bunch of rentals. So, I hope you people think about this. Thank you.

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Miriam Welch: I'm Miriam Welch. 800 Applegrove St. NW. I think I'm going to go back to Sherman Mattocks' point that's due diligence that City Council needs to protect us with due diligence. You don't have all your information. I know that Mr. Lemmon is going to do borings before he builds. He has to. It's good business. It's good - I don't know what - apparently the State is loosey-goosey about enforcing building on mines. There's no enforcer. But we know it is heavily mined. Our freshmen council people were not here during the first go-rounds with the Postly rezoning. They were not here for the Grisez land, which is a mirror of mine, my land. It's all heavily mined. If you had heard the retired mine engineer speak at the Grisez hearings you would have been appalled at what was allowed to go on and what we don't have underneath us. The retired mine engineer actually was in the mine. He's no longer alive. He used to live on Pittsburgh on the west side of the street in the house on the hill with the totem pole. And he came of his own free will to the last Grisez rezoning, and that was when Mr. Grisez said, "okay, I'll have my mine - I'll have my land bored". And he had the borings done. And he had two tiny of pieces of land that were not mined. My land is the same way. But what we have known all along and the mining engineer reinforced, number one: of course there - it was the wild west in those days when they did the coal mining, and he'd been in the mine, he'd seen the mine, and mine's not deep, but the last owners of the Betty Coalmine, as they were exiting the mine and closing it up, removed the pillars, the support pillars that were coal. So, we're sitting with a shell. And one - some morning my husband and I are going to wake up and we're going to look out because we're going to be in the middle of a moat, the whole thing is going to collapse. It won't, it won't, I'm just being silly. Ours won't because our house is built on the tippie, which is solid land. Do your due diligence, make sure if the council people who've indicated they're for this zone change and Mr. Snyder, insist that borings be done before you consider rezoning. If you don't, you're being reckless. And as you know, there are still evidence - there's still evidence of coal mines on my land, Ebert's land and Postly's land. And if you had been here for - the freshmen councilmen had been here for the last Postly public hearing when Mr. Ebert came to speak and Mr. Ebert's been in North Canton since, a long time, longer than I have. Telling - and all the kids in our end of the neighborhood, play in the woods because the sink holes are so much fun. And Mr. Ebert told of the time that the neighbors found out that the kids had uncovered a coal mine entrance. Great fun to play in the coal mine entrance. So he and the neighbors filled it in. I mean, check on this, check on this, and think hard before you rezone it, especially if you agree to rezone it and the borings have not been done because then it'd be - it's going to be GB-A and whether apartments are built or some other sort of business structure. And their first rezoning hearing, the Postlys wanted to build storage - you know the storage units with a garage and you drive in and you store. That's what they wanted to put there. Plus the high - the high - what it is the high density, high population ..

Mr. Mattocks (speaking from the audience): High density population.

Mrs. Welch: high - whatever. So thank you for hearing me.

Mr. Snyder: Thank you Mrs. Welch.

Don Zucal: My name's Don Zucal and I live at 1110 Brpwning Avenue. I've been here before. My house is right at the end of that where there wasn't supposed to be any mines. We did have a sink hole there. The State came in and they've reinforced my house so it doesn't cave in. And like Miriam said, I think they should do some boring back there, make sure that they check that there isn't any places, because I don't want to see that changed, and then say, "well, we can't build that anymore, so we'll just let it set empty now or until someone else comes up with a trucking firm they want to put in there. That's all I have to say.

Mr. Snyder: Thank you sir. Anyone else wish to speak? Mr. Bowles, privilege of a question; Mr. Bowles. Can he hear me? Eric...

Mr. Bartos: Eric...

Mr. Snyder: Eric, step up here. Eric, my understanding of that property and I was told was all originally R2F that was requested to be rezoned.

Mr. Bowles: The three part properties that were approved, or recommended to Council from the Planning Commission, they're all currently R2F.

Mr. Snyder: There's not an R70 in that mix?

Mr. Bowles: No.

Mr. Foltz: President Snyder, I'd like to comment before we vote.

Mr. Snyder: That's fine.

Mr. Foltz: Okay. I know Mr. Renacci's here.

Mr. Snyder: Are there any other comments? If not, thank you very much. At this particular time, the City of North Canton, the Council, along with Mayor Heid, has the privilege with of having in

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attendance with us tonight the Honorable James Renacci, the Congressman of the 16th District. He came at the request to speak to the Council, the Administration, and also to the general public. Mr. Renacci, on behalf of the Council, we appreciate your coming tonight to talk to us, and we appreciate your attendance sir. Please, the microphone is yours.

Congressman James Renacci: Thank you. I want to thank the members of the City Council and the Mayor and the Administration for allowing me to have a few moments. And I will just take a few moments because I understand being President of City Council in Wadsworth, that you have a lot of business to transact. But it's always good to get back to the cities and get back to seeing this relationship where citizens are able to come up and communicate and tell their concerns. And so it's great to be back for that. I also wanted to make sure that the council members knew and the citizens knew that on the request of the Mayor and the Commissioners, I have sent a letter to the District Engineer, US Army Corps of Engineers in regards to the Zimber Ditch and the issues there. And actually today I called the Mayor and asked him if he would be so kind to take me down there and give me a first-hand view of that situation. I've always believed whether it's in Washington or Wadsworth, or even here in North Canton, if you're ever going to talk about an issue you should at least go see it. So, I'm happy to have that opportunity. I just wanted to give you a quick update on my 17 months in Congress. You know I'm going to go back to what Mr. Mattocks said here earlier about his concern for his children and his grandchildren. And I said that almost two years ago that the reason that I ran for Congress was my concern for our children and our grandchildren, and a number of other things that are going on in Washington. So I am pleased to tell you that since we've - since I've been there for 17 months our work has really been looking at making sure that our debt and our deficit, which was growing rapidly, continues to grow rapidly, if we can get that under control. You know my concern is for our children and our grandchildren and the debt today that they have - \$50,000 per person. I mean a lot of people don't realize that, it's \$50,000 per person today and if we continue on the track we're going, it will be as high as \$75,000 per person. So we need to make sure that our children and grandchildren are handed something better than what we, you know, what we had like in the past. What I can tell you that we've done, I mean it's all for me and I know many of the members that I worked with, it's about jobs and the economy. It's really bringing back certainty and predictability. You know when you talk about certainty and predictability you have to talk about high tax rates. You have to talk about regulatory burden. The National Association of Manufacturing has said that it costs 20% more to manufacture in the United States than outside the United States. And you wonder well why so much? Well 10% is our tax issue. You know, we have the highest tax rate in the world at 35% and the next highest is 25%. So 10% is that. And the other 10% is of course many times the regulations, the overburden regulations. So I can tell you that we are continuing to look at those regulations in Congress. We're continuing to look at tax reform. Ultimately our goal really will be to simplify the tax code. It will be to eliminate loop holes. It will be to broaden the base. But the other thing that I think is so important that we have to make sure we do in Washington, is get - make sure that the jobs and the economy, certainty and predictability can be brought back here. Now we have almost 30 jobs bills that have been passed out at the House that are waiting for the Senate to take action on. I mean, you know, you hear, you hear the President many times talk about the "do nothing Congress". I can tell you that the House has passed a tremendous amount of pieces of legislation that have gone over to the Senate and they're not touching them. And that's one of our issues. Everybody goes back to Government classes back in high school; you remember that if House passes something the Senate has to take it up. We've run into a real stonewall where the Senate has not taken up a lot of these bills. When it comes to gas prices I can tell you that we've passed a number of bills to try and get - to get - to allow more drilling, allow permits, allow things to occur so that we can get additional flow of oil, and ... But again, the plan is all the above. Nuclear, air, solar, wind, all of those things we need to be able to look at. But we also need to be able to look at oil and oil production. So, we've passed pieces of legislation. I can also tell you that the House or that the Senate has not taken many of those bills up and even taken ...inaudible... And one of the most important ways that we can create jobs in this country and increase the supply of oils to the Keystone Pipeline. We've passed bills a number of times to try and get the Keystone Pipeline passed so we can get oil moving into this country from Canada. That again has been stalemated by the President. I'm also a member of Financial Services. I can tell you that I'm the Vice Chair of the Financial Services Financial Institutions Committee; also a member of the Oversight Committee. I think that's important because a lot of people don't realize, and I know it's affecting your city, in fact a lot of bills that we're looking at, a lot of oversight, is on Dodd-Frank. And many of the things that occur through Dodd-Frank are going to affect your financial situation here at the city and how you invest in dollars and money market funds, and mutual funds, and all those things. We're doing, as a member of the Oversight Committee, we doing a lot of oversight on that. We're also doing oversight on other issues, MS Global; Jon Corzine, who was Governor of New Jersey, we've had him in the chair to ask him questions about, you know, where's the money. There was money lost of many people from the 16th District lost investments, we've been asking them. We've had HUD (Housing Urban Development) and we've had a lot of the other agencies. So we've been doing a lot of oversight in our Committee. And I'm proud to say I'm a member of that Oversight Committee when it comes to financial services. As far as this year, you know we're in a Presidential election year, I will tell you the disappointment for me is a lot of things do slow down in a Presidential election year. One thing I can tell you is the House passed our budget again. Now, whether you agree with the budget or disagree with it, at least we passed one. The Senate hasn't

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passed a budget in over a thousand days. That's a problem and that's an issue. Now, we are passing appropriation bills, but the one thing that I need all of you to be concerned about and make sure that you talk to your Senators and communicate with any of your representatives, including me. We are coming to a financial cliff here at the end of the year, you might have heard about it. We have tax rates. If nobody does anything before the end of this year, at the end of this year and starting in January, you know, tax rates will increase on everybody across the board. We're going to have a -- so we'll have a massive tax increase. We're going to have an increase in the payroll tax because that was only extended until the end of this year. We're going to have the doctor's fix. So we'll have doctors' reimbursement issues. We have five or six issues all coming to the table at the end of this year. And these are the things that I know that we're going to continue to work on in the House because we do not want to wait until the end. So we still have a certainty and predictability issue. As a businessman for almost 28 years, it's very difficult to live under these circumstances when you don't know what your taxes are, you don't know what your healthcare costs are, you don't know what a lot of these issues are going to end up being. And we can't get them finalized because we pass them and they go over to the Senate and the Senate doesn't respond to them. But I promise you that we are going to continue to work extremely hard the rest of this year and continue to make sure that we try to bring back certainty and predictability. We're going to continue to make sure that our jobs bills are at least being addressed or try and get those addressed. And ultimately I can tell you that it's an honor for me to have served this District for the last 17 months. It's been a great learning experience for me. As a business owner of 28 years, I can tell you Washington is broken. And I'm hoping that I have the opportunity to continue to get down there and work on behalf of everybody to try and make changes. So again, I appreciate the time with you tonight just to give you a quick little bit of an update. But anytime that you have any questions you'll find me on Facebook. You'll find that my numbers are open, cell phone, please call me if there are any issues. And as I said when the Mayor called me on this water issue, the Zimber Ditch, I know we responded as quickly as we could. And I'm glad I had an opportunity to go out there today and talk to some of the residents. So, thank you so much for allowing me this opportunity tonight.

Mayor Held: Also, Congressman, if I may take a moment.
Mr. Snyder: Please Mr. Mayor, sure.

Mayor Held: Just to give everyone an update, our Council Members and then here in the audience, we've had a you know, a number of challenges in the City, but particularly one that has been a big challenge that the City has really struggled with as far as bringing some sort of improvements or resolutions to is the Zimber Ditch. And we had invited Congressman Renacci to come and share with us what was taking place with all the various issues, which we appreciate you doing. But particularly the Zimber Ditch was really a primary focus, and what we really appreciated, is that the Congressman asked to come down and look at the ditch and all the flooding areas. And we also had Commissioner Creighton that joined him. And so we really do appreciate that because we went down along Lucille and Furbee. And really we didn't expect this. We did expect the Congressman to come and talk to our Council here today. But it was really probably around a little bit before 5:00 he asked if we would give him a tour. And we really very much appreciate that, because now the Congressman can see first-hand the struggles that the residents are going through down in that area. And we do have a number of our residents that, when we were out there particularly on Lucille and Furbee that were able to come out and speak with the Congressman. And then of course the rain hit. And so as we went down Linwood and all along that area and then up around where the golf course is at, just so that he could get an idea where the inclines are at and the whole flood area. And then we went up by the North Canton Medical Center. And so he has a really first-hand look of what the problem is. And in addition to that, the letter that this Council and Administration; we joined with the County Commissioners, as you all know, and we sent the letter to Congressman Renacci. And he delivered his letter to the Army Corps of Engineers and requesting - actually there were eight 8 points. And I just want to run through them real quick so that everybody has a -- has an idea of what the Congressman had requested. And this was really very consistent with our letter. The first was to reopen the assessment by the Army Corps of Engineers 2006. So we're taking a two-pronged approach here. One is on the Federal side. In order to get federal funding, we do have to have the study reopened, or that assessment reopened. And that's where we put the Mount Pleasant water basin in and that was through federal funds; and, then also the Aultman Avenue Water Detention Basin. So we're looking at reopening that study and looking for federal funds. The second was work with the local stake holders, which obviously coming out here and taking a first-hand look, the Congressman is also asking for the Army Corps to come back out here and look at this area again, and then provide the necessary engineering expertise and other technical assistance that we need to resolve this problem, or certainly improve it. And then also provide an explanation of the programs and resources more currently administered by the Corps of Engineers which may be brought to bear in short term to begin addressing the stated needs which is expansion of the existing retention basins; again the one up on Aultman Avenue, and then also Mount Pleasant; and then acquisition and construction of new detention basins which we are working on that on a local level. And Gary, if you don't mind -- Gary Conners -- if you can raise your hand there, Gary. Gary, how many years have you been working on this detention basin problem for?

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Mr. Conner (speaking from the audience): Almost from the beginning – almost 43 years.

Mayor Held: 43 years. So, Gary is really the technical expert on the problems that we're having along the Zimber Ditch. And so our goal has always been in North Canton is to bring everybody together, and we've done this a number of times here, and we want to make sure that our Congressman Renacci and Gary and everybody is working together. So we're really pleased with - I mean we can't ask for anything more than taking the time out of your busy schedule and actually coming and visiting first-hand, we very much appreciate that, as well as the County Commissioners too, their involvement, and all of you as Council Members. Everybody has really been working very hard on this. And it's a big, big problem, it's a big challenge, but, you know, we're trying to make steps, you know every day to try and improve this. So, thank you for your time Congressman.

Old Business:

9. Mr. Snyder: Thank you Mr. Mayor. Members, any comment? Okay. Seeing none, we'll move along to Old Business. First thing on the agenda is the third reading of Ordinance No. 43-12. May I have a motion to read by title only the third reading of Ordinance No. 43-12?

Mr. Fox moved and Mr. Cerreta seconded to **read by title only, the third reading** of Ordinance No. 43-12. All members present voting:

Yes: Griffith, Kiesling, Peters, Snyder, Cerreta, Foltz, Fox

No: 0

Ordinance No. 43-12 – 3rd Reading – Water, Sewer & Rubbish

An ordinance approving, confirming and accepting a Perpetual Public Utility Waterline Easement, known as Parcel No. 16-19961, by and between the City of North Canton, an Ohio Charter Municipal Corporation and any Public Utility regulated by the Public Utility Commission of Ohio ("PUCO") its successors and assigns (collectively "Grantees"), and JSG Investment Group, Ltd., an Ohio limited liability company, ("Grantor") in accordance with the Belden-Whipple Plaza No. 2, for and in consideration of One Dollar (\$1.00) and other good and valuable consideration.

Mr. Snyder: Chairman Cerreta

Mr. Cerreta: Yes, this is the third reading. This again gives us the right to go and maintain our lines in that area over there. So I move that we pass Ordinance No. 43-12 in the 3rd reading.

Mr. Cerreta moved and Mr. Peters seconded to **adopt the third reading** of Ordinance No. 43-12. All members present voting:

Yes: Kiesling, Peters, Snyder, Cerreta, Foltz, Fox, Griffith

No: 0

10. Mr. Snyder: May we have a motion to read by title only third reading of Ordinance 44-12

Mr. Fox moved and Mrs. Kiesling seconded to **read by title only, third reading** of Ordinance No. 44-12. All members present voting:

Yes: Peters, Snyder, Cerreta, Foltz, Fox, Griffith, Kiesling

No: 0

Ordinance No. 44-12 – 3rd Reading – Water, Sewer & Rubbish

An ordinance authorizing the Mayor of the City of North Canton, through the Board of Control, to enter into a Supplemental Sewer Agreement by and between the City of North Canton ("North Canton") and the City of Canton ("Canton") for improvements to the Canton Water Reclamation Facility, and to amend the March 22, 1974 Agreement and the series of supplements thereafter, and declaring the same to be an emergency.

Mr. Snyder: Chairman Cerreta

Mr. Cerreta: Yes, again, the third reading here. And this is to - our ability to put our share into this facility down there. There will be some funds that will have to be transferred over, but it's our share of it for the Water Reclamation Facility down that way. So I move that we approve Ordinance No. 44-12, the third reading.

Mr. Cerreta moved and Mr. Peters seconded to **adopt the third reading** of Ordinance No. 44-12. All members present voting:

Yes: Snyder, Cerreta, Foltz, Fox, Griffith, Kiesling, Peters

No: 0

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11. Mr. Snyder: May I have a motion to read by title only third reading of Ordinance No. 45-12?

Mr. Fox moved and Mrs. Kiesling seconded to read by title only, third reading of Ordinance No. 45-12. All members present voting: Yes: Cerreta, Foltz, Fox, Griffith, Kiesling, Peters, Snyder No: 0

Ordinance No. 45-12 - 3rd Reading - Water, Sewer & Rubbish

An ordinance appointing Jake Tovissi to a three (3) year term; Marcy Klee to a four (4) year term; Ronald Reolfi to a five (5) year term; and designating the Chairperson of the Water, Sewer & Rubbish Committee as the Council Representative on the North Canton Community Disaster Relief Fund Committee for the City of North Canton and declaring the same to be an emergency.

Mr. Snyder: Chairman Cerreta

Mr. Cerreta: Yes, this is the final reading to approve the really the committee that will oversee the North Canton Disaster Relief Fund. That will be Jake Tovissi, Marcie Klee, and Ron Reolfi, three highly respected individuals of the community. This will - I move that we pass then this Ordinance 45-12 - 45-12 - 46-12 in the third reading and get that going.

Mrs. Kiesling: It's 45-12. Mr. Peters: Yeah. Mr. Cerreta: It is 45-12. Mrs. Kiesling: Second.

Mr. Cerreta moved and Mrs. Kiesling seconded to adopt the third reading of Ordinance No. 45-12. All members present voting: Yes: Foltz, Fox, Griffith, Kiesling, Peters, Snyder, Cerreta. No: 0

12. Mr. Snyder: May we have a motion to read by title only the third reading of Resolution No. 46-12?

Mrs. Kiesling moved and Mr. Peters seconded to read by title only, third reading of Resolution No. 46-12. All members present voting: Yes: Fox, Griffith, Kiesling, Peters, Snyder, Cerreta, Foltz No: 0

Resolution No. 46-12 - 3rd Reading - Water, Sewer & Rubbish

A resolution establishing a Neighbors Helping Neighbors Program for the City of North Canton to assist the greater North Canton community when special needs present themselves, and declaring the same to be an emergency.

Mr. Snyder: Chairman Cerreta

Mr. Cerreta: Yes, this is the final reading to really establish this Neighbors Helping Neighbors Program. Starting tomorrow, this will be - we'll really push this out, it will be on our website. This, of course, program is to help those individuals who need help and to gather the people that want to help, the volunteers, together with ... so we can facilitate them to getting together. So, I'm really happy to see this passed on the third reading. I'd like to make a motion on 46-12 to pass this.

Mr. Snyder: Is there a second. Mrs. Kiesling: Yeah, somebody seconded it. Mr. Snyder: Oh, I'm sorry. Thank you.

Mr. Cerreta moved and Mr. Peters seconded to adopt the third reading of Resolution No. 46-12. All members present voting: Yes: Griffith, Kiesling, Peters, Snyder, Cerreta, Foltz, Fox No: 0

13. Mr. Snyder: May I have a motion to read by title only, third reading of Ordinance No. 48-12?

Mrs. Kiesling moved and Mr. Foltz seconded to read by title only, third reading of Ordinance No. 48-12. All members present voting: Yes: Kiesling, Peters, Snyder, Cerreta, Foltz, Fox, Griffith No: 0

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Ordinance No. 48-12 – 3rd Reading – Community & Economic Development

An ordinance amending Personal Services (b)(83) of Section 1125.02 Definitions of CHAPTER 1125 DEFINITIONS and Land Use Category (d)(2) of Section 1137.03 SCHEDULE OF PERMITTED USES of CHAPTER 1137 Business District Regulations of Ordinance No. 50-03, Zoning Ordinance of the City of North Canton, to exclude tattoos and/or body piercing businesses and the like.

Mr. Snyder: Yes, Chairman Kiesling

Mrs. Kiesling: Yes, this is just removing those words from the code as it is at the moment. So, third reading, I make a motion that we approve.

Mr. Kiesling moved and Mr. Peters seconded to **adopt the third reading** of Ordinance No. 48-12. All members present voting:

Yes: Peters, Snyder, Cerreta, Foltz, Fox, Griffith, Kiesling

No: 0

14. Mr. Snyder: May I have a motion to read by title only, second reading of Ordinance No. 49-12?

Mrs. Kiesling moved and Mr. Cerreta seconded to read by title only, second reading of Ordinance No. 49-12. All members present voting:

Yes: Snyder, Cerreta, Fox, Griffith, Kiesling

No: Foltz, Peters

Ordinance No. 49-12 – 2nd Reading – Community & Economic Development

An ordinance amending Ordinance No. 50-03, Zoning Ordinance of the City of North Canton, to change the zoning district of the premises situated with frontage on Applegrove Street NW and known as Parcels 9208676, 9208743, and 9204594 and located in the City of North Canton from R2-F, Two Family District, to GB-A, General Business District.

Mr. Snyder: Discussion? Foltz.

Mr. Foltz: I have some lengthy comments ...inaudible... that might affect it. First of all, I'd like to just go to our Law Director. I did receive a copy of the minutes today, and reviewing them, R-70 is involved. I just want to make sure that that wasn't just the development plan turned upside down or someone had the wrong lots. So if you could research that. I have full faith in Eric Bowles (Director of Permits and Development) if he thinks it wasn't R-70 there, but I just want to make sure if we can research that. The second thing I want to bring up, is that during the meeting there were the Craig family who owned the lot directly east of the Postiy family, actually wanted their parcel zoned GB-A also, and the Planning Commission made a recommendation to do so. They actually discussed the zoning those three other parcels west of Postiy towards, uh I guess it's Mrs. Welch's property on the west side. There was no one there to represent those properties so I think they used very good judgment. And I think you were involved with that – our Law Director that to say no. The people should at least know that their zoning's going to be changed and be represented. To me that's a no-brainer, but stranger things have happened. But my comment to that is, I don't think the legal notice really correctly identified the Craig parcel, which is parcel 9204594 which in the ordinance, was on any legal notices. So, I don't think the notification process would be accurate. So, I would ask that we table this until you review this and look at that. My other question is, if the amendment process that we have through our planning zoning code, I think there's - when I look at the action by Council, I was told we need five members of the Council to overturn the Planning Commission's amendment recommendation. The way I read it it's 1181.08, it's kind of confusing to me, I think we just need four. And I researched with - Tom Treadon looked at it back when we were talking about the Girl Scout zoning. And he thought we only need four then too, it's in the minutes. It's kind of confusing because it doesn't really say what happens when the Planning Commission approves a proposed amendment what Council has to do. So even from that legal point, I would like to see our Law Director research that and table it until that's cleared up. I don't think we need five votes here to overturn this, I think it is four. And if I'm reading the motions right just to hear the ordinance, I mean there's two votes now there and hopefully we can work with the other council members to see our point of view. That said, I'd like to get into more of the specifics. I appreciate all of the neighbors and residents that came up here and spoke so eloquently about their passion of where they live. If I heard right from Mr. Mattocks, there's 39 signatures on that – was it 29 or 39?

Mr. Mattocks (speaking from the audience): 39

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Mr. Foltz: 39. That's all I need to hear when I'm going to vote; the residents there that do not want this that live in that area. Now, I'm obviously the Ward Councilman and any other times in the past, whatever the Ward Councilman recommended, the other Ward Councilmen saw that that was a very valid point and voted that way. I brought this up a few weeks ago during the committee meeting because I wasn't at the first reading here in Council, I was out of town. So, I would like to see Council to consider that again. I'm against this zoning change and 39 of my residents that live in this City are against it. I don't even have to get into more specifics, but I will. But I think that's enough for me to say this isn't a good move for the City. The long term stakeholders who live here, raise their families here, and vote in the elections, who vote for our levies do not want this zoning. Because I brought it up earlier, this could lead to a Pandora's box, this is cause and effect. There's nothing to say, and I brought that up with Councilman Cerreta where you live near our beautiful golf course, to change in zoning there, I don't think you would be pleased to see GB-A there or even R2F. Councilman Griffith, you live on the corner of Woodrow by Custom Clothier, and North Main. I'm not saying you'd do this, but what would - why couldn't you sell your property or your neighbors too, or just package a deal for the zoning and change that to GB-A and put a very commercial unit on that corner. That's what we're talking about here because once this happens, once this happens, it's cause and effect. The Martins, you know the Postiys, obviously their property is worth a lot more when I can sell it GB-A, and I read some of their minutes in 2005 where if they could maybe put 14 duplexes on it. Well times that by 4 if my math is right, that's 56 units. They're ... Mr. Lemmon talked about putting 80 units there. Well I guess rule of thumb is my property inflated four times if they put four times the units on it because that's what it's worth to a developer. I hope everybody understands my point. I'm sure all the other residents up there want to change to zoning, their property is going to be worth more, but not - not the expense of the integrity of our neighborhood. Can't do it. You can't do it. Because that R-70 behind the Postiy's can be zoned, it can be changed if this can be changed, whether it's mines there or not. And that is right on your back door, that is in their backyards. That's unfathomable to me that we'd even consider that. I just want to hit these points home. I've read that Mr. Mattocks brought up about Waterside, I brought it up earlier. It's not about Lemmon and DeHoff being good developers. But we've got a lot of grant and development opportunities with them. No shovel has been turned on Waterside. And fifty (50%) percent of those jobs have to be tech, something else could be put in there, just fifty (50%) percent. And I don't know what's going to happen with the grant ...inaudible... if nothing gets built there. That's going to be I believe four years this July since we've done that - four years. The residents have spoken here. I mean as Mr. Maddox alluded to, 2002 the zoning wasn't for that specific area, but was the Girl Scouts. The Planning Commission voted at that time not to change the ten acres from R-70 to P&I (Park and Institutional) for our Rotary Park. We upheld that. They did vote to change the three acres that the Girl Scout building sits on now from R-70 to OB (Office Building). They voted four yes to do that in Planning Commission and this Council had the wisdom at that time to overturn it. Some of you members are still here, I think President Snyder and then Councilwoman Kiesling were there for that vote as well as I was. So we overturned that. We knew that wasn't good. And there was probably a petitioned presented to us at that time. The Girl Scout building was still built, but we didn't change the zoning. In 2005, Postiy presented something to the Planning Commission again. I think that was with Mr. Sahadi, if I remember this correctly. The Planning Commission voted 4 to 1 not to rezone that and we upheld that zoning as a council body in 2005. In 2011, the Postiy's requested a zone change but they didn't show up at the meeting with the Planning Commission. So we went through the formality of having a public notice meeting, and obviously we weren't going to vote for something the Planning Commission chose not to turn over. In 2012, the Postiy's again requested a zone change. They weren't even there at that meeting. How important is it to them? They had a spokesman there on their behalf. But this time I guess the squeaky wheel gets the grease. This time the Planning Commission decided to rezone it and to look at all the other frontage here on Applegrove - cause and effect guys. I just ask this Council to respect the Ward Councilman's wishes, the history of this property and the passion that these residents show not to want the zoning changed, and vote accordingly. I'm asking for your votes not to change the zoning that the Planning Commission recommended. To not change the zoning I should say, but to overturn the Planning Commission's recommendation. I'd ask each one of you that want to vote for it why, why that changed in a year. President Snyder, Councilwoman Kiesling, obviously Mr. Peters has the same vote now, and some of the newer members who have been here a year or so or even starting last year. So I would ask you specifically why you would change that vote or why you're voting the same way the Planning Commission is. I think these people, you owe it to them. You owe it to me as Ward Councilman who has represented my constituents for the last 16½ years.

Mrs. Kiesling: Well, I guess I..

Mr. Foltz: That's all I have to say on the matter. Thank you,

Mrs. Kiesling: Thanks Doug. I would like to clear up something with Hans. If I look back at my Planning Commission where it gives the notice of public hearings, there are only two parcels listed. There are not three.

Mr. Foltz: That's correct. That was added on during the meeting.

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Mr. Nilges: It was.

Mr. Foltz: I think that's unfair to the residents to be notified. You might of notified one more property owner. I don't know. I don't think that's a good way to change zoning.

Mrs. Kiesling: I will have to agree. I...

Mr. Foltz: I think it should be tabled until that's cleared up.

Mrs. Kiesling: I don't even know if we can table it. I mean..

Mr. Foltz: Well, then turn it down. I'd be more than happy to do that. So

Mrs. Kiesling: Well, it's not legal, correct? I mean, if...

Mr. Nilges: Well, that's what - he asked for an opinion, and I'll give you guys a written opinion on it.

Mrs. Kiesling: Okay. Alright. Well, we'll table it and

Unidentified (speaking from the audience) Inaudible...

Mrs. Kiesling: Yeah, it's right here. That third parcel was not listed. So..

Mr. Nilges: Right. It was amended during the meeting by the parties ...

Mrs. Kiesling: Did the property owner come up?

Mr. Nilges: They were here. I believe they - is that correct?

Mrs. Kiesling: I wasn't at the Planning Commission Meeting.

Mr. Nilges: I can't remember. I'm sorry.

Mrs. Kiesling: I can't remember either. The minutes...

Unidentified: There was no one in opposition at the Planning Commission ... inaudible...

Mrs. Kiesling: Well, there was no one in opposition, I agree. And - and I'm shocked at that. It's because they didn't get letters. Is that what happened?

Mr. Foltz: I believe Mrs. Welch said she was out of town at the time and I think the only other person who might have been notified because it's 200 feet which to me, I think should ...

Mrs. Kiesling: Oh, that's right, they live on Werstler and Browning, so you guys are too far away.

Mr. Foltz: Maybe Mr. Ebert.

Mrs. Kiesling: That's right.

Mr. Foltz: Or ... inaudible... residents, I'm not sure if they were notified or not they probably were.

Mrs. Kiesling: But you guys were notified back in '05 weren't you? No?

Mr. Foltz: Mrs. Welch was I believe because she's right next to it... inaudible...

Mr. Peters: Yeah, Miriam was.

Mrs. Kiesling: Okay.

Mr. Snyder: Only 200 feet that's all you're required.

Unidentified (speaking from audience): Found out the same way we did this time.

Mrs. Kiesling: Okay.

Mr. Mattocks (speaking from the audience): Mr. Ebert is unhappy about this too; everybody along that stretch that I talked to and that's almost everybody.

Unidentified (speaking from the audience): Mr. Ebert's signature is on the petition as well?

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Mr. Mattocks (speaking from the audience): He's on it.

Mrs. Kiesling: He lives on Woodrow right?

Mrs. Welch (speaking from the audience): Yes.

Mr. Mattocks (speaking from the audience): He abuts his property on the north.

Mrs. Kiesling: Right ...inaudible...

Mr. Mattocks: He and Mr. Postly's properties adjoin.

Mrs. Kiesling: Okay. Well, I motion that we table it and obviously figure it out.

Mr. Peters: But before there's a second Mr. President, and I agree with the Chair, I think we're going to get ourselves in the tall grass here if we go forward just based on that, but I just want to state on the record, I voted in favor of this on the first reading and on talking with Doug and seeing the fact that we have 39 signatures and being a Ward Councilman, I see where Doug is coming from, and if I was in that position, or any of the other Ward Council members were in that position, I would expect the same support. So moving forward, Doug has my support. That's it. Thank you.

Mrs. Kiesling: I motion we table it.

Mr. Foltz: Second.

Mrs. Kiesling: I don't want to vote and kill it. I mean, I want to know what is truly going on.

Mr. Foltz: Well we can do that, if there are the votes.

Mrs. Kiesling: I'll make a motion to table it.

Mr. Craig (speaking from the audience): I have a question. With 39 signatures, don't they have to, people have to be notified within 200 feet - is it 200 feet they have to be notified? There are not 39 families that live within the 200 feet on that piece of property.

Mrs. Kiesling: That's what we were just talking about. You're correct, at least 200 feet.

Mr. Craig (speaking from the audience): Inaudible... there is not -- there is not. I mean I can go up and down the street ...

Mrs. Kiesling: They're on Werstler, Woodrow, Browning and ...

Mr. Mattocks (speaking from the audience): Right.

Mrs. Kiesling: Werstler.

Mr. Craig (speaking from the audience): I personally have some property affiliated with ...inaudible... on Werstler. And, I can't see my property ...

Mr. Kiesling: I realize that. I've been back there as well. I realize that.

Mr. Craig (speaking from the audience): And there's not 39 people that can see that piece of property that are within 200 feet of that property.

Mrs. Kiesling: That may be true, but they did get the signatures.

Mr. Craig (speaking from the audience): ...inaudible... Thank you.

Mrs. Kiesling: You're welcome.

Mr. Griffith: I think those -- the opinion of those folks is certainly still relevant to our discussion.

Mrs. Kiesling: Right.

Mr. Griffith: And I think it doesn't make any sense to move forward one way or other until we have a final conclusion about the legal determination here because if we move on...

Mr. Snyder: What parcels are listed on there?

Mrs. Kiesling: The one missing is the 4594.

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Mr. Snyder: Who is the owner of that property?

Mrs. Kiesling: Inaudible... Doug...

Mr. Foltz: Craig – Craig family..

Mrs. Kiesling: And - is he here? He's not here. Yeah, your parcel didn't get listed on the legal notice. And I...

Mr. Foltz: Because it wasn't part of the decision ...

Mrs. Kiesling: Right.

Mr. Foltz: until the Craig family asked to be part of the zone change.

Mrs. Kiesling: Right. So it does change – obviously I don't know how far away you live from everybody, but if you're within 200 – your parcel is within 200 feet, it may have missed somebody as far as.

Mr. Craig (speaking from the audience): There would be nobody else....

Mrs. Kiesling: And, that may be true. I've been back there. I'm not saying it's not. However, it is not legal, so we need to figure that out.

Mr. Cerreta: Has there been any information back on the safety of those mines yet by the way?

Mr. Griffith: The borings.

Mrs. Kiesling: The borings.

Mr. Cerreta: The borings.

Mrs. Kiesling: I don't think he's going to begin boring until he buys the property.

Mr. Cerreta: Well – I mean we weren't going to pass this until we found out that anyways.

Mr. Snyder: I had a - I had a request – I had a request from a member of the audience last week, or two weeks ago, when it was first that it be bored before the zoning.

Mr. Cerreta: Right. That's what – I would expect that ...

Mr. Snyder: I did in fact initiate a call to the developer, and he said to me that it's in excess of \$10,000 for him to bore. He will not bore until he actually - without the possibility of buying property.

Mrs. Kiesling: Until he owns the property. Who would bore before ...

Mr. Snyder: He's not going to expend money to bore that...

Mrs. Kiesling: The Posity's have to bore the property if that is going to happen. I mean, it's not going to be Bill Lemmon who's going to do the boring.

Mr. Snyder: Well if there's mines, there's nothing that's going to go on it.

Mrs. Kiesling: He must be pretty confident that there aren't.

Mr. Snyder: Unless he wants to remediate the mines. I mean and at the cost of or greater than the cost of the property.

Mrs. Kiesling: Right.

Mr. Peters : Well that's a concerning point that Miriam also brought up that the gentleman that is the mining engineer has said that the pylons were taken out as they exited that mine to strip every last amount of coal out of there. That's concerning.

Mr. Snyder: Well, if there are in fact mines, it would be a concern to him.

Mr. Peters: The mines alone would be a concern.

Mr. Snyder: Yeah.

Mr. Peters: But mines without pylons in there that's ...

Mr. Snyder: You couldn't build anything on it.

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Mrs. Kiesling: But then I guess the question is why would he buy it if he can't - if he's really concerned that he can't build on it? I...

Mr. Snyder: He was going to check it first.
Mrs. Kiesling: But ...

Mr. Snyder: It's contingent.

Mrs. Kiesling: Oh, it is contingent on the contract? Mr. ...

Unidentified (speaking from the audience): We talked to the engineers when they were working for the mines over there on the road here. Inaudible... and the Girl Scouts when they were working on the roads and they ...inaudible... and we have maps. And of course the maps are old and show that it comes 20 or 30 feet on the west side of our property. The engineers informed us ...inaudible... our property. Of course, Mr. Lemon wants to make sure, he's not going to spend 10 or \$20,000 to buy something that he can't build on.

Mrs. Kiesling: So he is going to bore once he ...

Mr. Foltz: He's going to bore. Right.

Mrs. Kiesling: But your contract is still contingent on whether he can build.

Unidentified (speaking from the audience): Correct.

Mrs. Kiesling: Mr. Mattocks, go ahead and go to the microphone.

Mr. Mattocks: I believe there was research when the Girl Scouts built. They had to do some additional excavation and backfill because they did hit mines as well. So you can build on mines, it just adds cost.

Mrs. Kiesling: Right.

Mr. Mattocks: So the theory that there's mines that nothing can be built there is fallacy.

Mrs. Kiesling: I agree.

Mr. Maddox: A four story multiple complex much more weight pounds per square foot, there's some engineers in this audience can very much tell you that's a fact. A single residence, a duplex, takes much less pounds per square foot. That land will stand it much stronger. It will take less reinforcement than it will for an apartment complex or a whatever else could be in there under GB-A. Once it is GB-A, it can be built on, it can be repaired. There are products of light-weight concrete that the state uses to shore up, and the gentlemen here that just said they did come in and do his, the maps didn't show anything within his property either when he built. Twenty years later the ground has subsided.

Mrs. Kiesling: Mr. Zucal you mean?

Mr. Mattocks: So the maps are not 100% accurate. In the 1800's and early 1900's when these coal mines existed, they dug, they followed the coal. They didn't have GPS, they didn't have AutoCAD, the mines were a pencil on a piece of paper from the tree line that may not even be there anymore. So they are not accurate. But you can build on the coal mines - there's no question.

Mr. Cerreta: You know we have a lot of questions here. I want to make a note saying that I, you know, I respect these Ward Councilmen's opinions and everything, but I think everyone knows I'm very proactive about our business here in this town. And you know comments were made about our schools, our neighborhoods, we're still going to have, just because the neighborhood on that side, we're still going to have great schools, we're still going to have good neighborhoods, that doesn't stick to me very well. Those people that would move into that section are people that are going to spend money in our town, go to CVS, go to Acme, go to KMart, go to Main Street Grill. This is the kind of thing we can't lose out on. So I'm very - I want to make sure - I'm very, you know, I'm very practical about this business sense, but there are a lot of questions here. And so I'm okay with tabling this thing and make sure we answer those questions.

Mrs. Kiesling: Well I motioned.

Mr. Fox: Well I agree with Councilman Cerreta, there are a lot of questions. And I think once it's out there that if it is clear that there's the parcel that wasn't included in this decision, then absolutely there's a due process issue and we can't go forward. And mean heaven forbid it does go forward and they raise it later after they have begun construction. That would be, that would be pretty awful.

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Mr. Cerreta: Right.

Mr. Fox: So I think until we determine whether or not the proper parties were served and the description was clear, that we can't go forward.

Mrs. Kiesling: Okay.

Mr. Snyder: Please call the question.

Mrs. Kiesling made a motion and Mr. Griffith **seconded to table Ordinance No. 49-12**. All members present voting:

Yes: Snyder, Cerreta, Foltz, Fox, Griffith, Kiesling, Peters

No: 0

15. Mr. Snyder: Okay, may I have a motion to read, second reading of Ordinance 50-12?

Mr. Griffith moved and Mr. Cerreta seconded to **read by title only, second reading of Ordinance No. 50-12**. All members present voting:

Yes: Cerreta, Foltz, Fox, Griffith, Kiesling, Peters, Snyder.

No: 0

Mr. Nilges: Pardon me, we were going to amend this. Is that correct? Is this the - 50-12?

Mr. Griffith: Do you want to read it and then we'll amend it?

Mr. Snyder: You're going to amend it again ...inaudible... amend it?

Mr. Nilges: Yes, because we're going to have to amend it - there's a new title. Do you want...

Mrs. Kiesling: Well let's amend it first, don't you think?

Mr. Nilges: Okay. So I think it would be better to amend it first that way ...

Mr. Snyder: May I have a motion to amend Ordinance 50-12?

Mrs. Kiesling: What are we - can you tell me what I'm amending it by....

Mr. Griffith: By - by - we're amending by substitution...

Mr. Nilges: By substitution and it is included ...

Mr. Griffith: the last couple pages of your ...

Mr. Nilges: as a draft in the packet as Ordinance No. 50-12.

Mr. Griffith: Right. But there's a - we can speak to the amendments once we've at least made the motion and seconded it and I'm happy to do that.

Mr. Nilges: Right.

Mrs. Kiesling: I'll motion.

Mr. Fox: Second.

Mrs. Kiesling motioned and Mr. Fox seconded to **amend Ordinance No. 50-12**. All members present voting:

Yes: Foltz, Fox, Griffith, Kiesling, Peters, Snyder, Cerreta

No: 0

Mr. Snyder: Now, may I have a motion to read by title only, second reading of Ordinance No 50-12, as amended.

Mr. Griffith moved and Mr. Cerreta seconded to **read by title only, second reading, as amended**, of Ordinance No. 50-12.

Mr. Nilges: Ordinance No. 50-12 an ordinance amending PART 5 - GENERAL OFFENSES to include Chapter ...

Mrs. Kalpac: Wait - Hans, we never called the roll.

Mr. Nilges: Sorry.

Mrs. Kalpac: That's okay.

Mr. Nilges: We need a vote.

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All members present voting:
Yes: Fox, Griffith, Kiesling, Peters, Snyder, Cerreta, Foltz
No: 0

Mr. Snyder: Now you can read it.

Ordinance No. 50-12 - 2nd Reading - Ordinance, Rules & Claims

An ordinance amending PART 5 - GENERAL OFFENSES to include Chapter 557 - UNSAFE BUILDINGS, and amending PART 17 - HOUSING CODE - of the Codified Ordinances of the City of North Canton, specifically CHAPTER 1701.02 DEFINITIONS and CHAPTER 1701.03 COMPLIANCE AND ENFORCEMENT to the extent such chapters regulate unsafe buildings.

Mr. Snyder: Chairman Griffith

Mr. Griffith: Well, as you know, we've had good and robust discussions about what we could do to take care of houses in this City that need to be taken down and we know there are a few out there. There were some concerns as we went through our deliberations about making sure that the due process pieces were in place. We've already had discussions tonight about making sure due process was in place from a building prospective and we want to make sure it's in place here. And so we were able to work though and we amended by substitution in creating a new format, a new formula, a new process and that process would include Eric identifying houses that would be of concern, as he would in any situation, any zoning violation as the permits person. And then we basically move immediately into a situation where you would be asking judicial authority to agree that in fact it was a nuisance; that we'd be able to move forward in doing that. We think by, by approving this process we're going to actually save the City a lot of time and effort and expense, frankly because eventually a lot of these matters end up in court. So we're going to begin there, which is a key. We're making sure that no house is ever torn down when it shouldn't be. The courts are going to make sure that we've gone through the appropriate due process. And so everyone's gotten notification that would be appropriate. There's not going to be an accident. There is not going to be a house that's torn down when somebody is away on vacation or anything along those lines. The court procedure is going to be the one that is going to protect both the houses and the City itself. And that is what we've done. A part of our amendment was also to remove - there was an older and frankly antiquated provision of our code that dealt with unsafe buildings, we've removed that and replaced it essentially here as well. So I'll be happy to answer any questions. But I appreciate everyone's efforts here.

Mr. Nilges: We also put it into the general offenses ...

Mr. Griffith: That's right.

Mr. Nilges: rather than the building or the housing code to extend beyond just residential housing to also to capture commercial properties, too.

Mr. Griffith: Which is very important, we want to make sure we can get commercial buildings that are dilapidated as well as houses.

Unidentified (speaking from the audience): Can I say something?

Mr. Snyder: No ma'am.

Unidentified (speaking from the audience): Inaudible...

Mr. Snyder: No, ma'am, I'm sorry.

Unidentified (speaking from the audience): Inaudible...two meetings ...

(Gavel)

Unidentified (speaking from the audience): zoning... there's never anything about us losing our homes. Inaudible...

Mr. Snyder: Madam, I apologize, but you're out of order. The Chair has not recognized you.

Unidentified (speaking from the audience): Inaudible...

Mr. Snyder: Please, Mr. Griffith, continue.

Mr. Griffith: I'm happy to answer any questions or concerns about this particular issue. Any? If not then I move that we move forward with the second reading as amended.

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Mr. Griffith moved and Mr. Foltz seconded to **adopt the second reading, as amended**, of Ordinance No. 50-12. All members present voting:
 Yes: Griffith, Kiesling, Peters, Snyder, Cerreta, Foltz, Fox
 No: 0

Mr. Griffith: And we'll read that one two more times or once more rather.

Mr. Snyder: One more time. May I have a motion to read by title only, second reading of Ordinance No. 55-12?

16. Mr. Griffith moved and Mr. Fox seconded to **read by title only, second reading** of Ordinance No. 55-12. All members present voting:
 Yes: Kiesling, Peters, Snyder, Cerreta, Foltz, Fox, Griffith
 No: 0

Ordinance No. 55-12 – 2nd Reading – Finance & Property

An ordinance authorizing the Mayor of the City of North Canton, through the Board of Control, to enter into a professional services agreement to develop a Geographic Information Systems ("GIS") Model, at a cost not to exceed \$210,000.

Mr. Snyder: Again, this is part of the 2012 budget. It is a link to the Stark County Auditor's GIS System. It will enable us to determine when we go onto a job site or previously going to a job site, things relative to our sanitary, our storm, and any of our waterlines and give you an actual visual prior to the crew, or when the crew is actually on the site. It gives us technology that we don't - we can't see through the ground that we'll be able to identify where our lines are. And hopefully in essence save money in the excavation that we don't get into something or we don't get into somewhere we aren't supposed be into. But it is a tool to bring us right, and to make our response time more efficient and more costly. Is there any questions on that? If not, I'll entertain a motion to adopt the second reading of Ordinance 55-12.

Mr. Fox moved and Mr. Peters seconded to **adopt the second reading** of Ordinance No. 55-12. All members present voting:
 Yes: Peters, Snyder, Cerreta, Foltz, Fox, Griffith, Kiesling
 No: 0

New Business:

17. Mr. Snyder: May I have a motion to read by title only, first reading of Ordinance No. 57-12?

Mrs. Kiesling moved and Mr. Peters seconded to **read by title only, first reading** of Ordinance No. 57-12. All members present voting:
 Yes: Snyder, Cerreta, Foltz, Fox, Griffith, Kiesling, Peters
 No: 0

Ordinance No. 57-12 – first Reading – Street & Alley

An ordinance authorizing the Mayor of the City of North Canton, through the Board of Control, to enter into a professional services Agreement by and between the City of North Canton and MS Consultants, Inc., for construction inspection services for the North Main Street Reconstruction - Phase VI Project, in an amount not to exceed \$300,000, and declaring the same to be an emergency.

Mr. Snyder: Chairman Fox

Mr. Fox: Yes, sir. This is an ordinance to permit Mayor to enter into a contract, professional services agreement with MS Consulting, Inc. We're looking to hire them to oversee and approve the construction for the Phase VI Project on Main Street. This is, of course, widening. I believe it goes from Applegrove to Orion. Correct? And so we can move forward with this and start the construction, we're asking the same to be put on as an emergency.

Mr. Snyder: Mr. Engineer, last week in your absence it did come to the floor there was some question relative to the tree line and the aesthetic value of the project. And we're hoping that as we process through this project on a timely basis, we'll be able to present to the Council the progress of that actual so that we know that it will happen. In fact, I know some of the of the members were somewhat concerned so that - as well as I believe that some members have not actually seen the final - it may not be ready yet the final drawing. So the project...

Mr. Benekos: The final plans are complete. We bid that out and awarded that contract. Construction should start here the beginning of July. The design of the street itself is similar to what was just completed south of Applegrove. However, there will be a center turn lane,

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so there will be five lanes through the full length. The plantings and so forth, I believe we discussed about maybe a month or so ago. We wanted to consult with, is it Dan or Don Tullius?

Unidentified: Dan

Mr. Benekos: Dan, to give us some idea as far as plantings of what we can put there and also on the area south of Applegrove. The funding for that is not included in the project. That would not be - It's something that we could not get included in the project. However, there is other funding that we have available for that that is in the budget to do the plantings. And I'm thinking different planters, that we can set out in the Spring and take back in the Fall. The other question though is, you know, once we get those, it's going to be an ongoing maintenance. So we have to look at it from that standpoint. Not only something that looks good, but something that is easy to maintain. We'll go - go forward with that.

Mr. Cerreta: Did that include trees at all, or is it just - are you just talking plantings? I think we were discussing trees, things that are going to stay there. And I know it's probably not in the budget, probably. That's what we wanted to know. We didn't know that.

Mr. Benekos: Yeah, no trees are not in the budget. It's not in the design.

Mayor Held: Yeah, I think what it is Jim, is what the Council is looking at is to have trees put up along that area. And I think the challenge is - is identifying the location. I don't think it's really as much of a budgetary problem because, you know, we can certainly allocate money or come up with funding for the trees, I think it's really what Council had in mind is not planters that would, you know, be put out on a seasonal basis, but it's really finding a location within the plan to put some trees in areas where there are no trees. And if you go down Main Street, there are some sections where obviously we don't need any trees because there are plenty of them there. But in some of the areas where it's a little bit more barren from a vegetation standpoint, that's where we're hoping that maybe we can identify some locations to put some trees along that area. Is that what you're talking about?

Mr. Cerreta: Yeah. And Jim, we had a discussion, and excuse me, I know you weren't here, about the telephone poles. People, you know, saying they are kind of ugly, but that's all we can do. But if we put some trees along there, we won't notice the telephone poles as much. That was one of the things I think we had talked about. Just to kind of get a depth, you know, aesthetics kind of thing so we're just not looking at boom, boom, boom telephone poles. So, we thought of trees that, you know, some nice, pretty....

Mr. Benekos: Do you mean behind the sidewalk ...

Mayor Held: Yes.

Mr. Benekos: or closer to the street?

Mr. Cerreta: Wherever we can get them in there we'll take them.

Mr. Peters: Well preferably behind the sidewalk to - you know that's where the poles are going to be, right?

Mr. Benekos: Yeah.

Mayor Held: There's not much room between those.

Mr. Benekos: We had to pay money to remove trees because they'll grow up into the wires and the utility company ...

Mr. Cerreta: Well we need the right trees in there though.

Mr. Benekos: Right.

Mr. Cerreta: the right ones in there.

Mr. Benekos: Yeah.

Mr. Snyder: We need some dwarf trees.

Mr. Benekos: The other thing is, one of the comments at the public meeting we had from one of the business owners was, he didn't want trees because they block businesses. You know. So you've got a balancing act there. But we can work on that and look at putting up trees also and where we can put those, and the right trees like you said.

Mr. Foltz: If I can comment.

Mr. Snyder: Please.

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Mr. Foltz: This isn't my night.

Mr. Snyder: You're going to anyways.

(Laughter)

Mr. Foltz: Someone put a blood pressure thing on me now. Anyway...

Mr. Cerreta: Loosen your tie a little more.

Mr. Foltz: It got missed last time. I was very disappointed about it. And I brought it up numerous times up here and now we're back to planters. I'm willing to pay for a change order to do this right. I want to see some drawings. I want a consultant in here and I want to review this with the consultant, and I want to know what we are going to expect aesthetically that is going to make this street look nice. And I'm glad Jimmy brought up that the south of Applegrove to Woodrow. Let's do something there too. I think we owe it to this City, if we're going to spend this kind of money on our main artery, the focal point of our City, that we do something aesthetically that is nice and is going to survive and finish the job. I just think we are shortchanging everything not to put some kind of trees in there. Now to do it right you've got to dig up that concrete. I joked about a jackhammer, but you've got to make sure that those tree roots have a way to expand and then you have the right sub-straight involved in there so that it will survive. It's not going to survive in a planter; that's a tree coffin. You're not going to do it. And you're not going to pick up a tree that's in a planter that's twenty (20') feet tall as a pear tree and take them out and move them in the garage and bring them back out every year. That's just - that's just not feasible safety wise for the health of the trees. So I just asked the Administration, if we get somebody up here, we look at some ideas. If it's more money we have to pay, I'm willing to go on the limb and do it. That's all I'm asking for here. I don't - I think everyone knows where I've been on this topic the last three years. I'm not trying to be difficult with the Administration. Jim, I respect what you do and you know where our good relationship, but I just think I want this, I don't want a loose end here. I want this so we can all look at this as well as the entrance signs. I know Councilman Cerreta has been working hard on that. We want this, aesthetically to look great. I think we even talked about that Jim, and I apologize, maybe you brought up the planter for flowers to match. I think I might of brought it up, to match the entrance signs, whether it's brick, whether it's you know, some kind of stone, cap stone, whatever, fake stone, that's fine. But I think we need to plan before we get too far involved and we find out, well, we've got to replace some pipe that we didn't think we had to, and all of a sudden that gets knocked out and we're looking at bare concrete running up there with nothing. I can't live with that. You know, if this is the kind of grant money we're spending, I hope it's consensus on Council, too. I'm very passionate, obviously, but ...

Mr. Cerreta: Yeah, I think we agree with that spirit. I think they agree with that spirit. I think we all agree on that.

Mr. Foltz: Yeah. It's just a matter, let's just make sure we know what we're going to do before we get too far along in the project to remedy this. That's all I'm asking. With the consultant in here, or whatever, we can have a special meeting and lay it out.

Mayor Held: And if I can just clarify a little bit here. You know this whole planning process for this Main Street Project has been, you know, over a year's period. And so we were having this discussion back when we were looking at burying the power lines, but there was an additional expense to that. And you know, the council, we don't have all the members of council that we're serving on at this time, but we had elected not to move ahead with burying the power lines because there was an additional expense. But every decision that we make; obviously there is always an unintended consequence. And one of the unintended consequences is that you have AEP (American Electric Power) that they go, and as Jim had stated, they tear trees down just so that they're not near the power lines. And so it's not - what I'm trying to say is that, you know, Jim here has got a million dollar project that he's trying to get done - we're telling him, hey, get it completed here by November and make sure it's done right, and oh by the way don't forget about the trees. And you've got businesses that are saying we don't want to block the signs, they don't want to block the store front. AEP is saying not to block the power lines. And so, what I'm trying to say is that Councilman Foltz, I agree with you and all the members of Council, that we do, we'd love to have vegetation and trees, but it - it's not the easiest thing to do to make sure that everybody is in agreement. But I think that what Jim is trying to say is that we're going to find those locations and maybe those types of trees that we can place that are not going to be offensive to the business owners, not going to interfere with AEP, and - but it's not like he can just go back to his computer and draw a circle on the map and say, okay we'll put them you know - it takes a little bit of work. But I understand that your commitment, if there's a change order that's required, you know, we would certainly want to satisfy that.

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Mr. Foltz: Right. I'd like to look at and I appreciate your comments, Mayor. I'd like to locate some alternatives what we can do, you know, before the project gets started so we all know what to expect. That's a long stretch from Applegrove to Orion or Orion, however you want to pronounce it. And I can't see any tree you're going to put in there; we're not putting massive oaks in there, or huge maples that are going to grow at least sixty (60') feet in the air. I'm not asking for that.

Mayor Held: Right.

Mr. Foltz: We have street trees that are very hardy with the salt use that we have, which we're very proud of, that are very proactive during winter months, it's not going to affect these trees. In fact, if they're in some kind of a planter it's going to protect them more. But I just want to make sure that we give these trees every chance. If we're going to do it, we want to be successful with it. So if that means a consultant and I talk to Brian Rice and he comes down here fine.

Mayor Held: Yes, yes.

Mr. Foltz: He's a guy who knows. I know some of it, but let's go with the experts and do this right. That's all. So I appreciate your comments. I don't mean to overreact

Mayor Held: And we - no, no...

Mr. Foltz: But I don't want to be forgotten either.

Mayor Held: No.

Mr. Cerreta: That's - I think he - that's the sediments of the people of this community. I think they do want that in there. So Jim, you've done a fabulous job. This project would not be here without you and your grants. But I think he's just adding on in the sediments of our community wants some trees.

Mayor Held: Right, we agree with you.

Mr. Cerreta: So let's see what we can do with that. You are right in line with that. Am I - am I off here guys?

Mr. Griffith: I think the utilities as they were reset actually were higher than they were. Is that correct?

Mr. Benekos: That's correct.

Mr. Griffith: So, that does give us a little more space to do trees, which I think is important too.

Mr. Foltz: Alright, thank you.

Mayor Held: I mean, I think we can come up with, you know, clearly there's going to be additional trees along Main Street going up north because we all agree that that's what we want. And what I'm trying to stress is that it's - we're going to do it, but it's not, it's not quite as simple as just digging the hole and you know planting the trees. We've got to find the right ones, we've got to find the right location and make sure that they're - like you said, we're not going to be planting large oak trees. You know, we'll find ones that really can fit the plan.

Mr. Foltz: Okay. Thank you.

Mr. Snyder: Thank you. Madam Clerk, will you call the question on that please?

Mrs. Kalpac: You need a second.

Mr. Snyder: Do we have a second?

Mr. Fox moved and Mr. Griffith seconded to **adopt the first reading** of Ordinance No. 57-12.

All members present voting:

Yes: Cerreta, Foltz, Fox, Griffith, Kiesling, Peters, Snyder.

No: 0

Mr. Snyder: As time is of the essence to get this project started, so I'd like to suspend the rules of council for Ordinance No. 57-12.

Mrs. Kiesling moved and Mr. Peters seconded to **suspend the rules** for Ordinance No. 57-12.

All members present voting:

Yes: Foltz, Fox, Griffith, Kiesling, Peters, Snyder, Cerreta.

No: 0

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Mr. Snyder: May we adopt under the suspension of rules Ordinance No. 57- 12?

Mrs. Kiesling moved and Mr. Peters seconded to **adopt under the suspension of rules** Ordinance No. 57-12. All members present voting:

Yes: Fox, Griffith, Kiesling, Peters, Snyder, Cerreta, Foltz

No:

18. Mr. Snyder: May we have a motion to read by title only, first reading of Ordinance No 58-12?

Mr. Foltz moved and Mr. Peters seconded to **read by title only, first reading** of Ordinance No. 58-12. All members present voting:

Yes: Griffith, Kiesling, Peters, Snyder, Cerreta, Foltz, Fox

No: 0

Ordinance No. 58-12 – 1st Reading – Finance & Property

An ordinance authorizing the Mayor of the City of North Canton to submit a Participation Agreement and request authority for the City of North Canton to participate in the Ohio Department of Transportation's ("ODOT") Contract for the purchase of sodium chloride (rock salt) for the 2012-2013 winter season, and declaring the same to be an emergency.

Mr. Snyder: We have sufficient salt to get started. However, we want to buy it at a right price. The deadline has passed, but we're allowed leave to put our bid in. So time again is of the essence there. So we want to make sure that we can didn't get it as we did a few years ago paying some forty (40) percent greater per tonnage than we have. So,

Mrs. Kiesling moved and Mr. Cerreta moved to adopt Ordinance No. 58-12. All members present voting:

Yes: Kiesling, Peters, Snyder, Cerreta, Foltz, Fox, Griffith.

No: 0

Mr. Snyder: Again, time being of the essence, may we suspend the rules of council for Ordinance No. 58-12?

Mr. Peters moved and Mrs. Kiesling seconded to **suspend the rules** for Ordinance No. 58-12. All members present voting:

Yes: Peters, Snyder, Cerreta, Foltz, Fox, Griffith, Kiesling.

No: 0

Mr. Snyder: May we adopt under suspension of the rules Ordinance No. 58-12?

Mrs. Kiesling moved and Mr. Peters seconded to **adopt under suspension of the rules** Ordinance No. 58-12. All members present voting:

Yes: Snyder, Cerreta, Foltz, Fox, Griffith, Kiesling, Peters.

No: 0

19. Mr. Snyder: May we have a motion to read by title only, first reading of Ordinance No. 59-12?

Mr. Griffith moved and Mr. Peters seconded to **adopt the first reading** of Ordinance No. 59-12. All members present voting:

Yes: Cerreta, Foltz, Fox, Griffith, Kiesling, Peters, Snyder

No: 0

Ordinance No. 59-12 – 1st Reading – Finance & Property

An ordinance authorizing the Director of Administration for the City of North Canton to advertise and receive bids, for the Mayor of the City of North Canton through the Board of Control to enter into a contract for the purchase of gasoline and diesel fuel for use by all City Departments for either one year or two year period and commencing June 1, 2012, and declaring the same to be an emergency.

Mr. Snyder: As the date indicates, we have to get this bid. We're – fortunately the other contract we're still into it. However, we'd like to bid at least one year if not two. We have favorable bids from the local people. I know ...inaudible... is very accommodating to us. People that have a credit card, they pull in, they pump 24/7 and it works out well with a savings. And hopefully we can do the same going forward. Any questions? If not, I'll have a motion to adopt the first reading of Ordinance No. 59-12.

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Mrs. Kiesling moved and Mr. Cerreta seconded to adopt the first reading of Ordinance No. 59-12. All members present voting: Yes: Foltz, Fox, Griffith, Kiesling, Peters, Snyder, Cerreta No: 0

Mr. Snyder: Do you need time to fix that? Mrs. Kalpac: I don't think there's any fixing it. Mr. Snyder: Nothing - oh it's broke? Mrs. Kalpac: I don't know. It keeps on beeping.

Mr. Snyder: It's like everything around here, it's just wore out I guess. Time is - time is of the essence, We'd like to suspend the rules of council for 59-12.

Mr. Griffith moved and Mr. Peters seconded to suspend the rules for Ordinance No. 59-12. All members present voting: Yes: Fox, Griffith, Kiesling, Peters, Snyder, Cerreta, Foltz No: 0

Mr. Snyder: May we adopt under the suspension of the rules Ordinance No. 59-12?

Mr. Griffith moved and Mr. Fox seconded to adopt under suspension of the rules Ordinance No. 59-12. All members present moving: Yes: Fox, Griffith, Kiesling, Peters, Snyder, Cerreta, Foltz No: 0

Reports:

Mr. Snyder: Prior to me getting to reports, Madam, I will come back to you on final call and allow you a couple of minutes for her to step forward and speak. It will be just a couple of moments. Alright? Director of Law, any report?

Mr. Nilges: Yes, actually I'm going to be on vacation next week. And so you have - I have an opinion due to you. And I'm going to make sure that I talk to each of you. I'll get that out as soon as possible before I leave. You know, hopefully tomorrow or Wednesday. And I'll try to reach out and talk to as many of you as possible before I leave because I imagine you'll be talking about that issue next week.

Mr. Snyder: Okay. Director of Finance.

Mrs. Alger: I just wanted to bring up the article that was in the Canton Repository yesterday that this is the last year that we'll have the estate tax, and that was a big story. The good news, we had a great three days at the pool. We brought in about 12,700 I think it was for the three days. Mr. Snyder: Good.

Mrs. Alger: So that's - that's good.

Mr. Foltz: That's ...inaudible... daily admission?

Mrs. Alger: Pardon?

Mr. Foltz: That's daily admission we brought in.

Mrs. Alger: That's all, concessions and all, it's a whole revenue.

Mr. Snyder: We'd better build four or five more pools.

(Laughter)

Mrs. Alger: It depends upon the days.

Mr. Foltz: We'll just build a pool up there on Applegrove....inaudible....

Unidentified: A hot springs.

Mr. Snyder: Director of Administration.

Mr. Grimes: Just when you get back into summer here, we've talked to the Emergency Management Director and his assistant. And we invited them, and they will be coming in later this summer to have a public meeting about the Zimber Ditch and the FEMA buyback program. And talking about what everybody can do ...inaudible... responsibilities So they've got one more meeting they want to go to and get some more information and then they're going to come back

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and do that for us. So the other thing we've done is to change up a little bit. You'll see some of our employees. We pick a time during the week that they maybe aren't doing something else and we call it "Work Blitzing" different things. This week it was the Civic Center. You might have seen them all over the place trying to clean it up. So we're trying to get things cleaned up and back to where they should be. And Mr. Foltz, we are in Dogwood Park. We put the sidewalks back in order there. Price Park, we've noticed because we have some fresh set of eyes and we've some people out there looking, we had nowhere, no way for handicap folks to get to the walking track from the parking lot end. So there is now a sidewalk there for folks to use and we also have bids on the front side of Dogwood Park so we can make that look a little nicer. And we now are going to keep the fence around the Skate Park. The Police Chief and Superintendent Davis have convinced me to do that. And we've got some bids on that to make that nice and repaint it. So - just so you know we are working in the parks now.

Mr. Foltz: Just a follow up. I did run into Jim today. I complimented Mike. I did walk in Price Park and it was beautiful. And it's nice to enjoy a park that is well kept. And a lot of people are involved. And just mowed and everything else, the trees looked great and I did talk to them about the fencing situation there at Dogwood. And I did bring up, I told them, get some estimates for the trees because we can't let the trees go in Dogwood, sooner than later. You know ...

Mr. Grimes: Mr. Hill is working on that because he's the one that cleaned it out last year. And I talked to him. So ...

Mr. Foltz: Okay, perfect. So it's - we've got money if you need money, we'll try find it somewhere to take care of those trees before we get in that ...

Mr. Grimes: We put some in the budget to clear out a lot of the trees.

Mr. Foltz: I know we have estimates on the Dogwood Shelter, the exterior of that too and we're working on that. But, thank you for the notification on those things. And we did talk about and I want to bring it up Mayor, is Mark Cerreta was to be a part of that when we had our Rec. Committees. I do want to revisit having these meetings. I know Jim's been new ...
Mayor Held: Yes.

Mr. Foltz: and had a lot on his plate and I think he's turned the corner here with good summer help and so forth. But I think it's essential to have members of the Rec Board be a part of the process where their input is utilized in all these Park and Recreational Facilities that we have. So we had a nice conversation about it. So hopefully that will be sooner than later.

Mr. Grimes: Yes, sir. We were talking about that last week. We want to get him out there to look at some things. He's got some other ideas that he wants to bounce off those folks. Thank you.

Mr. Snyder: Mr. Mayor.

Mayor Held: Yes. Just to kind of restate what we've talked about here for a couple of weeks. Anytime any of you council members notice something that isn't up to the normal standard that we've expect here in the City, and certainly if it is under the City's jurisdiction, we are going to correct it. If there's something that's outside the City's jurisdiction, we'll make sure that we find out who's responsible and we're going to correct that also. I think, you know, what I've noticed and I think some of our council members that have been there for a number of years, you know, I think that we're really in a unique position right now because we really have our council, we've got our department officials, and we're really starting to get our stride and accomplish a lot of things that have been really difficult to accomplish over the past few years because we went through a huge transition, we went from 116 employees down to 91, and now we're back up to like 95. There was a lot of change. We have a lot of people that have retired and with that a lot of experience. So we have a lot of new people, which is good because it brings new energy. But then in some respects there's the learning curve. And so this past year has been a real challenge for a lot of our new police officers; five of them had retired and so we had part-timers and full-timers. And then we had a new Service Director. But I think that we're really getting a lot done. And I think the gauge is the response that you folks, as council members are getting from the residents and the same response that I'm getting, that they're very pleased with the improvements that we're making. And oftentimes it's the little things that make the biggest difference; the poles being painted, the streets being cleaned, and new siding on the pool. And we have had a record admission here at the pool. I'm sure part of it had to do with the weather, but I like to think that the siding, and the flowers and everything else looking good there has made a difference as well. But ...

Mr. Snyder: It's the water.

Mayor Held: What's that?

Mr. Snyder: It's the water.

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Mayor Held: And you know what, the water is warmer now too. We did have the heater repaired and the water is warmer. And I know it sounds like somewhat of a minor issue, but when you have families that are out there, even when it's hot, when it's chilly it makes it a little more difficult to enjoy. So it has - I think that it has made a difference. So anytime there's any issues our Administrator Mike Grimes and the rest of the staff have been very, very responsive. And that's what we're here for. So do not, well I know you don't hold back, but please continue with it, because it makes a difference. Yeah...

Mr. Snyder: Mr. Engineer.

Mr. Benekos: Just have two items. First, I want to apologize, it is my misunderstanding, we talked about planters and I thought that's all. We will get with Rice's to talk about type, get with Tullius and the business owners as far as location, how it's going unobtrusive, how it's going to blend in and then also, will work with planters and get something there. The other item, and I believe the sheet has been passed out, this was done on The Fairways, it was just completed this past week. It's an embankment to retain the water that's coming across the Fairway No. 4, I believe it was or is. This was designed initially to retain the hundred-year storm. However, we ran into some problems on the course. We ran into a pipe, I believe it's a gas pipe. The gas company wasn't sure if it was live or not. So we didn't want to take it out with a backhoe. So we kind of had to grade around it. So it might be a little less than the hundred-year storm, but hopefully this will help resolve the problem out there for the residents who were getting inundated with waters coming across the golf course. That's it for now. Oh, also this is why it ultimately goes into the Zimber Ditch, it will slow it down. It's not a lot of water and it won't really affect the ditch that much, but it is a little bit.

Mr. Foltz: Appreciate your comments about the plan, but I'm excited that you want to do south of Applegrove too to...

Mr. Benekos: Yeah.

Mr. Foltz: We'll look at that area. So I have a question for Councilman Griffith though. Where was your golf ball hit at here?

Mr. Cerreta: You weren't here last week we viewed it last week.

(Laughter)

Mr. Griffith: It isn't - it isn't even on any of these pictures.

Mr. Foltz: It's either that or there's a bunch of them here.

Mr. Griffith: Yeah.

Mr. Snyder: Actually it was embedded right there in front of that steam shovel. They brought that in to pull it out.

Mr. Griffith: Yeah. I was knelt crying.

Mr. Cerreta: The grass is already growing there though, it looks real nice.

Mr. Griffith: Yeah, it is nice.

Mayor Held: That looks like stone around the storm sewer, it's really golf balls.

Mr. Snyder: Mr. Bartos.

Mr. Bartos: Well I'll just - two quick things. I'll start off with a familiar theme. Karen mentioned how good we had it as far as moneywise at the pool. The Mayor mentioned how good the pool looks. We actually set a record on Sunday for the amount of people that entered the pool, it was 1,212. I guess you could say it shattered the old record of 1,096. Well over a hundred different people. A lot of it can be contributed to the heat as was said before, but also, before we even opened the pool and before we took our pool certification test, Jim Davis and I went out there and looked at it. And I saw the old chairs that we had, I saw the concrete, and I saw, you know, it just didn't look good - it didn't look good to me. And a lot of credit is deserved for Jim Davis, he did a great job - new chairs. A lot of the council people have been out to see it. The new chairs that are out there, fixing the concrete and he's got more plans ahead, you know, for the future; so a lot of credit to him and his staff. One other thing I wanted to comment, a couple of the letters you guys received. The letter to the - from the Stark County Commissioners and from Mayor Held and President Snyder, the person that deserves the lion's share of credit even though I sent it out to Gail to have it sent to you, Commissioner Tom Bernabel. You know a lot of times we think politicians just throw their signature on something after having some staffer write it. But actually some of this came from our office, but the lion's share of the work was done by Commissioner Bernabel himself. So he deserves a lot of the credit. I know a lot of people are here from the Zimber Ditch and they - area. They were at the Commissioners' meeting when Commissioner Bernabel said "well we'll get on

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that, we'll write a letter." And he, you know, he personally did that, so he deserves a lot of credit. So I hope you know that he personally took the time. I know he had some input in the County Engineers' Office, but he personally took the time to write this. And then if you see it, the letter from the Commissioners is dated June 7th. We sent it out on June 7th by PDF email to Congressman Renacci's staffers and then June 7th they had their letter go out. So it was the very same day their letters going too. So a lot of people are on top of this and working hard about it. So your comments aren't going unheard. I just wanted - want you to know that. So...

Unidentified: Can we get a copy of that?

Mr. Bartos: Sure can. See me after the meeting and I can make copies for everybody.

Mayor Held: Thank you.

Reports - Council:

Mr. Snyder: Mr. Foltz

Mr. Foltz: I've said enough. I think I broke the machine tonight. So...

Mr. Snyder: Mr. Peters.

Mr. Peters: I have no report, just one request. Mike, when you send Brian out there to start marking trees at Dogwood before we take them down, if you could let me know, or maybe even Doug, have maybe both of us go out and walk with them. Because when we were walking- he - I mean some of those trees look like they are fine, but when you take a rock to them they're almost hollow and that was very surprising to me. They're being eaten from the inside out. So there are a couple of them that look like they're perfect, but need to be taken down. They're pretty dangerous. So...

Mr. Grimes: Is that because we sent the ants your way last time we cut one down?

Mr. Peters: We'll send it back the other way now. Thanks Mike.

Mr. Grimes: Yes, sir.

Mr. Snyder: Mr. Fox

Mr. Fox: Yes, sir. I just want to pass on the continued great support that I get from the Administration. Earlier today I had a resident contact me, I sent an email to Administrator Grimes, and I checked back in less than an hour and there was the response; it easy to get back to the resident. So I continue to enjoy great support from the Administration which makes me look better than I am in my job. So I appreciate that.

Mr. Snyder: That is encouraging. Thank you. Mr. Griffith.

Mr. Griffith: Only briefly to say I had a couple of good comments about the pool, compliments as well. I had someone provided a great idea that I won't share and waste everybody else's time, but don't let me forget and we'll chat about it as well. But thanks to everybody's hard work

Mr. Snyder: Mr. Cerreta

Mr. Cerreta: Well next week, at the approval of Jon, we'll put on a little presentation about our entryway signs. We're down to the three that we want to make - put out to the public and so we'll have a presentation on that. Bill Stromenger will be here, Doug Lane probably be here. We'll have to tie some things up this week, but we'll have a presentation on Monday, a brief one, showing what they are so you can put them out to the public to see what the thoughts are that come back on that. So we're starting and that should fold into planters and all this other stuff. So it should start the wheels going with the local things. So...

Mr. Snyder: I'll gladly place that on the agenda so it's ready to go. Mrs. Kiesling.

Mrs. Kiesling: No report

Mr. Snyder: Thank you. I believe we have ARCADIS next week, do we not?

Mr. Benekos: That's correct.

Mr. Snyder: Is that prior to the 7:00 meeting at 6:30?

Mr. Benekos: 30, correct.

Mr. Snyder: At 6:30 we'll have ARCADIS here an engineering firm, to give us a presentation and

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Mr. Grimes: Just for the letters, we'll have them on our web site tomorrow.

Mr. Snyder: Oh, okay, the letters will be on the web site tomorrow? That's good. Members of the press, you can pick one up if you'd like, till we print it as presented. So front page.

Mayor Held: Mr. President
Mr. Snyder: Sir.

Mayor Held: Also, we do have, as I mentioned earlier, we do have Gary Conner who is here. Who was patient enough to sit here the whole evening because he thought that there might be some questions that that might be brought up...

Mr. Conner (speaking from the audience): No, I'm not disappointed.

(Laughter)

Mr. Snyder: For the people in the audience, Mr. Conner is the Hydraulic Engineer for the County. And about maybe three or four weeks ago we spent a five hour meeting with the collaboration of himself and the engineers and members of Plain Township and the Commissioners, Administration working on a project which will go out over the next five years relative to the actual Zimber. Mr. Conner is very intimate to the Zimber. He's been there since it was a small stream. And we appreciate his input. And he knows it's a very arduous job and it's almost insurmountable, but they're doing it. And from on behalf of the City, Mr. Conner, we do thank you for all your good work. And now ma'am I will allow you a few moments if you'd like to step forward and address the Council.

Mayor Held: Or maybe we can have them – she has a difficult time standing.

Unidentified (speaking from the audience): I already said what I had to say.

Mr. Snyder: Oh you can stand right there if you like. Gary, wait a minute.

Mrs. Kiesling: Couldn't get away, Gary.

Gary Conner (speaking from the audience): Can't get away yet.

Mr. Cerreta: Just another half hour.

Marty Martin (speaking from the audience): Yes, I'd like to direct this to you. You say you've been there for 40 years.

Mr. Conner (speaking from the audience): 43 years
Mr. Martin: 43 years?

Mr. Conner (speaking from the audience): 1969.

Mr. Martin: What is your assessment, deep down in your heart, as to what this City can do to improve ...

Mr. Conner (speaking from the audience): Oh there are a lot of things that could be done. Drainage funding is the most difficult infrastructure funding to find, it always has been. It hasn't changed in 43 years it's still pretty much the only area of the infrastructure that doesn't have a dedicated revenue source which is why it is so difficult. But I mean there's been many, many projects built, a couple of dozen just in response to the 1997 report. And we're barely treading water, if you use the water analogy because the I-77 quarter continuing to develop rapidly as we knew it would. Everybody wants to be where the transportation is. ...inaudible...all the big sewer ... and water lines. Inaudible... the I-77 corridor is where all that stuff is. It's where we like to shop, where companies are located, and so we will continue to create more of a burden on Zimber Ditch and we have to counter that with what I call macro projects. In other words, building a bunch of little retention drains is not going to do it. At the end of the day, we have to tackle some bigger things and follow up on some concepts that were in that 1997 report which has been immensely useful. What we've been trying to do here in the last couple of months is kind of ...inaudible... figure the multi-jurisdictional cooperation we had in '97 where five local jurisdictions came together and tackled the problem and everybody paid a share. And I think the Commissioners are now going to move forward with resurrecting that original agreement and taking a look at just exactly how that was all formulated. And if those five jurisdictions will come together again, then we can start, you know, designing and ...inaudible... some partial solutions. We want to alleviate this thing. A lot of the business and houses out here that are being damaged are in the flood plain. We can't make that go away, but at the same time, we don't want that flood plain to continue to rise. So we'll be talking more to North Canton as well as the other entities about financing. I'm not sure that any ...inaudible... will be needed this year. If we could just get the some sort of a new

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agreement formulated this year, we will probably be doing pretty well. But the design and permitting is probably going to be a three year process. But we will need funding in 2013, 2014, and 2015, no question about that. How much, I don't know. We hope to identify the costs more in the next six months. And I don't think if everybody worked together that it's any huge amount of money for any one entity. I mean maybe if everybody throws 50,000 in the pot each year, we can grind forward on the designs and these permits. And then we believe there will be grant monies available when we have plans. And that's where Mr. Renacci hopefully will come in and help us.

Mr. Martin: Yeah, Mayor Held touched on that. He said the federal funds possibly can get in ...

Mr. Conner (speaking from the audience): The project themselves will involve millions. The projects, I would guess you're going to average one and a half to three million apiece possibility.

Mr. Griffith: Have you ever been to Portage Lakes?

Mr. Conner (speaking from the audience): Yes.

Mr. Martin: You know where the channel is?

Mr. Conner (speaking from the audience): Yeah, I've been through there.

Mr. Martin: Have you been through there? You see those steel girders that are on the sides? That's something that the Council could look at. If you're going to spend \$15,000,000 to rectify that, why not at least give it a chance and look at it for further review. That's something Council could look at and take a good picture of it. But \$15,000,000 is a lot of money. And, I think Bill, you said it was what - how many, 1.5 miles?

Mr. Bartos: If I'm not mistaken, Jim, it's 1.5 miles out of approximately 8 at the Zimber Ditch. 1.5 miles is in North Canton.

Mr. Benekos: Yes.

Mr. Conner (speaking from the audience): The line in Stark County is about six, your share is about a mile.

Mr. Martin: Now, let me address this to the Council. How are you going to rectify the sewer problem - the backups?

Mayor Held: The sanitary sewer, that's where we appropriated \$500,000 Marty to, you know the problem is when you have, aging sewer lines, sanitary sewer lines, then the water floods down in the Zimber and that creeps into the sanitary sewer which then forces the sanitary sewer for that to back up. So what we're doing with that is we're replacing the sanitary sewer lines, the ones that are the most effective or the most problematic, we appropriated about \$500,00 this year to replace sewer lines. So that's what we're doing about the sewer backups.

Mr. Martin: Do you use a snake when you - when the engineers go in there? Do they use that snake to check the cracks and everything?

Mayor Held: Yeah, that's the - we send a camera down there.

Mr. Martin: Alright.

Mayor Held: We put a camera down through there then you can see the cracks, especially when it's, when there's you know a lot of rain water, the ground becomes saturated and then the water just flows right into the sanitary sewer. So we've got cameras. We know where the problem areas are at because the residents are backed up. And, so what we are trying to do is or what we are doing is replacing those problem areas. And we just - we want to keep appropriating money year after year to decrease the number of sanitary sewer backups.

Mr. Martin: Well hopefully Renacci can do something for us...

Mayor Held: Yes, that would be nice.

Mr. Martin: with federal funds.

Mayor Held: That's what our goal is.

Mr. Martin: And he said he's In the Financial Agency

Mayor Held: Yes.

Mr. Martin: Institution. He's in one of those agencies. He's qualified to take care of that.

Mayor Held: That's what the goal is. Thank you, Marty.

Mr. Martin: Mr. Conner, I didn't mean to put you on the spot.

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Mr. Conner (speaking from the audience): The Army Corps is going to be working with Muskingum Watershed to kind of do a macro ...inaudible... of the whole county. I mean the Zimber Ditch may be the most notable running across Stark County, but I know it isn't the only one. They're going to be looking at all the various branches in the Niminshillen. Louisville has problems that are very similar to North Canton ...inaudible... So they're going to be carrying that on same - during the same period of time that we hope to move forward. But we have a little more work to do in a couple of entities. We've talked to North Canton and the Commissioners and Plain Township more than anyone. Jackson, we've still got some more salesmanship to do with them and we have to get up to Lake Township and talk to them. Both of those were ...inaudible... And hopefully we can at least get an agreement put together in the next few months and maybe we can get it going.

Mr. Martin: Is there a retention basin going to be put in at Wise and Whipple there? Or that...

Mr. Conner (speaking from the audience): That may be a retention basin of sorts. It will be a quantity/quality basin. But the property hasn't been acquired, so it's just a concept at this point. We don't own any more property that is the government ...inaudible... more property in the watershed. So yeah, we have to design something before you go out and start buying property. And they will be very high value properties. The real estate values in this corridor are the highest in Stark County. That makes the right-of-way acquisition really expensive. That is a big part of the cost in the improvements. But four of the projects that we have chosen, are basically detention in nature. One of them is a channel improvement of sorts. Channel improvements with today's environment regulations are very, very difficult. The Army Corps sometimes takes years approving the plans. So hopefully again, Mr. Ranacci can help us to cut through that red tape. But it's not getting any easier to make the water run - flow. And at the end of the day, we have to be responsible. We don't want to build a big channel through North Canton and it ends up flooding the people in Canton down the street, that's not the responsible. For most of it, plans are for detention and retention, but the development continues as it was predicted in the '97 report. It's not a surprise, but it would seem that every time we build an improvement, that's countered by some additional economic development.

Mr. Martin: Well, yes that is unfortunate. When you have development like that, you know where is the water going to run off to?

Mr. Conner (speaking from the audience): Ultimately you can hold it back, but ultimately you can't increase the volume. It's a big job. It's going to take a lot of hard work and hopefully all five entities will pull on the same rope.

Mr. Snyder: Thank you, Mr. Conner, we appreciate that. Thank you. Thank you, Marty, we appreciate it.

Mr. Martin: Thank you. I know it's getting late.

Adjourn:

Mr. Snyder: Thank you. May I have a call to adjourn?

Mr. Osborne (speaking from the audience): May I say one thing, Mr. Snyder.

Mr. Peters moved and Mrs. Kiesling seconded to adjourn the council meeting.

Mr. Nilges: There's a motion and a second.

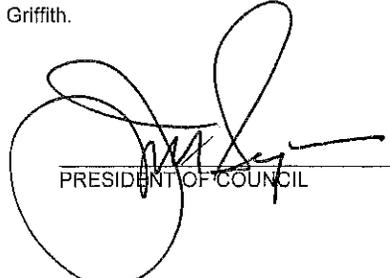
Mr. Snyder: Call the roll please.

All members present voting:
Yes: Kiesling, Peters, Snyder, Cerreta, Foltz, Fox, Griffith.
No: 0

The council meeting adjourned at 8:58 p.m.

ATTEST:

CLERK OF COUNCIL


PRESIDENT OF COUNCIL