

Held Monday, June 25 7:00 p.m. 20 12

CALL TO ORDER:

1. The council meeting was called to order Monday, June 25, 2012 at 7:31 p.m. by President of Council Jon Snyder.

OPENING PRAYER:

2. The opening prayer was delivered by President of Council Jon Snyder.

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, and Clerk of Council Kalpac.

CONSIDERATION:

5. Financial Statement – May, 2012
Mayor's Court Receipts – March & April, 2012

Mr. Snyder: May I have a motion to consider and approve as presented the financial statements of May 2012, the Mayor's receipts March and April of 2012?

Mrs. Kiesling moved and Mr. Peters seconded to approve the financial statement and mayor's court receipts as presented. All members present voting:

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

No: 0

COMMITTEE MINUTES:

6. Mr. Snyder: May I have a motion and second to approve as presented the following executive session and committee report minutes: The Executive Session for Personnel and Safety held on the 18th of June 2012, The Committee Report Minutes for Finance and Property; Ordinance Rules and Claims; Street and Alley; Water, Sewer and Rubbish all held on the 18th of June 2012.

Mrs. Kiesling moved and Mr. Peters seconded to approve the executive session and committee report minutes as presented. All members present voting:

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

No: 0

Abstain: Fox, Griffith.

Executive Session for Personnel & Safety: Please refer to the minutes on file in the Council Office of the Executive Session for Personnel & Safety Committee meeting held June 18, 2012.

Finance & Property: Please refer to the minutes on file in the Council Office of the Finance & Property Committee meeting held June 18, 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 18, 2012.

Street & Alley Committee: Please refer to the minutes on file in the Council Office of the Street & Alley Committee meeting held June 18, 2012.

Water, Sewer & Rubbish: Please refer to the minutes on file in the Council Office of the Water, Sewer & Rubbish Committee meeting held June 18, 2012.

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Minutes of COUNCIL OF THE CITY OF NORTH CANTON REGULAR Meeting

DAYTON LEGAL BLANK, INC. FORM NO. 10148

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RECOGNITION OF VISITORS:

7. Mr. Snyder: At this time the Council will recognize anybody wishing to speak to it. Please step forward to the microphone, state your name and address for the record.

Doug Lane: 509 Summit SE. It's like the occupy movement out there but it's for good occupation, I guess. Here representing the North Canton Chamber tonight. And I am happy to say that Mike is staying on our Board. So among his many, many things that he'll still be doing with the City, he's going to be part of the North Canton Chamber Board for another couple of years. So we're happy about that. Some of the discussion last week, I'm not going to sit here and repeat a lot of the good points you folks brought up in your deliberation of the graffiti ordinance, but I did want to at least speak not on behalf of every business, but on behalf of the Chamber of Commerce. I do want to thank the Councilperson Cerreta. At my request he set up a meeting with Eric Bowles and also Jeff Peters checked in on telephone today, and I heard from Dan Griffith by email and we're going to chat later on this week. We also had one of our business people join us on Friday and chat about the graffiti ordinance. And this was an individual that had been tagged twice and spent a lot of money trying to clean up his building. But some of the points that were made last week are very, very, germane as you consider this ordinance. The one obviously, the most glaring one, is the penalties; more severe for somebody that gets their building tagged and somebody that does tag it. And I know that was discussed and I appreciate you looking at that. But some of the things that came up out of our meeting was the 30-day regulation could be very onerous on somebody. You look at just trying to get an estimate if any of us call a plumber or a carpenter. Sometimes it takes them two to three weeks to get out there and if you're dealing with insurance company, they want three estimates. So you could be anywhere from seven to eight weeks before you get your building cleaned up. So that's something to keep in mind as well. And the time of the year, if something happens in February, it could be quite some time before you get somebody out in the cold or if we get three feet of snow the next week before that goes away and they can get out and clean up the building. So as you deliberate that, I would either look at it as possibly a first reading tonight and then go back to the drawing board and I'm happy to sit down with Eric again and with Hans, and look at some of the issues that came up in our meeting, and then perhaps bring it back as a revised ordinance so you can get it right the first time out or table it, whichever one you want to do. But I appreciate your time. Again, I can't speak for every business, but I do know the ones I heard from, the ones that sat in the meeting. And I appreciate your consideration of that to look at that 30-day window to be somewhat fluid just for those reasons. So, thank you.

Mr. Snyder: Thank you Mr. Lane. Sir...

Sherman Mattocks: 1031 Werstler, North Canton. We presented a petition regarding the Postly rezoning Applegrove from General Business - I'm sorry - to General Business A from R2. Some have questioned the validity of that neighborhood petition with regards to the zoning of the property. So I researched the minutes of the North Canton Planning Commission of March 27, 2012. And it started off with Kathy Lewis, and I'm quoting from the minutes of the meeting, "The property being requested for the rezoning is approximately 5.31 acres as represented by the aerial photo submitted with the application." The Postly's are requesting the rezoning of their property from the existing 2-family residential zoning R2-F to General Business A - GB-A zoning district. Fred Craig, who lives next door, speaking on behalf of his mom, we own .7 acres that's 420 Applegrove immediately adjacent, paraphrase and goes a step further. For a long time that property was actually zoned for General Business, and then it was taken to two family. Well, I've done some research and I can't find where it was ever General Business A. Possibly there was confusion with the property on the north side, some of which is still nonconforming use. And at that time I believe the old North Canton Electric started out as nonconforming use, now is Schaub Electric. So that might be what he was thinking about. But in that same meeting, Mr. Flechtner, on page 7, here's one single family. Yes, but a piece back here is single family if the zoning map is correct - see this. Cerreta says, "the little sliver". Flechtner says, "It looks like a little sliver here, but anything, I mean we're abutting commercial". Well, I took the map and had my guys blow it up so it's a little easier to read and these are the little slivers. Those little slivers are actually 1.4 acres of land which is R-70. These are our four lots that people on the end of the Werstler cul de sac, and that's one acre, and possibly 1.1. So there's at least five lots R-70 included in this quote "R2F". The other thing that was disturbing in the minutes of that meeting, and this kind of is the exact point of our petition, Mr. Shanabruch stated, "I mean realistically the whole neighborhood is going to be commercial anyway from a practical standpoint. Why not deal with it and move on instead of continuing to do it in pieces." Is Planning Commission, from what that statement says, is that they are basically planning to go from Applegrove on the north and everything west of Main Street and are they going all the way to Pittsburgh Road or are they going to stop at - but the whole quarter section abuts all the property on Woodrow. It abuts all the property at the end of Werstler and Browning and let's say how far West. Are we going all the way to Pittsburgh Road? So then I went a step further, I took the zoning map down and I met a gentleman by the name of Mr. Benekos, I believe he's your County, or City Engineer. This was Thursday morning. He confirmed the two lots included in the Postly request are in fact R70. They were before, they are now, and

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they are also shown as R70 on the new map which has not yet been published. He allowed me to share - he shared that with me to review. So it has not changed. So since zoning has been in that area, they are R70 - those two lots, and they are twenty-eight (28%) percent of that property request. Nowhere was it requested as R70 and R2 in the original request at Planning Commission nor is it that I can find in the request that has been presented to Council. The new map is a mirror image of the old. The out lots that were called a sliver, twenty-eight (28%) percent of 5 acres, 1.4 acres are 5 parcel single-family houses, we're just going to throw them away, make them commercial General Business A. A town that doesn't have enough property left R70 as we speak. Two meetings ago that I was here, I asked the question previously, is the City of North Canton prepared to reimburse the loss of property value for all of the people, Mrs. Welsh for example - Mr. and Mrs. Welsh, they have R70 property immediately to the west. Who in their right mind is going to build a house, and if you look at the property, and I - Mr. Lemmon might be here tonight with it, showing the two parking lots on the north and south of these apartment buildings, 60 to 120 cars if there's two per family, coming in different times of the evening and night, pulling into the parking spaces, and those headlights going straight to the west into the back windows of the houses or the front windows of the houses, whoever builds on that R70 lot. Well obviously, that property is going to be devalued. If we come all the way down to the property that - on the north abutting all of that quarter section, are we going to lose all of that property value of Woodrow? I believe Woodrow has been known as the prettiest street in the City of North Canton for many, many years because of the trees. We're going to devalue that? And the brand new homes built on Pierce, right at the very end of Pierce, within the last five years; I don't think they're going to appreciate the loss of value. North, my three neighbors, two of the three neighbors are here this evening, they built and put a lot of money in their homes. And our lots are nowhere near the little sliver. All four of them fit in one little sliver. So I don't like the attitude of the Planning Commission. Read the map. Go talk to the City Engineer; I would assume he's the authority on the City property. I believe he prepares - he and his staff prepare the maps. And the new map which is going to be published in the near future, shows that property as R70 very clearly. If these properties are all devalued, I don't know how many homes there are on Woodrow, probably 30, there are six on Pierce, there's six or eight on Browning. Mr. Cerreta, you want to increase the value of this property with people living there in this apartment building and buying and spending money. I understand. You're trying to increase the value or money income to this City. But if those property values go down, aren't the property values the basis for street repairs, school levies, police and fire levies. I believe they're based on the property values. So if we gain in one, are we going to give it up in the other? So I question the advisability of it. Secondly, we've said all along, if the property cannot be built on to build apartments, and this zoning is allowed to go through as GBA, it could go back to the original intent which I believe I was told that they were going to put in storage sheds, storage buildings, I'm sorry. Well I don't think they are going to spend much money at KMart or Acme or the Sohio (BP) Station when they come to pick up their goods with their 24-hour access with the streetlights at 25 to 30 feet in the air to protect the property in those property areas with a high chain-link fence around it; lovely thing for the northwest corner of North Canton. Thank you for your time.

Mr. Snyder: Anyone else wishing to speak?

Gary Fogle: 1023 Werstler. I'd just like to make one comment. Anyone on Council that effects our property value - attacks our - or lets it happen will and should be accountable and at election time and I feel you will be. And that's direct and to the point.

Mrs. Kiesling: Can we get your name and address? Sorry Mr. Fogle. Can we get your name and address for Gail.

Mr. Fogle: I'm Gary Fogle. 1023 Werstler NW on the cul de sac. Thank you.

Bill Lemmon: Good evening, Bill Lemmon. 1201 South Main Street, North Canton. I just wanted to make a few comments here relative to the proposed zoning proposed use of the property. I understand the comments. I spent 40 years of my life as a real estate appraiser. I believe I understand property values and the affect of development on property. And I'm a resident of North Canton, a businessman in North Canton. Believe me, I don't plan - I would not do anything to adversely affect the property values of the people. We have, Bob DeHoff and I, more than 20 years ago, built and we still own and manage Versailles Gardens Apartments, which I believe is a well respected development of around 200 apartments. We are 100% full. We immediately adjoin - we touch the property lines of very nice homes. And in this more than 20 years I am not aware, I've never had one person of a property owner adjacent say anything adverse about the operation of our property. We also have Remington Station in adjacent Jackson Township in an area that we, ourselves developed homes, at the time we're selling for \$200,000 and up and we touch those homes. And again, we have never had a property owner say anything adverse about our property. Now, I understand the natural concern is what's going to happen to my property value? And I just - I have a large aerial here and ...inaudible... and they have every right to be concerned. I understand that. At the end of Browning Street here the home closest to the property, the distance

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from here to here is 500 feet. 500 feet. ...inaudible... The existing homes there in the southern most edge of the property that you're being asked to rezone, the actual site plan, which we gave you a few weeks ago, and it's on the back here, but shows area of woods being retained to provide a buffer that shows garages as the next buffer and the apartments that are within closer away from the southern edge. There was concern about headlights, etc. between the garages and the trees and the 500 feet I don't believe the - either noise or whatever is going to be a concern of this development. Just one final note, I asked our property manager at Versailles this morning to estimate the approximate number of senior citizens who live in Versailles Gardens. And she estimated it between 35 and 40%. So again, you know, our community is designed for all ages, but we have a heavy reliance on the senior citizens who are looking to downsize, to sell their homes, to allow younger people to come into the City, but yet want to remain as a resident of North Canton. And we have a waiting list of people wanting to move into Versailles Gardens. So I would respectfully ask you to seriously consider the appropriateness of this zoning. I think you will be pleased with the result. It actually would be an upgraded version of the buildings that are at Versailles Gardens right now with rents in the \$675 to \$800 a month rent. And again, I believe that would be a good tax base. And I can assure you in my humble opinion as a real estate appraiser and a developer that I don't believe that there are adverse effects to the adjacent owners. But I do certainly respect their rights to make their comments known. And Doug, I respect your position as a Councilperson representing them. And that's my thoughts. Thank you.

Mr. Foltz: Thank you. Mr. Lemmon, I respect you as a developer and I've said that before. You do quality work and we're glad to have you in the City. Thank you.

Mr. Snyder: Mr. Mattocks, you will not be able to rebut, sir.

Mr. Mattocks: I'm sorry. That's all right.

Ron Postiy 1663 Steiner Street NW: My name's Ron Postiy. Honorable Mayor, President of Council, Councilwoman, and Councilmen, I'd like to recap some of the situation that's happened over - we've had this property for 25 years. First of all, in the past two meetings, everybody talked. They brought up Waterside, Waterside, Waterside. Okay? That kind of upset me because when Mr. Lemmon did Waterside, the whole damn country was in a depression. Okay? Thousands of builders have went broke and here's a man who's successful, sustains his business. And we're very fortunate to have Mr. Lemmon and Mr. DeHoff in this area. And Waterside has nothing to do with this. And that project will be completed someday and he will do an excellent job on that. I've got to read my notes. My brother and I both went to the Master Planning Commission when the Master Plan and they discussed this. And we were at the meeting at Walsh College and I think at the Civic Center. And they indicated that that property should be changed to a business type property and from the - from Main Street to Applegrove all the way to Pittsburgh Road. And I think the Planning Commissions also suggest do Main Street, Applegrove to Pittsburgh Road. After 25 years we've had three times we tried to rezone this property. In 1990, in the late 1990's we had a buyer and it came out. We almost went to the end and somebody on the Council did not like the purchaser. They told my real estate person they did not like the person purchasing the property. I could have made an issue, didn't want to make an issue; wasn't worried about it in the 1990's. Okay. And that realtor is a prominent realtor in this town right now and I don't want to bring up names. In 2005, we had a dental clinic we were going to put in there. Citizens came here, they said wow, there's going to be drugs in that dental clinic. They're going to break-in. You can check your records, they're going to break in, they're going to have drugs there. Don't they know there is a CVS Drug Store they opened? How'd you guys let that go through; the CVS Drug Store, well, there's drugs down there. I mean that's ridiculous some of the comments. And the second zoning in 2011, there was a comment made that we're concerned because we didn't come to that meeting. Well, it just so happened that my brother was out of town and I happened to end up in the Cleveland Clinic for six, seven days. I contacted numerous businesses in our area, everyone is very supportive and they're very excited to have this to increase their business. One hundred twenty more people will help Acme, it will help Pizza Hut, it will help everybody in this Community. And I think it would be a good thing. And another thing there - I don't know where the storage sheds came from. I never heard that story before. And I don't think I've ever put a permit in or question for a storage shed. So I don't know where that story came from at all. Another thing is from Applegrove Road to Werstler is almost .4 of a mile. I marked it out the other day. And from Applegrove to - I'm sorry, from Applegrove to Woodrow is .4 of a mile. From Applegrove to the end of Werstler where this gentleman lives, who came and is complaining, it's over 1/3 of a mile. I think this could be - this place should be changed. And I think it would be a big asset for the City. And it would help the City's businesses. It will help the whole community. The scenario that ...inaudible... it just needs to be done. Look what's - would any of you build a house on Applegrove Road? I mean that's - it's not going to happen. And I think it would help the community. Just like Mr. Lemmon said, a lot of people are looking for places. They want to sell their houses and move into these places. And I think this would be a real asset for the City. And I appreciate all the support that you give us. Thank you very much Mayor and staff.

Mr. Snyder: Mrs. Welch

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Miriam Welch: 800 Applegrove Street. The word that came to mind as I was - I'm sorry, I'm Miriam Welch, 800 Applegrove Street NW. The word that came to mind as I was trying to explain this to my children was oxymoron. The City on one hand, Mr. Snyder said, we have beyond the optimal amount of multi-family rentals. We are - we have exceeded it. Now, the City - the City is considering adding a total of 100 more; 40 on Main Street, 60 on Applegrove. What sense does that make? It makes no sense to me at all. If this map is true, there's a dumpster right on my property line. Oh good, just what I needed. The, to answer that question - the question about the storage units, I think it was either the first or the second time the Postiys came to change zoning. And I don't know if it was the HEN Company or somebody else wanted to put the storage units on the front of the land and on the back of the land they wanted to put multi-family.

Mr. Postiy (speaking from the audience): And that's never been - never acknowledged. Not to my knowledge.

Miriam Welch: I have the newspaper article, I'll copy it for you and give it to you.

Mr. Postiy (speaking from the audience): You copy it and send it to me.

Mrs. Welch: Okay, I will. That's all. Thank you.

Mr. Postiy (speaking from the audience): No one ever talked to us about it.

Chuck Osborne: 307 Fairview Street SE, North Canton, Ohio. I'm going to change the subject a little bit. I want to talk about the North Canton Veteran's War Memorial. Over the last year I've talked to Mr. Lane and Mr. Dansizen. They're in agreement, we need some kind of protection for the memorial. That is consecrated ground up there. I tried to tell this body when it was proposed, you're giving up a portion of that park if you build it. It can't be a multi-stage platform for every event the City wants to put on. In the last two months I've driven down Main Street and see kids up there skateboarding on it. I've seen bicyclists bicycling all over it. The consensus with Mr. Lane, and I don't mean to put words in your mouth here again, but actually I think it was your idea and Mr. Dansizen's, there needs to be some kind of ceremonial, demarcation of what marks the extent of the memorial grounds. The reason I'm speaking tonight on this, I hadn't planned on it, we have the relays coming up. I've seen the videos from the Christmas dedication and another event that was held up there. And you're using that War Memorial, which is consecrated ground as a multi-stage platform. Whatever happens to be the event of the moment, people are trampling and just walking all over it. It would actually enhance the Memorial. You could actually almost tell what it is as you are coming up and down north and south on Main Street, if you would see a rope, a railing or something. It would help set it off and you'd know what that super structure is over there. So, I don't know where the committee is on this. Mr. Dansizen is on the Memorial Committee. But if they're not going to jump in here and finish this project, then it's up to the City to come in here and protect these consecrated grounds. I don't want to be continuing to come up and down Main Street and having to call the police and say we have skateboarders over there or bicyclists. Early on, I would see people cut across the Memorial from Main Street on over to East Maple. It's a Memorial, it's been dedicated to veterans, and it needs to be treated as such and protected. So I ask that you move ahead. I don't know what expense it would be, but I ask that something be marked. And also that it be suitable in size. I know they continue to want to add more bricks. Well, in my mind the demarcation should be basically to almost the full front half of that little bitty park that you put that monstrous memorial in. It is very beautiful. I didn't think at the time that it was suitable for that small park. And now that we're getting ready to add the amphitheatre, we're just going to increase the trampling and the traffic trampling all over that Memorial. It's consecrated ground. Thank you.

Mr. Snyder: Anyone else wishing to speak? Miriam.

Miriam Baughman: 320 Weber: I'll change the subject again. I have a question for our Director of Finance. For the upcoming EMS levy, the resolution reads: "At a rate not exceeding one and a half mills for each one dollar of valuation." Now, will I be taxed on the appraised value of my home, or on the taxable value of my home?

Mrs. Alger: Taxable value.

Mrs. Baughman: On what?

Mrs. Alger: The taxable value.

Miriam Baughman: Okay. That's good. Okay 'cause I did some research and the current levy that you're asking for the renewal, cost me \$14.10 a year. The renewal, with doing the taxable value, will cost me \$72.60 a year.

Mrs. Alger: I'll have to look at that.

Mrs. Baughman: Yeah, I did the figures. And then we already have - we also have another levy that was just renewed in March of this year and that cost me \$52.19 for the full year.

Mrs. Alger: Okay.

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Mrs. Baughman: Okay.

Mrs. Alger: And that one was a replacement...
Miriam Baughman: Yes, from the 2010.

Mrs. Alger: And this is a renewal. So you're not spending any more.

Mrs. Baughman: Okay. I can afford this, but I know that it will be a burden for a lot of the senior citizens because their Social Security may not even be \$1000 a month. And they already probably are choosing between food and medicines. So I'd like you to keep that in mind if there's any other levies that you think you'll put on. And the senior citizens already pay more than their share of EMS because Medicare pays - Medicare Part B pays 80% of an ambulance ride.

Mr. Snyder: To a maximum of \$435.00.
Mrs. Baughman: Is that it?

Mr. Snyder: The average transportation, it's very important to know, non-cardiac transportation is almost \$1300. If it is advanced life support is in excess of \$1600 to transport a patient.
Miriam Baughman: Okay.

Mr. Snyder: So, when you look at it, by realizing that EMS is - it's a very expensive proposition. It costs the City about \$1.8 million dollars. But, it is a vital service.
Mrs. Baughman: I agree, I agree.

Mr. Snyder: And the problem being, it's the only fair way to do it.
Mrs. Baughman: Right.

Mr. Snyder: It is not - it's not designed to enhance the general fund. Unfortunately, the general fund can no longer support it.

Mrs. Baughman: Right, right. I understand.

Mr. Snyder: So that's the problem.

Mrs. Baughman: Okay. I will call Medicare tomorrow. I didn't know that.

Mr. Snyder: Yeah, we're capped out. We can only bill at the Medicare rate.
Mrs. Baughman: Okay.

Mr. Snyder: Even the private insurance. So..
Miriam Baughman: Okay. Alright. Thank you.

Mr. Snyder: Anybody else?

Mr. Postiy: Am I allowed to make one more comment?

Mr. Snyder: First, let me get a rebut from Mr. Mattocks and then, I'll give you. Just briefly, sir, if you will and then I'll give Mr. Postiy a moment. Please.

Mr. Mattox: I just wanted to clarify. Mr. Lemon misunderstood. I was not concerned about the headlights in my - in my back yard. It was the property to the west that Mrs. Walsh would like to develop sometime that is R70. Because the, the outlay of the buildings as I see it, the dumpster is 40 feet setback from Mrs. Walsh's property on the NW corner and as you pull into the garages, the turnarounds are a 40 foot setback. So the headlights would be 40 feet of any homes built in that R70. That was my clarification.

Mr. Snyder: I appreciate it, sir. Mr. Postiy, briefly if you would.

Mr. Postiy: Ron Posity again. On the storage sheds, there was some parties that were interested in the property that did go to Planning Commission one time. But we have never applied personally. I know they went to check that to see if it was able to do that. I - but we have never applied for that type of thing. And another thing is, I missed something on my sheet, Bill Lemmon and DeHoff has brought thousands of jobs to North Canton, thousands; Washington Square, the Sonic Burger - thousands of jobs. And why are we fighting with Bill Lemmon? Hey, he's in business to make money. There's no question about it, Bill loves profit, but he shares it with the community. That's all I want to say. Thank you.

Mr. Snyder: Thank you. Anyone else? Ma'am?

Elizabeth Falcon: Mr. Snyder, my name is Elizabeth ...

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Mr. Snyder: Will you please step to the microphone if you would please. State your name and address for the record.

Elizabeth Flacon: My name is Elizabeth Falcon. My zip code is 44721. Will that allow me to make a statement?

Mr. Snyder: Yes, ma'am. Please state your address for the record.

Elizabeth Falcon: 4972 Middlebranch Avenue NE. I am a Lake Township resident. Like I said, I have a North Canton zip code. I would just like to make a matter-of-fact observation. The flags that are in Bitzer Park at the Memorial, I have seen two flags that were not hung properly, and it is not right. Our daughters, our sons, our mothers, our fathers, our grandfathers, sisters, brothers, uncles, they do this for us so that we can do anything and everything we do that's our daily lives here. The least we can do is keep the flags hung properly. Thank you.

Mr. Snyder: Thank you for coming. We'll make sure that the Administration looks at that tomorrow. Thank you. Anyone else. Please step forward. State your name and address for the record.

Bill Postiy: The way I feel about the whole thing is, if we didn't have Hoover Company, if you didn't have the Webers, you didn't have the Lemmons and the DeHoffs, there wouldn't even be a North Canton. Maybe Hoover would still be making saddles.

Mr. Snyder: Thank you. Ms. Roll

Melanie Roll: 308 Portage. I'm going back to the zoning issue. I'd like to recommend that you recommended that this go back to the Planning Commission. And basically my reasoning is the notification process. I think it was faulty. Not everyone that was notified or should have been notified was. And if they aren't notified, they cannot come to the Planning Commission Meeting and state their reasons why they are opposed to it. So I would like to suggest that that would be the reason that you send it back to Planning. And on a broader context, is there a way that you can broaden or lengthen the footage of when people are notified? Two hundred feet seems kind of narrow to me, or short however you want to talk about it.

Mr. Snyder: It's under the subdivision regulations. It could be changed, you know, it could be an initiated and changed. Yes.

Melanie Roll: People like to know what's going to happen in their neighborhood. And I think they have a right to know. And I think that we or you have an obligation to let them know. I think the citizens have been generous with passing levies – many, many levies. I don't think there's been one turned down for a long time. And I think that the citizens need to know before the bulldozers come in what's going in their neighborhood. Thank you.

Mr. Snyder: Appreciate it. Thank you ma'am. Anyone else wish to speak to us? Alright, thank you. And thank you all for your input. Moving to old business, do I have a motion to remove from the table Ordinance No. 49-12?

OLD BUSINESS:

8. Mrs. Kiesling: No, I think we're going to leave that tabled for now.

Mr. Foltz: Leave it tabled - I'd rather bring it out and defeat it.

Mrs. Kiesling: Either way it goes down after so many days. I am going to recommend that we send it back to Planning because we ...

Mr. Foltz: Okay, well we can defeat it and let it go back to planning...inaudible...We appreciate the residents coming up, and the business owners and the property owners. Yeah, we have legal notice issues and we have, uh, zoning designation issues. If you look here, uh I do believe it's R70 looking at it. And, like I said earlier it could lead to other zone changes. Martel owns directly south of, Mr. Lemon's proposed office, I mean excuse me, apartment complex. So, there is a lot going on here. And, I think a lot was missed, or, not intentionally, but still not correct. I think we owe it to our residents. You know, there's some discussion about the master plan and what the business owner wants. Well, I think we first have to look and see what our residents want because they've lived here all these years. They bought their houses here. I'm all for business development, but not at the expense of neighborhoods. And, I think that is what is going to actually happen here. So, I agree. It

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wasn't done right. It needs to be sent back. I'm here to represent my constituents and they spoke loud and clear on this numerous times. So, I'll ask this body to take it off the table and vote it down, and if the Postiy's want to start the process and the neighbors again, they have that right to do so. That's not a problem. I mean, that's..

Mrs. Kiesling: That's the question we're trying to figure out. If they need to start the whole process over, we could just suspend it....

Mr. Foltz: I personally think that given everything it would be the cleanest, neatest thing to do, to just start over with new applications

Mr. Kiesling: with no fees.
Mr. Foltz: -- from scratch.

Mr. Foltz : John, may I ask a question?
Mr. Snyder: Sure

Mr. Foltz: Mr. Postiy, are you going to bore that then to see if it can even be developed?

Mr. Postiy: No, not necessarily. We'd just like to get it for building residential apartments. It doesn't have to be GB. I would think, Bill, right?

Mrs. Kiesling: Bill, he's asking you if you were going to actually bore it....the main line...

Mr. Lemon: Yes, yes, I'm sorry I didn't hear...yes, we're going to bore it as soon as Bill, you know, he doesn't want to spend \$20,000 to bore it...

Mr. Foltz; It shouldn't be, it shouldn't be Mr. Lemon's responsibility. It should be the person selling it I would think. So, I'm waiting for that, too because I heard at one time that we were going to do that, and now we haven't, it's been taken off the table because I know it's expensive. But, to change something before we know something can be built on it, so that's something I want you to be aware of. I don't know if my fellow constituents are in the same boat. So, I'm with you....there's too many questions right now. I'd like to see...

Mr. Cerreta: Appreciate it. There's a lot of questions. I recommend as Chairman of the committee, the Community and Economic Development that we that we bring it off the table and vote it down.

Mrs. Kiesling: Do we have a second?
Mr. Peters seconded.

Mr. Snyder: This is you're removing it from the table as a motion to remove from the table?

Mr. Cerreta: Yes. Motion and second to remove from the table.

Mr. Snyder: Clerk, please call the roll.

Mr. Foltz moved and Mr. Peters seconded to remove Ordinance No. 49-12 from the table. All members present voting:
Yes: Griffith, Kiesling, Peters, Snyder, Cerreta, Foltz, Fox
No: 0

Mr. Snyder: All right. Now, I need a motion and a second to read by title only the second reading of Ordinance No. 49-12.

Mr. Cerreta : There is no motion to amend. Is that correct Law Director?

Mr. Nilges: That's correct.

Mr. Cerreta: Same difference if we just...inaudible...

Mr. Snyder: This will be sent to the Planning Commission for reconsideration.
Mrs. Kiesling: I'll have Jim...

Mr. Cerreta: I'm just trying to remember...the Planning Commission voted for it.

Mrs. Kiesling: Yeah, we have to overturn it. We have to do something.

Mr. Cerreta: You have to, I think you have to...

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Mrs. Kiesling: But, can't we...

Mr. Cerreta: Let's just try to get back...

Mr. Snyder: First of all... here

Mr. Nilges: You're approving the, you're approving an amendment to the zoning code. If they don't approve the amendment to the zoning code, it's not effective, - it's about having five votes versus -- first of all, just as an aside. I mean, I'm not sure that the five votes is valid based on the charter. But, it's a four vote, and if there is not an affirmative action by Council to approve the amendment of the zoning code, it is my opinion that it dies.

Mr. Snyder: There is a distinct situation here in reading this opinion of the Law Department. If the recommendation is flawed, it was not followed, the process, the neighbors were not notified. The parcel numbers are wrong. It is not a valid request to change the zoning. It has to go back and the neighbors have to be notified, and it is not a valid request. So, consequently it is a mute point at this situation. You can't consider it for legislation a flawed request. It just cannot be done. And, I mean that. The Postfy's have a right to come back to the July meeting.

Mr. Cerreta: What I want to make sure of here -- action by Council. I'm reading, right, I've got it right here 1001-08. It says here, "Council acts and shall either adopt a recommendation to Planning Commission, deny the recommendation to Planning Commission, or adopt some modification thereof." By us not voting for it, are we actually denying the recommendation of the Planning Commission.

Mr. Nilges: You're denying the recommendation -- that would be my opinion.

Mr. Cerreta: That is our Law Director's opinion. So, I don't want this to come back.

Mr. Nilges: But, if you have to go

Mr. Cerreta : I would feel a lot more comfortable if we just vote it down and be done with it and not leave it open to interpretation.

Mr. Snyder: There is no interpretation. It's a flawed request. There is no interpretation.

Mrs. Kiesling: We shouldn't even be voting on it.

Mr. Snyder: We shouldn't vote on something that is not proper. It is not a proper request. You cannot vote on something if the neighbors were not...according to the zoning ordinance, it is very explicit -- the subdivision regulations are very implicit and explicit. You must notify. The parcel numbers are wrong in the first place. You're voting on parcels that don't exist. It has to go back..

Mr. Cerreta: That's true. And, we still feel the zoning parcels are not right either. The R70 should be...

Mr. Snyder: That i can't...they have the right since they are considering those other three parcels, to consider all those parcels, and the numbers, and the people notified properly that there will be a public meeting and giving them the right to give testimony at that public meeting.

Mr. Cerreta : Well, we didn't adopt it obviously because we didn't vote.

Mr. Snyder: No, you did not adopt.

Mrs. Kiesling: And Jim, when in July is the public hearing for the other parcels, or is it just the meeting you're going to set the public hearing at?

Mr. Benekos: There's no meeting in July. There are no items coming. Council or Planning Commission did not want to look at those other parcels ...

Mrs. Kiesling: Until we...

Mr. Benekos: until you decided on this. So most likely in August if the applicant reapplies, that's when the next Planning Commission will look at those. They may take that and expand it to the other parcels at the same time, and if -- if that application comes back. But we'll see what Planning Commission decides to do at that time.

Mrs. Kiesling: So, if they have the application in in July, the public hearing could be in August for all the parcels.

Mr. Benekos: Correct.

Mr. Cerreta: When is the cutoff?

Mrs. Kiesling: July 15th, isn't it?

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Mr. Cerreta: Right. The 15th of the month.

Mrs. Kiesling: Right. It would be August. So in August we could have a hearing for all parcels.

Mr. Benekos: Possibly, if they decide they want to do that or just take what the applicant submits.

Mrs. Kiesling: But the other applicants have already applied. Correct? They're waiting?
Mr. Benekos: No.

Mrs. Kiesling: They're not waiting?

Mr. Snyder: No. That's initiated by the Planning Commission. That request. That was not initiated by the owners of the apartments.
Mrs. Kiesling: Inaudible... oh, okay.

Mr. Snyder: The Planning Commission has not even considered that.

Mr. Nilges: And Mr. Foltz, just to make you feel better and Mr. Peters, if you look at B, it talks about required vote for adoption. So if there wasn't an affirmative vote of four people for it, it would not be sufficient for it to be adopted as a zoning amendment.
Mr. Foltz: Okay. Thank you.

Mrs. Kiesling: Are we comfortable or do we just want to vote it down?

Mr. Foltz: Well, the Law Director has spoken, and we'll...

Mrs. Kiesling: You know at this point ...

Mr. Foltz: I just don't want to see this zone changed ...

Mrs. Kiesling: Let's vote it down. We're going to start over anyways. I motion to read. This is crazy, just vote it down. We've got parcels that are wrong. We have R70 that's not correct. We need to just vote it down and get it the heck off our plate. So, I motion to we read it.

Mrs. Kiesling moved and Mr. Peters seconded to **read by title only, second reading** of Ordinance No. 49-12.

Mr. Postiy (speaking from the audience): Wasn't everybody notified on this issue?

Mrs. Kiesling: Yes. No, they were not.
Mr. Foltz: No they were not.

Mrs. Kiesling: Mr. Craig's parcel was not in the initial petition. Therefore, those residents, which I have been told is about 20, were not.
Mr. Snyder: 28

Mrs. Kiesling: 28. Unfortunately, that is not your fault. You guys did everything correctly. It was the process was skewed.
Mr. Postiy (speaking from the audience): Then, why should we be penalized?

Mrs. Kiesling: Unfortunately...

Mr. Postiy (speaking from the audience): I mean, that's, we went through a lot of work here, you know.

Mr. Kiesling: I don't disagree. And you won't have to pay another fee to apply, but I'm frustrated as well. And I don't know

Mr. Postiy (speaking from the audience): That's a lot of work for you people and a lot of work for all of us here ...

Mr. Foltz: I'm of the opinion that in this City we do things right. Now, I've seen it happen.

Mrs. Kiesling: Yeah, we need to get it right.

Mr. Foltz: Okay. It's that simple. I'm not trying to take it out on anyone, but I'm talking about the legalities of the issue. I brought up the legal notice. I don't know if you were here or not ...

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Mr. Postiy: I think you should do it right. Whatever your lawyer says I think you should do. But I think you're anti-business.

Mrs. Kiesling: Well, regardless, regardless.... It's not accurate.

Mr. Snyder: Wait, wait a minute - we're getting out of hand. We're not going to have a debate amongst the audience.

Mr. Nilges: There's a motion and a second, let's vote it and move forward.

Mrs. Kiesling: We need to read it. Yes to read it.

Mr. Nilges: We're reading it first.

Mrs. Kiesling: Yes, to read first.

All members present voting:

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

No: 0

**Ordinance No. 49-12 – 2nd Reading – Community & Economic Development
(Tabled prior to the 2nd reading 6/11/12)**

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 R2F, Two Family District, to GB-A, General Business District.

Mr. Snyder: Mrs. Kiesling.

Mrs. Kiesling: I think we've talked about this enough. We're going to vote it down tonight. Please apply again. We will get you on the August Planning Commission – then it will come to us to plea right after.

Mr. Postiy: I can understand where you're coming from because of the mixture of the zoning and all the other stuff. I can understand why...

Mrs. Kiesling: It's just not accurate. It's not a vote against the rezone, it's a vote against the process.

Mr. Postiy: Okay. Thank you.

Mr. Snyder: May I have a motion.

Mrs. Kiesling: I motion.

Mr. Snyder: Do we have a second?

Mr. Peters: Second. Yeah.

Mrs. Kiesling: We're going to be voting no.

Mr. Peters: We already read it.

Mr. Foltz: We already read it so now we just need a vote.

Mr. Snyder: We need a motion to either adopt or defeat.

Mrs. Kiesling: To adopt or defeat. So we'll need to vote.

Mr. Snyder: I need a motion to adopt as presented.

Mrs. Kiesling: I motioned.

Mr. Snyder: We don't need a motion, it will die automatically if you don't motion.

Mrs. Kiesling: Let's just vote no.

Mr. Nilges: That was where we were before.

(Laughter)

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Mr. Snyder: It dies automatically. There's no motion to adopt it – to adopt yes.

Mr. Nilges: I know that's where we were before.

Mrs. Kiesling: Do you want yes or no?

Mr. Snyder: Well, the motion was affirmative. It has to be in the affirmative. You cannot put a motion in the negative. It's to adopt or not to adopt.

Mr. Nilges: And you're going to vote yes or no for the motion.

Mr. Snyder: I'm voting no – not to adopt then.

All members present voting:

Yes: 0

No: Peters, Snyder, Cerreta, Foltz, Fox, Griffith, Kiesling.

9. Mr. Snyder: All right now. Moving now to – I need a motion to read by title only the third reading of Ordinance No. 50-12.

Mrs. Kiesling moved and Mr. Peters seconded to **read by title only, third reading** of Ordinance No. 50-12. All members present voting:

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

No: 0

Mr. Nilges: Is that everybody?

Ordinance No. 50-12 – 3rd Reading – Ordinance, Rules & Claims

An ordinance amending PART FIVE – GENERAL OFFENSES – to include CHAPTER 557 – UNSAFE BUILDINGS and amending PART 17 – HOUSING CODE – of the Codified Ordinances of the City of North Canton and 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, this is hopefully a little less contentious of an issue. We've done great work to tear down the buildings that need to be torn down where we've got a lot of work to do, but we can't do any of that work until we pass this ordinance. It's been vetted. I think we've got good consensus on it. And so I would move that we read it the third time and get Eric to work.

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

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

No: 0

10. Mr. Snyder: May I have a motion to read by title only the third reading of Ordinance No. 55-12?

Mrs. Kiesling moved and Mr. Peters seconded to **read by title only, third reading** of Ordinance No. 55-12. All members present voting:

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

No: 0

Ordinance No. 55-12 – 3rd 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: As you know, last week we had a presentation by ARCADIS relative to this GIS that we're putting in. It's pretty self-explanatory. It will enhance their abilities to see our underground water lines, sewer lines, sanitary and storm, as well as other things that should expedite the repair and expansion of both systems, all three systems. Unless we figure out some way to see under the ground, I don't know what else we're possibly do, but it works out pretty well, and it's money well spent. We'll be connected to the Auditor's website which is the foundation for this. And that's it. Is there a motion to adopt the third reading of Ordinance 55-12?

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

NEW BUSINESS:

11. Mr. Snyder: I need a motion and a second to read by title only the first reading of Ordinance No. 60-12.

Mrs. Kiesling moved and Mr. Foltz voted to read by title only, first reading of Ordinance No. 60-12. All members present voting: Yes: Griffith, Kiesling, Peters, Snyder, Cerreta, Foltz, Fox No: 0

Ordinance No. 60-12 - 1st Reading - Finance & Property

An ordinance authorizing the Director of Administration of the City of North Canton to advertise and receive bids according to specifications now on file in the office of the Director of Administration and for the Mayor of the City of North Canton to be authorized, through the Board of Control, to enter into an Agreement for the purchase of one (1) Ford F-350 Truck for use by the Water Distribution / Park Departments from a vendor or, in the alternative, pursuant to the Ohio Cooperative Purchase Act, and declaring the same to be an emergency.

Mr. Snyder: These are co-funds from Parks and Water. It's not to exceed \$43,000. It is in the 2012 budget. I think it's replacing a 1990 truck that... Mr. Grimes: 1984

Mr. Snyder: 1984? Oh, that's a little older than I thought. The problem with our equipment is the cost of maintenance actually exceeds what it would cost us to buy new equipment and the ability to use it well exceeds that. So it is something well needed. So do I have a motion to adopt the first reading of Ordinance No. 60-12?

Mrs. Kiesling moved and Mr. Cerreta seconded to adopt the first reading of Ordinance No. 60-12. All members present voting: Yes: Kiesling, Peters, Snyder, Cerreta, Foltz, Fox, Griffith No: 0

Mr. Snyder: Since time is of the essence to get this on so that we have it into the system and be able to use it before the season is over, so we'd like to suspend the rules of council pertaining to Ordinance No. 60-12.

Mr. Peters moved and Mrs. Kiesling seconded to suspend the rules for Ordinance No. 60-12. All members present voting: Yes: Peters, Snyder, Cerreta, Foltz, Fox, Griffith, Kiesling No: 0

Mr. Snyder: May I have a motion to adopt under the suspension of the rules Ordinance No. 60-12?

Mr. Fox moved and Mrs. Kiesling seconded to adopt under the suspension of the rules Ordinance No. 60-12. All members present voting: Yes: Snyder, Cerreta, Foltz, Fox, Griffith, Kiesling, Peters No: 0

12. Mr. Snyder: May I have a motion to read by title only the first reading of Resolution 61-12?

Mr. Fox moved and Mrs. Kiesling seconded to read by title only, first reading of Resolution No. 61-12. All members present voting: Yes: Cerreta, Foltz, Fox, Griffith, Kiesling, Peters, Snyder No: 0

Resolution No. 61-12 - 1st Reading - Finance & Property

A resolution of submission of question of a renewal of a tax levy for the purpose of providing additional funds for the City's portion of ambulance service, emergency medical service or both, in the City of North Canton, Stark County, Ohio, and declaring the same to be an emergency.

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Mr. Snyder: We talked about this. We're going to read it today. We're going to have another reading in two weeks giving the residents, as some of them came tonight to speak, there might be questions. I will ask the Finance Director to find out the actual cost of 100,000, seems to be the benchmark. This doesn't generate new taxes, it's existing. We have a - this levy is in a sunset that it expires December 31 of this year. There's a one and a half that we put on two years ago because we were in dire straits for money from the general fund to keep - and for almost two years the EMS operated totally within its own unit. Last year we subsidized \$25,000, down from almost \$850,000. So it's a credit to both the Council, Administration, and the voters of the City that we have that type of service that operates within its own containment. Hopefully we can continue that. It's a very costly process, but a very good process. As Mrs. Kiesling will testify, you're in the medical field, what the amount of runs we make a year and the lives that we save and enhance that it's well worth it. And I would ask for a motion to adopt the first reading of 61-12.

Mr. Cerreta moved and Mr. Peters seconded to **adopt the first reading** of Resolution No. 61-12. All members present voting:
 Yes: Foltz, Fox, Griffith, Kiesling, Peters, Snyder, Cerreta
 No: 0

- 13. Mr. Snyder: Thank you. I need a motion to read by title only first reading of Ordinance No. 62-12.

Mr. Fox moved and Mr. Cerreta seconded to **read by title only the first reading** of Ordinance No. 62-12. All members present voting:
 Yes: Fox, Griffith, Kiesling, Peters, Snyder, Cerreta, Foltz
 No: 0

Ordinance No. 62-12 – 1st Reading – Finance & Property

An ordinance authorizing the Director of Finance of the City of North Canton to make payment to Plain Township in the amount of Twenty-Five Thousand Three Hundred Seventy Dollars and Twenty-Five Cents (\$25,370.25) for payment of property tax reparations due through tax year 2011, and declaring the same to be an emergency.

Mr. Snyder: Again, we're required under the Ohio Revised Code to pay the Township when we annex their property a portion of the property taxes that were taken from them. I believe there's three subdivisions in question. One of them is in year '08 and one of them is in year '07. These are 12-year commitments. And I believe that one of them is either '06 or '07, so we have these for a few more years. But that is that. No questions? I'll look for a motion to adopt.

Mr. Griffith moved and Mr. Peters seconded to **adopt the first reading** of Ordinance No. 62-12. All members present voting:
 Yes: Griffith, Kiesling, Peters, Snyder, Cerreta, Foltz, Fox
 No: 0

Mr. Snyder: As this money is now due and payable, we ask to suspend the rules of council for Ordinance 62-12.

Mrs. Kiesling moved and Mr. Peters seconded to **suspend the rules** for Ordinance No. 62-12. All members present voting:
 Yes: Kiesling, Peters, Snyder, Cerreta, Foltz, Fox, Griffith
 No: 0

Mr. Snyder: Relative to Ordinance No. 63-12, there is some ambiguity in that ...
 Mrs. Kiesling: You need to pass ...

Mr. Snyder: Oh, that's right. I need to suspend the rules. Under suspension of the rules may we adopt Ordinance No. 62-12?

Mr. Griffith moved and Mr. Peters to **adopt under suspension of the rules** Ordinance No. 62-12. All members present voting:
 Yes: Peters, Snyder, Cerreta, Foltz, Fox, Griffith, Kiesling
 No: 0

- 14. Mr. Snyder: As I started to say, and I apologize, there are some questions relative to the addendum that we talked about last week at the - with the Fairways Arrowhead. Now there's not a problem, it's just that it was not spelled out specifically. There were some things in there that were not exactly - so I would ask the council table this action until we possibly clear that up and we clean that up. Mr. Foltz has graciously said he would work with the Mayor relative. We are not trying to close down the rental of the Civic Center per se. And to

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fast-track this would be not the thing to do I don't believe at this time. So we want to get that spelled out. We want to continue to help the people at the Fairways as much as we can. And the intent was for them to only use the gazebo, not the whole property. And that was a - so there are a few things Mr. Foltz and the Mayor have decided they're working on that along with the Rec Board. Hopefully within the next, over this next month or so, they'll come up with some things. And we'd ask them to bring it back and we can look at that. But we're continuing our movement and so that's what we're going to do, so that everybody's fully aware of that, and no one gets hurt either financially or in the intent and spirit of the people's property, which that is the people's property and we don't want to just dismiss their use of it. So I do appreciate the Mayor and Mr. Foltz in taking that on and anybody else that'd like to help them, but I'm sure they would welcome it. So I would need a motion to table that ordinance at this present time.

Mrs. Kiesling: You have something to say Dave?

Mayor Held: Just to clarify what Councilman Snyder mentioned. You know, the goal here, again, is to reduce our operational expenses and provide the best service that we can to the residents. Our City Engineer is going to be doing the design for the upgrade for the repurposing of the Civic Center. We're also going to be sharing these ideas with the Park and Rec Board so that they're aware of it. So what I would ask is that please talk to Jim Benekos. Feel free to call him at any time because we are not going to move ahead with this - not anytime, I mean you know, working hours.

Mr. Benekos: Anytime.

Mayor Held: Anytime. Call him anytime. No but, what our goal is, we want to make sure that all Council is satisfied with it. Because as Councilwoman Kiesling had mentioned about, you know, the sink and the refrigerators, and having a little setup area for the rental of the Civic Center. We want to make sure that, when we move ahead with this and we invest money, that we not only have the support of Council but the support of the Rec Board and anybody else that has an interest in the Civic Center. Because we really want to make sure that it serves the best purpose.

Mr. Foltz: We appreciate your comments, Mayor. Thank you.

Mr. Cerreta: Are you looking for a motion? I'll go ahead and motion.

Mr. Snyder: Yes, a motion to table.

Mr. Cerreta moved and Mrs. Kiesling seconded to **table Ordinance No. 63-12 prior to the first reading.** All members present voting:

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

No: 0

Ordinance No. 63-12 – 1st Reading – Finance & Property

An ordinance authorizing the Mayor of the City of North Canton to enter into a Second Addendum to the Lease by and between the City of North Canton ("City") and R & S Golf Properties, Inc., an Ohio corporation and Robert C. Purcell and David Scott DeMuesy as individuals ("Lessee") executed on December 22, 2008, for the premises known as The Fairways fna Arrowhead Country Club, and declaring the same to be an emergency.

15. Mr. Snyder: We're into finance, we're into water, and I need a motion to read by title only Ordinance No. 64-12.

Mrs. Kiesling moved and Mr. Cerreta seconded to **read by title only, first reading of Ordinance No. 64-12.** All members present voting:

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

No: 0

Ordinance No. 64-12 – 1st Reading – Water, Sewer & Rubbish

An ordinance amending Section 3. of Ordinance No. 29-12, Donner Avenue NW Waterline Replacement Project (West Maple Street to Florence Street NW), by an increase in the amount of the allocations for the project, at a total cost not to exceed \$165,000, and declaring the same to be an emergency.

Mr. Snyder: Chairman Cerreta

Mr. Cerreta: Yes. We talked about this last week. This is the Donner Project. And ...inaudible... apparently went back, there was an increase and so Jim presented an emergency of \$165,000, not an increase, not to go above \$165,000. Right?

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Mr. Benekos: Correct.

Mr. Cerreta: So we talked about that. I move that we approve it on an emergency.

Mr. Cerreta moved and Mrs. Kiesling seconded to **adopt the first reading** of Ordinance No.

64-12. All members present voting:

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

No: 0

Mr. Snyder: As time is of the essence, the Chairman wishes to suspend the rules of council for Ordinance 64-12.

Mr. Peters moved and Mr. Foltz seconded to **suspend the rules** for Ordinance No. 64-12.

All members present voting:

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

No: 0

Mr. Snyder: May I adopt under the suspension of the rules Ordinance No. 64-12?

Mr. Peters moved and Mrs. Kiesling seconded to **adopt under the suspension of the rules**

Ordinance No. 64-12. All members present voting:

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

No: 0

16. Mr. Snyder: May I have a motion to read by title only, first reading of Resolution No. 65-12?

Mrs. Kiesling moved and Mr. Peters seconded to **read by title only, first reading of**

Resolution No. 65-12. All members present voting:

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

No: 0

Resolution No. 65-12 – 1st Reading – Water, Sewer & Rubbish

A Resolution by North Canton City Council expressing their support and authorizing the North Canton Chamber of Commerce to work in conjunction with the Administration of the City of North Canton, to secure sponsor funding for the gateway and directional signage recommended in the 2012 North Canton Master Plan, and declaring the same to be an emergency.

Mr. Snyder: Chairman Cerreta

Mr. Cerreta: Okay. This is from the sign - the presentation last week. But we've had some - Councilman Fox brought something to my attention today about the wording of this. Tim, would you like to go ahead and - we might want to make some changes to the wording of that. But go ahead.

Mr. Fox: Perhaps I didn't mean to be the wordsmith on this. But what I did notice, it states that Council expresses their support in authorizing the North Canton Chamber of Commerce to work in conjunction with the Administration. Shouldn't that be the other way around? Perhaps the Chamber doesn't need our authorization. We authorize, you know it's, but we don't need Doug to tell us - we don't need your authorization. So, perhaps we could amend it and just swap it.

Mrs. Kiesling: So, we're authorizing the Administration to work in conjunction with the Chamber.

Mr. Fox: Correct. Correct. Just the other way around.

Mr. Cerreta: I'm okay with that. How do we do that? We add on to this and move forward?

Mrs. Kiesling: Just amend it. I motion we amend to swap the words.

Mr. Snyder: Do we have a motion to amend?

Mr. Peters: I'll second

Mr. Snyder: Okay.

Mrs. Kiesling: I motion. We're swapping words.

Mrs. Kiesling moved and Mr. Peters moved to **amend Resolution No. 65-12, as stated above**. All members present voting:

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

No: 0

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Mr. Cerreta: And that's probably my fault. I read it wrong and I talked to her about it and so I'd like to change that too – that's good.

Mr. Peters: Well we'll blame you.

Mrs. Kiesling: It's all your fault.

Mr. Snyder: Did the Clerk get the intention of that? Do you want us to write a little note of what we want to change on there, or do you know? Oh, you know, or do you want a little note.

Mrs. Kalpac: I think I got it. Thanks.

Mr. Snyder: Okay. Thank you. Alright, we have an amended motion to the Resolution. May we have a motion to adopt the amended Resolution?

Mr. Fox moved and Mr. Cerreta seconded to **adopt the first reading, as amended**, of Resolution No. 65-12. All members present voting:

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

No: 0

Mr. Snyder: Again, as time is of the essence, we want to get this out so we have the summer to raise funds. So we'd like to suspend the rules of council for Resolution 65-12.

Mr. Griffith moved and Mr. Cerreta seconded to **suspend the rules, as amended**, for Resolution No. 65-12. All members present voting:

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

No: 0

Mr. Snyder: It's getting like school, you know, the closer we get to recess ...

(Laughter)

Mrs. Kiesling: Yeah, we're ready to go.

Mr. Snyder: It's like ...inaudible. in high school, everybody's ready - it's almost graduation here so we're ready to go. May we have a motion to read by title only, first reading of Ordinance No. 66-12?

Mrs. Kalpac: You need to adopt it.

Mrs. Kiesling: We need to adopt it.

Mr. Snyder: Oh didn't we adopt it. See I told you it was getting close. We need to adopt it.

Mr. Griffith: I'll move to adopt it.

Mr. Snyder: Thank you.

Mrs. Kiesling: I'll second

Mr. Griffith moved and Mrs. Kiesling moved to **adopt under suspension of the rules, as amended**, Resolution No. 65-12 as amended. All members present voting:

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

No: 0

17. Mr. Snyder: Thank you. Now may I have a motion to read by title only, first reading of 66-12?

Mr. Fox moved and Mr. Foltz seconded to **read by title only, first reading** of Ordinance No. 66-12. All members present voting:

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

No: 0

Ordinance No. 66-12 – 1st 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 for construction inspection services for the Main Street Corridor Traffic Signal Project in an amount not to exceed \$80,000, and declaring the same to be an emergency.

Mr. Snyder: Chairman Fox.

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Mr. Fox: Yes sir, this is the traffic signal coordination project that we discussed at length not that long ago. This is really for the oversight in the construction of that. We're asking for an amount not to exceed \$80,000. And so our Engineer can move forward, we're asking to make that same emergency.

Mr. Snyder: I have a privileged question, if I may ask the Engineer. What -- that's a grant from is that the State or the Fed?

Mr. Benekos: There's two grants, eighty (80%) percent is Federal and twenty (20%) percent is State.

Mr. Snyder: Am I right, is it 800,000? Is that figure right? Is that - that seems high to change all the lights.

Mr. Benekos: It is around 800,000 is the total project. It's interconnecting all the lights. There's fiber-optics that will connect those. It will change all the lights from the bulbs to LEDs, changing all the ped (pedestrian) heads to the countdown ped heads. So it's pretty extensive system.

Mr. Snyder: What kind of timeframe is this? Maybe a year and a half or two years?

Mr. Benekos: It should take about a half a year to get everything in. There's also the camera detection. And so they will be setting up in the Dispatch and the Police Department the TV's where they can monitor if need be. If there's a situation at an intersection they can look at the cameras at what's happening in those areas. So it's - it is state-of-the-art. We'll be the leader in the County. Canton is going to follow us in about two years, but we'll be number one.

Mrs. Kiesling: Great.

Mr. Snyder: It's nice to be in first position.

Mr. Benekos: Yeah.

Mr. Snyder: We'll just say eat your dust.

(Laughter)

Mr. Snyder: Thank you, Chairman. So may we have a motion to adopt and call the roll please.

Mr. Fox moved and Mrs. Kiesling seconded to **adopt the first reading** of Ordinance No. 66-12. All present voting:

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

No: 0

Mr. Snyder: In order to get these lights up and running, we'd like to suspend the rules of council for Ordinance No. 66-12.

Mr. Fox moved and Mr. Cerreta seconded to **suspend the rules** for Ordinance No. 66-12.

Those present voting:

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

No: 0

Mr. Snyder: May we adopt under the suspension of the rules of Ordinance No. 66-12?

Mr. Fox moved and Mr. Peters seconded to **adopt under suspension of the rules** Ordinance No. 66-12. All members present voting:

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

No: 0

18. Mr. Snyder: I'll defer to the Chairman on this next one. Is it your wishes to read this or to table this item?

Mr. Griffith: I'd prefer that we table it. We've heard some -- some valid, I think, objections. And although we want to move forward with doing something, we, I think we need to work on it a little bit more before we bring a perfected item to the floor. So I would move that we table it.

Mr. Griffith moved and Mr. Fox seconded to **table Ordinance No. 67-12 prior to the first reading**. All members present voting:

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

No: 0

DAYTON LEGAL BLANK, INC. FORM NO. 10149

Held Monday, June 25 7:00 p.m. 20 12

Ordinance No. 67-12 – 1st Reading – Ordinance, Rules & Claims

An ordinance amending PART FIVE – GENERAL OFFENSES CODE of the Codified Ordinances of the City of North Canton to include Chapter 559 – Graffiti, requiring property owners to remove and restore any exterior surface where graffiti appears.

REPORTS:

Mr. Snyder: Director of Law
Mr. Nilges: No report

Mr. Snyder: Director of Finance

Mrs. Alger: Just to give you a heads up, the State Auditors are wrapping up the audit for this year. We should probably get something by the end of July, August. Just to let you know.

Mr. Snyder: Hopefully an award.
Mrs. Alger: Oh, yeah.

Mr. Snyder: Director of Administration

Mr. Grimes: Just that we're out there. And I don't have to tell you, but if you see something you don't like, make sure you give me a call. Not necessarily anytime, but give me a call. Also, last week, June 20th we set another record at the pool. We had 1339 people there. So, keep packing them in thanks to the weather.

Mr. Snyder: That's great. Mr. Mayor

Mr. Held: They were not all in the pool at once,

Mrs. Kiesling: I was there one day and it was packed.

Mr. Held: But that is – that's a lot of people. We've had a really good turnout. I think some of it has to do with the weather. But, you know, I think our keeping it clean and good service, you know, helps.

Mr. Peters: It's the flower pots.

Mayor Held: That's right. The food. But I wanted to thank Council for allowing us to recognize Michael Galina. I think that it was a really nice event. And Mark, you drove this and put it together. I think it really is what separates our community from other communities. Because when you have somebody like Mike Galina who served the community so well, and then you have such a nice turnout here too, it just really shows that he made a big impact. And thank you.

Mr. Snyder: Thank you, sir. Mr. Engineer

Mr. Benekos: Yes. We opened bids for the water tower painting on Friday and also the resurfacing program for this year; both came within budget. The painting, a little bit out of our realm, we're going to have to review those specs and check out the contractor. The low bid was quite a bit less than the other bids, so we'll have to scrutinize that. But the resurfacing came in within budget, so we'll see how many streets we get to resurface with.

Mr. Snyder: What we were 250 on the resurfacing budget?

Mr. Benekos: I think we had about 350 or 400 on the budget.
Mr. Snyder: We had that much?

Mr. Benekos: Yeah. And the bids came in about 330?
Unidentified: Which one?

Mr. Benekos: The resurfacing. 331 I thought. Sorry.

Mr. Osborne (speaking from the audience): Can you speak up? Can't hear out here.

Mr. Snyder: He said they came in at 331.

Mr. Benekos: Yeah. I believe. We'll have to check numbers.

Mr. Snyder: Alright. Administrator Bartos

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Mr. Bartos: Yes, I'm just excited to report. You know I've talked to some of you already about it, but we're taking steps in Administration to submit a nomination form to the Intelligent Community Forum and the ICF. For those of you who don't know, it's a think tank that studies the economic and social development of a 21st century community. So basically what the ICF has done is they've identified these five indicators that they look at. You send in a nomination form, they grade you on five indicators, and then they have a sixth yearly theme that they call it and that's basically the wild card factor. So there's six factors they take into consideration. There is a Top 21 or a Smart 21 that's named, then top seven and then eventually they name the Intelligent Community of the Year. And this is for - this is an international award. It's not just something that's, you know, local or the United States. So really it's something that could catapult North Canton onto an international level. If you look back through the years, you have countries, you know, Mexico, Hungary, Greece, India, USA and Canada obviously are represented, Brazil, South Korea, Estonia, Taiwan, tons of countries where cities and communities have come together and applied and received the Top 21 distinction. So we've been fortunate enough to find somebody who's been very successful in the past with this. Nancy Richardson is a woman I would - she's a communication consultant out of Hillard, Ohio and she's worked with Dublin. Dublin has been very successful. Dublin, Ohio has been very successful, four times they've made the Smart 21, twice they've made the top 7. And, she's been involved with them, and for three of the Smart 21 applications and both of the top 7 applications. So she's going to do not only a workshop with us, to get us moving in the right direction, but also she's going to help us write and submit an application this year as well; so all very exciting stuff. I was planning on giving you a bigger presentation, but I figure I'll wait until after the workshop. We're aiming somewhere in July for that. So after you guys come back from your break, we'll have had the workshop. We're looking into getting North Canton City Schools involved, get involved with Walsh. Obviously, they have the new ICF Institute they're working with as well. And then Mr. Lane's already very excited to get involved ...inaudible... In fact he's going to join us Wednesday. Eric and I have a conference call to kind of kick things off with Miss Richardson and Mr. Lane is going to join us for that as well. So all exciting stuff; and I'll have much more for you in the future after we get through with that workshop.
Mrs. Kiesling: Thank you.

REPORTS -- COUNCIL:

Mr. Snyder: Thank you. Sounds good. Mr. Foltz

Mr. Foltz: Yes. Just a follow up with Councilman Griffith on the graffiti; I did get a call from the Ward 1 constituents, a nice older woman who had some graffiti and got it handled. She was worried about getting fined and I said no, you did exactly what you should do, you took care of it. We appreciate that in the community. You're keeping your property up. But she did make a note and maybe Mr. Grimes can mark it down. There is some graffiti on the stop sign by her house. So obviously we want to set the example or set the tone for the community with our, you know, with our responsibility. So it's Fair Oaks at 5th Street there's some magic marker on the stop sign. I stopped and looked at it. If I would have had some things I would just took care of it, but get some graffiti remover on a rag and it will come off. You know it's just - see if we can get somebody out there tomorrow. Appreciate it. That's it.

Mr. Snyder: Thank you. Mr. Peters.

Mr. Peters: No report.

Mr. Snyder: Mr. Fox.

Mr. Fox: Yes, sir. I just want to commend the Mayor and Councilman Cerreta, the students and faculty that have put on just a wonderful ceremony for Superintendent Mike Galina. Witnessing something like that really makes me feel proud of being part of the community and part of local government. So thank you all for that. Well done.

Mr. Cerreta: Thank you.

Mayor Held: Thank you.

Mr. Snyder: Mr. Griffith.

Mr. Griffith: I wanted to suggest to Jim that maybe some of these graffiti artists would be willing to paint the water tower for free. We could save a couple hundred thousand dollars.

(Laughter)

Mr. Griffith: If we have them use the right paint it might be ...

Mr. Foltz: They might paint it with spray cans you know ...

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Mrs. Kiesling: Right.

Mr. Griffith: I did want to say that as we finished and passed tonight the third reading of our tear down ordinance for the housing that again I think it's a great example of the Administration and a lot of people here working together. And I really do deeply appreciate it. And I hope now that we'll be able to do that. We'll be able to make a tangible difference in that some of these houses that need to have been torn down for a really long time we can really do that. And I really want to thank everybody for helping out with this too and appreciate all -- everyone's efforts. That's all.

Mr. Cerreta: You did a nice job. You did it the right way.

Mrs. Kiesling: Yeah, thank you. You worked hard on it; you and Tim and everybody in Administration.

Mr. Snyder: Mr. Cerreta.
Mr. Cerreta: No, no report.

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

Mr. Snyder: Two things. It's nice to see Kelly Young back at the media table. It's been a few years Kelly. I don't know if that's a promotion or demotion. I don't...

(Laughter)

Mr. Snyder: Robert Wang ...inaudible... he had lightning speed, he's already at the top of the -- he went through here. Good to see you. But Mayor, have we now changed the name of our rubbish hauler now from J and J to Kimble. Is that correct?

Mayor Held: Yes, yes...

Mr. Snyder: And maybe you'd like to make an announcement so the people aren't confused that everything is the same it's just the name has changed.

Mayor Held: Yes, that's right. Yeah, what Kimble did is they've -- or J and J Refuse -- we contract with J and J Refuse to collect all of our trash and recyclables curbside and what they've done is they've changed their name. They've purchased a few other local companies and now they call it the Kimble Company; same owner. When Mr. Kimble bought J and J years ago they kept the name. Now that he's growing, he's changed it to his family name. So same service, same employees. That's a good point because they will have different -- their trucks will have a different emblem.

Mr. Cerreta: They did send out something but it's been awhile.
Mayor Held: Yes.

Mr. Cerreta: I got something at my house saying all that stuff but it's been ...

Mr. Griffith: A long time ago.

Mr. Cerreta: They might want to do that again, but...
Mr. Grimes: Inaudible... recyclables.

Mayor Held: Oh yeah, oh yes. That's another good point. They collect now recyclables 3 through 7 for the plastics. So that's another big move.

Mr. Cerreta: And that means? What does that mean?

Mayor Held: Yeah. So okay -- you know when you have...
Mrs. Kiesling: Inaudible... for you.

Mr. Cerreta: I was putting everything out there anyway. So I don't know.

Mayor Held: No, you have -- you know the No. 1 and No. 2 plastic are the pop bottles and the milk jugs. So now the yogurt containers -- when you look on the bottom of a bottle it has those little chasing arrows with a number and these water bottles and milk jugs are 1 and 2's and the yogurt and some of the smaller food containers we historically have not collected them because it's a lower volume of plastic and they didn't have a way to properly sort them. So now that we have -- Kimble actually invested over \$10,000,000 in a new recycling, sorting facility up in Twinsburg. And then you have Greenstar that invested I believe \$14,000,000 in a sorting, recycling -- it's all state of the art. I mean they have blowers and optical scanners and it's really -- it looks like the -- like the

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Willy Wonka Factory or something. I mean it's really impressive. So maybe some time we can arrange for a tour up there. So now really the residents can recycle all of their plastics, the pop bottles; milk jugs; yogurt containers; cottage cheese; things like that. Yeah, food plastic.

Mr. Cerreta: That's good. I knew you'd have the answer.

Mr. Snyder: He could of made it up and we would of never known.

(Laughter)

Mr. Cerreta: That's for sure.

FINAL CALL FOR NEW BUSINESS:

Mr. Snyder: We're dealing with the Executive Director, who's going to question him? I would only like to say you know many times online comments, no disrespect, they criticize this Council and Administration, but I think government at work tonight, you seen it, we've seen here with the rezoning. It's the proper way to do things. We follow the law. We follow the letter of the law. And I know my experience, Mr. Foltz, Mrs. Kiesling have been here a long time also, this is one of the finest bodies I've had the pleasure to serve with. And it's nice to see interaction from every member of Council. And the public gets their say. They get what they're supposed to get. And that's what it's all about. Thank you for that. Anything to come before this body? Seeing none, I'll entertain a motion to adjourn.

ADJOURN:

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

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

No: 0

The council meeting adjourned at 8:50 p.m.


PRESIDENT OF COUNCIL

ATTEST:


CLERK OF COUNCIL