

RECORD OF PROCEEDINGS

Minutes of COUNCIL OF THE CITY OF NORTH CANTON

REGULAR

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held

Monday, April 22,

7:00 p.m.

2002

(YEAR)

CALL TO ORDER:

1. The meeting was called to order at 7:00 p.m. by President of Council Jon Snyder.
2. The opening prayer was delivered by Rev. David Andrews, Greentown United Methodist Church.
3. All present recited the Pledge of Allegiance.

ROLL CALL:

4. The following members of council responded to roll call: Foltz, Kiesling, Lindower, Magel, McLaughlin, Osborne and Snyder. Also present were: Mayor Rice, Director of Administration Held, Director of Law Batista, Director of Finance Herr, City Engineer Benekos and Clerk of Council Bittle.
5. Consideration

Consideration of Minutes of Special Council Meeting: 4/1/02
 Consideration of Minutes of Council Meeting: 4/8/02
 Consideration of Financial Statement: March, 2002
 Consideration of Mayor's Court Receipts: March, 2002

Mr. Osborne moved and Mrs. Magel seconded to approve the minutes of the special council meeting, minutes of the council meeting, the financial statement and mayor's court receipts as presented. All members present voting:
 Yes: Kiesling, Lindower, Magel, McLaughlin, Osborne, Snyder and Foltz.
 No: 0

6. Committee Reports

Mr. Snyder: As there was not Council of the Whole meeting last Monday, there are no committee reports. However, I would ask the Clerk to please call the roll to ratify the fact that we did not have a council meeting. Although the rules of council only require two meetings a month and this is our third. So we'll put that into the minutes.

7. Roll Call Vote to Ratify Canceling Council of the Whole Meeting of 4/15/02

All members present voting:
 Yes: Lindower, Magel, McLaughlin, Osborne, Snyder, Foltz and Kiesling.
 No: 0

8. Recognition of Visitors

Mr. Snyder: Thank you. At this time I would like to acknowledge the fact that with us this evening are the Girl Scout Troop 535. Girls if you'd like to stand we'd like to recognize you. Thank you for attending the council meeting and please come back. Thank you very much. At this time I would recognize anyone in the audience wishing to speak before the council. Sir, step forward. Then I'll get to you Fred in a second. Alright? Step forward, state your name, address for the record.

George Daniluk. 502 Werstler. As you know North Canton may be asked to contribute close to a million dollars towards a proposed Shuffel interchange. The recent editorial in the Canton Repository stated, "The Repository supports the Shuffel Interchange." I don't who's voice or group of voices represents The Repository, but the fact of the matter is not one letter has been published that favors this interchange. They further state, "in Jackson opponents have raised the populist issue of wanting to curtail further - further highway and business development that they see as detrimental to residents now in Jackson. Trustees would know better than anyone else whether these voices represent a majority of the residents or just an articulate slice of the constituency." In other words (unquote) in other words it doesn't matter what opponents of this interchange think the trustee decide what's best for the township, not the residents. Are these trustees of the same mind set that approved the truck stop years ago to spite the objections of those who opposed it due to traffic concerns? Are the trustees of the same mind set that permit construction in and along the Zimber Ditch flood plain where tens of thousands of dollars have been spent studying the effects of a 100 year rain storm that may wash half this area down the ditch? The fact is there's probably more beer flowing through that area than rain water. Let me read a few excerpts from letters published in The Repository on this proposed interchange (these are all quotes). "If your argument is for more commercial development, no thanks. The Shuffel ramp will launch one zone change request after another. It's impossible to alleviate the crowding by introducing more traffic to the area. Roads such as Frank, Wales, Portage and

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Strausser now bear the brunt of commuter traffic. The roads, home of three of the ten most dangerous intersections in Stark County would experience an immediate traffic increase from a Shuffel interchange. The proposed interchange will ultimately benefit only the developers who play fill in the blanks with open land in an area already strangled by high density malls, commercial development and bumper car traffic." The Repository's own general manager states, "more traffic would pour into already underdeveloped rural roads including the deadly Strausser Street." There's no denying the airport interchange has its problems, but you can't solve the problem by redirecting the traffic flow elsewhere. It's like pointing your downspout towards your neighbor's yard because you don't like the amount of rain flowing into your yard. What started out as a question of need to relieve traffic at the airport now becomes a challenge of survival for homeowners at the dump site of the proposed off ramp. This will become a red carpeted off ramp for developers. Land values will be reassessed to favor development use. Taxes will increase to a point where landowners cannot afford to keep their property. They will live in a more expensive neighborhood without having to move. The land will be lost to creeping commercialization. Unfortunately everyone has their price when approached to sell out. New development will lure new found customers and traffic. How do these people get back to where they came from in an expeditious manner? Will they have to use the existing north bound on ramp? You will see the birth of new problems. I suggest a moratorium on any further zoning changes that favor development until the mess is looked at from all aspects. Consider a traffic signal system at the airport and wait on improvements to the Portage and Frank Road areas before we build a multi million dollar springboard for more commercialization. Let's look at the everyday needs and concerns of those who live in this area and not let decisions be influenced by special interest groups, lobbyists or campaign contributions. Let's avoid an attempt to withhold information from the public on this issue by a systematic deception between politicians, the news media and those who have access to inside information. I ask that North Canton take no part in supporting this interchange using its taxpayers' dollars."

Mr. Snyder: Thank you sir. Mr. Krum.

Fred Krum: Thank you. If I may approach?
Mr. Snyder: Please.

Mr. Krum: Thank you and good evening. I have a Power Point presentation for you on the Shuffel Road Interchange. And I'd like to say it's something that a lot of us have been working on for about 9 years now. And I've traveled throughout the county and given presentations on the Shuffel Road Interchange. In the interest of time I'll spare you my jokes as I go through on some of this presentation here tonight. But I would like to get to it. And I may hit somebody right in the eye with that - if you can. Thank you. Just the first slide is just the introductory slide about Shuffel Road and where it's - and that's a view from the Hoover Company parking lot. And we'll get to our next slide. I want to orientate you as to where that interchange is exactly and I've got a pointer if you'll bear with me here. You'll see there's airport terminal and parking lot - that point here, of course here is 77 as it is today, the airport interchange and coming down here, here's actually the bridge at Shuffel Road here today where we looking at putting the new interchange. And it happens to be exactly about a mile and a quarter from the Portage interchange and from the airport interchange. That's why it was picked in that area. And when I say when it was picked, going back nine years this wasn't just done in someone's basement. A lot of organizations were involved that have to do with traffic. Airports don't have a lot to do with moving traffic in the area. But SCATS (the Stark County Area of Transportation) studied the - the - Stark County Engineers, Jackson Township Trustees, what have you, everybody who was involved in picking it. And you had to pick a place really that was about a mile and a quarter be - from each interchange. Because that's the distance that is required by the federal government for a new interchange. You can't be any closer than that today - than a mile. So we picked it. Because some people talked about the Wayview bridge, which was down a little bit further to the - actually to the south, closer to Portage. But it was too close to Portage, you couldn't put an interchange that close. So that's why we settled in on this area here. And what we'll be doing to really make that go - because the first thing that the engineer and SCATS said is, you know, there's no way to get to this from the west. No roads once you really got off. Well we took a look at that and said we're going to be extending Runway 119, which we are in the process of doing. We are moving dirt on Runway Extension 119 today coming over to Mt. Pleasant Road. And what we are doing is going to be closing Mt. Pleasant Road here and building this new road across here, this blue line, which would be an extension of Waywood Road. Now Waywood Road we actually built when we did our extension of Runway 523. Mt. Pleasant used to go through like this. We built Waywood Road here. Would of liked to build it the whole way over there at the time but weren't permitted to do so by the federal government. But we're actually in the process of constructing this road today. That is under construction so it's not - it's not something that's going to come. And then the - what's remaining is to build this section of road to the interchange - the new interchange here and then improving Shuffel Road over to Pittsburgh Road going this way so that that would be a five lane round that would tie into the interchange. And people from North Canton would either access it by coming Pittsburgh to Shuffel and to the interchange. Or coming down Applegrove Road which is just great. Drive that everyday to work. Coming down Applegrove I jog to Whipple then to Shuffel and onto the interchange here. Just to show and it was brought up by the previous gentleman regarding developers waiting to develop. The chief landowners around the airport - if you take basically east of the interchange, it's pretty well built out as far as the Hoover Company and the Industrial Park and what have you. I don't believe there's any speculators out

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there per say. To the west, what you have the chief landowners are number one this big land mass here, 22 acres, the State Ohio Patrol owns. Then this becomes airport land, a lot of it which is unbuildable cause it's in the approaches to runways - this entire side becomes airport land. This stays airport land too. It's all zoned rural residential, which we don't want to see houses in. And we would not ask for a zone change cause that's not - we - that's our - our policy is not to request zone change. And again this is all rural residential over here today. Which the airport frankly would resist very strongly to have built in homes because we don't want to see homes near the airport through here, but at the same time would not want to see necessarily developed industrially either. The big traffic driver though, which to have to - which generates the most traffic is actually commercial rather than industrial developments - it's the Home Depots. And so currently there is either no land ownership or zoning ownership that could have any of that happen. This - the Eagle's own a lot of this property here - most of it over on this side, which again is not - is not a developer. So any speculation on development really isn't there. These areas will probably fill in anyway. But it's basically how do we - how do we control that in the future so that it doesn't become filled with Home Depots and make it difficult to get to that interchange. So that's kind of the setting of where we're at with that. This is a little closer in view. Again, pretty much again bridge going across 77. And let me bring in here now how the interchange would look. And this is the interchange itself what you see in green coming off - it's the road that connect to it, the diamonds that go into it. And the next portion is - the yellow portion is the existing connector roads that also need to be built and improved. As we said before, the airport this is - this is this blue line coming over there, that's about that mile long road that we're building right now. The yellow roads - and the reason we segregate these out is because different people are going to be paying for different parts. The airport has paid for this blue section. The yellow section, as we'll show you later, is going to be - SCATS is going to be paying for. And then we're looking at different parties to pay for the interchange itself. So we'll have the one connector road paid for by the airport, other portions of the connector road by SCATS and then the interchange itself by the remaining parties. So that's why that's significant to note. Now I also wanted to add too that historically with this while we were with it to put a new interchange we found in trying to put a new interchange on 77 and I think this is important, that no new interchange was ever going to be built and unless and until 77 was widened to three lanes. And that's really was the genesis of the widening of 77 to three lanes. Through this organization we set up a committee called the I-77 Corridor Committee and had representatives throughout the area on it to lobby to get 77 widened to three lanes in each direction. And I guess be careful for what you pray for because we will have barrels under construction from Canton to Akron for ten years as that gets widened to three lanes each way. But literally 77 is the economic lifeline of this community - the entire Stark County community. It is our attachment literally to the world, along with the airport. So the necessity of widening it was critical regardless of a new interchange would be built or not. Now with the widening of 77 that allowed one more interchange based on forecast of traffic. There is one more interchange that is allowed between Canton and Akron based on 77 being three lanes in each direction. And this is that interchange that we - that we've been working on it. So it's really a once in a lifetime opportunity. And if that ship sails there could be - this interchange could be replaced in a heartbeat. The Mayor of Green would grab it in a minute to the north. We don't want to see it go to the north because it doesn't help the airport if it goes to the north. Okay. But that is the only way another interchange can be built between Akron and Canton is - Shuffel is the only one that can be built. The only way another interchange could be built would be when 77 would be widened to four lanes in each direction. And I think - I don't think I'm going to see that in my lifetime. So that's why it's critically important. The benefits as we see it to the Shuffel Road Interchange are: Number one, improve access to I-77 from both the east and west sides, both from North Canton and from Jackson and Plain areas. It improves the airport interchange. And we've had the airport interchange study. Actually our very very first focus was how do we improve the airport interchange because we looked at this nine, ten years ago and said - said we're not - someday the airport is going to be in dire need here of some improvements to this interchange. And we studied it. We looked at ramps to the east. Ramps to the east gets people to North Canton but it doesn't get people to Jackson Township. We looked at traffic signalization. You cannot put traffic signals on that. That is - ODOT has looked at that and has rejected that. That has to be done by ODOT. At the imminent interchange that must be done by ODOT, not the local community. Because you are affecting backup and traffic coming off and on that interchange. And they have rejected - we tried to get lights there, they have rejected that. And the reason they've rejected that is because of that terrible weave that you have. And that terrible weave is very annoying; it doesn't work well. But it works very slowly so nobody gets hurt. They get annoyed, they get delayed, they get detained, but they do not get hurt. Okay. If traffic signals are put out there and we have a green light in that interchange and people are coming off on that weave they are going to be killing each other and that's it. So while that whole situation isn't very good, it's been studied. The physical geography is not there to improve that. And that is the one thing about interchanges and such things, is there's a physical reality to it. And the physical reality is that that - you can't make that any longer with basically coming substantial into the airport. Bringing Lauby Road substantially into the airport and really taking about a half to a third of the entire frontage of the airport where all the parking lot is and have one massive giant interchange that feeds out with ramps. And the cost came up to something like thirty million dollars. And that's what we've have fundamentally going through the airport. You have to really destroy the whole front entrance to the airport. So it improves the airport interchange. And I'm clicking the wrong things here. Improves the Portage Street interchange because it takes traffic off of that. Now we believe Portage should be improved. There is no question

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about that - Portage needs to be improved. The real answer is both things need to be done. Because more traffic is coming and the reason more traffic is becoming is not because we're building more roads; roads don't bring traffic. They want to bring more growth to the south of Canton and if roads bring traffic, build a road traffic will come - no. The three primary things of what brings traffic is development and what brings development is, unless they've repealed these laws, I don't think they have, is location, location, location. That is why we have development around here. Then we build roads to do that. And if - and if traffic - if road improvements build traffic we should have never widened Applegrove Road. But it's helped traffic. We should have never put a signal at Mt. Pleasant and Lauby and widen those roads. We should of never done that. Yes we should of done that or we'd all be sitting in that waiting to get to this council meeting tonight. That is what hap - roads can improve the flow of traffic rather than make things more congested. Okay. Provides model for other highway projects throughout the county. I'm going to let Representative Kirk Schuring, who is here tonight, speak on that in just a second as to how he sees that for putting county wide projects together. Provides quicker emergency response for the State Highway Patrol. The State Highway Patrol, as we'll show you in just a minute, is very high on this project. It was alluded to in one - I think one article that regarding the fact that it wasn't. But the fact of the matters will show later that they are contributing \$800,000 to this project. And I think that that is significant of a very high interest by them in this. Provides generally a safer system we believe overall for Stark County drivers. And finally is critical to the future viability of the airport. We just believe it's critical to our existence. And it might not happen in my time, but the next person is going to be working very hard to solve this problem. And I asked ODOT what they would do someday when it starts to back up on 77. And they don't quite have an answer for that. Now a couple facts just real quick about the airport, I don't want to turn it into a selling event for the airport, but some of things that are going on. We're the eighth fastest growing airport in the United States in the last five years. Passenger traffic is up 10 percent since 911 - was actually up 15 percent in March. So we're getting more people in and out of the airport. The airport - we just recently and I'll be passing this out later, an economic impact study to the community of \$260,000,000 is the airport's economic impact in terms of jobs and revenue and tax dollars that we generate - we're tax payers. And the airport generates about six million dollars in local taxes. And currently the airport is undergoing a \$60,000,000 capital expansion program to meet the needs of the future. And every community needs a viable airport. And I think - I just know that it's very very important to protect our front entrance. Someone mentioned in one of these studies that we did about closing the airport interchange; that died a quick death. So a couple things and the fact. Now let's look at the cost of this entire interchange. Bringing it up real quick, the interchange construction itself is 5.3 million dollars. The right-of-way for the interchange at 2.2 million. So the interchange is about 7.5, that portion of it. The connecting roads and these were the roads in yellow that we showed you. And I will have a handout - I will - all this is on hard copy for you too to give to you at the end so you won't have try to remember this. Connecting roads, the right-of-way to the connecting roads the yellow roads as we showed them again, \$500,000 for that. Engineering design fees \$600,000. You've got a total project cost of \$10,850,000. I have a note at the bottom that that doesn't include the \$3,000,000 that the airport is spending on that blue connector road to bring across. We are doing that regardless of this project going or not and that is part of our commitment to the entire project. So that's the cost end of it. What do we have funded? Here's the partners that we have today - ODOT is in for 3.7 million of the interchange. By law all they can really fund is - or by regulation is 3.7 million dollars or half of the interchange itself. But they have committed 3.7 million dollars. The airport has thrown in a million dollars which we will - we have offered to put in up front for the engineering to keep the engineering studies. This road is to be built in 2004, but engineering studies need to begin very shortly. The county through SCATS (Stark County Area Transportation Study) 2.75 million and that is for those yellow roads as we showed before which is the remainder of the connecting roads that they would be building. State Highway Patrol, as we said, is putting in \$800,000 so they can have better access for safety reasons and response reasons to get to I-77. And the Stark County TID and Kirk will explain a little bit more what the Transportation Improvement District is for Stark County and how that works - \$600,000 is what they've committed. So that gives us a total funded of 8. - \$8,850,000 of the \$10,850,000. And again that does not include the \$3,000,000 for the entire project. So when you say what's the airport contribution to this whole project, cause it is so important to the airport, we are a \$4,000,000 contribution to this entire project to make it go. Which is bigger than ODOT's contribution to the entire project. So that's what we have funded. Balance to be funded, we have the 10.85 million, we have 82 percent of that amount funded; again not including the airport \$3,000,000. So we're still \$2,000,000 shy. Okay. Well that's why I came - that's why we came here. We have a couple solutions of it. And again this project it isn't something that anybody has \$2,000,000 sitting around and we know that. All the other organizations that are going to be asked - the other two political subdivisions. We have floated as one Solution A - okay, a borrowing from the state infrastructure bank at a low interest rate of three and a half percent that - and this is under Solution A, we think that will probably be a ten year loan. It could possibly and we'll show the numbers on twenty, but if we can get the twenty, but we'll probably be somewhere in that ten year. And what we have done has broken this out and we tried to do - a number of us that work on this tried to do a fair assessment of who the chief beneficiaries of the project were. And we came up with Jackson Township at 50 percent, North Canton at 30 percent and Plain Township at 20 percent. And based on that that would mean on a ten year pay back \$150,000 a year for Jackson for ten years; \$90,000 for North Canton and \$60,000 for Plain Township. Solution B - Now this is if we were able to get a 20 year pay back to the state infrastructure bank. You would essentially just about double those payments - \$75,000 per year for Jackson Township; \$45,000 for North Canton and \$30,000 for Plain Township.

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With that too and let me show you the schedule cause we think that it's all important, especially when you tie in the money. The design - we need to begin the design in the next 30 days, there's no question about that and take that over into 2003. So we can be ready to build this and start acquiring right-of-way in the year 2003. So that we can be able to have construction in 2004 and 2005 of the interchange. The first loan payment on the state infrastructure bank doesn't happen till one year after construction is complete till 2006. So the first monies that would have to be available would not be until four years from now and then would be over again a 10 or 20 year payment. So it isn't - we know with budgets and time frames that people just and organizations, communities just can't say okay here's money this year or even next year. We know you plan a long time ahead and we think that that fits into that very well. So basically that concludes - concludes my portion of the talk this evening. Again we think it's mission critical for the airport to protect our future and the future of this airport. We've been involved, just from the airport standpoint, again we've taken a lot of money in this and put a lot of money in this. We also like to think that we're contributors not only in what we do in terms of the economic contribution, but we have stepped to the plate in other community wide projects such as the Zimber Ditch was mentioned I think here earlier. Quietly the airport put over a million dollars in detention basins, which we were not required to do whatsoever. Just based on a good neighbor policy so that we would not send down the water that we've sending down for years. And we're doing actually and this is a benefit to Jackson Township, as part of our road relocation around our new runway we're actually putting in some drop lanes, turn signals and what have you so you get into the new Timken Research expansion with it. So we like to think that we're paying our own way and being a constructive member of the community. So at this point in time I'd like to turn it over to Representative Schuring. And thank you for your time.

Representative Schuring: Thanks Fred. I'm here tonight to talk to you a little bit about the Transportation Improvement District. You might remember our Stark County Transportation Improvement District was founded in 1996. The Ohio Revised Code allowed for five such districts to be appointed by the Ohio Department of Transportation and Stark County was very fortunate to be one of the last five districts that was approved by the Ohio Department of Transportation in 1996. Right now we're one of only three that remain in the State of Ohio. And just very simply to let you know how a Transportation Improvement District works, it's a partnership between the Ohio Department of Transportation and the political subdivisions, the county of Stark County, whereby we can build highway projects that have been long promised but very rarely have been built by ODOT. Because ODOT has a long list of highways that they have wanted to build for decades but have not been able to build them because of lack of funds and because of lack of management in trying to make sure that all the necessary engineering, purchase of right-of-way and environmental work can be done. It just takes a lot of paperwork these days to build a highway. So a novel idea was presented in the General Assembly a number of years ago that said okay why don't we just form a partnership with ODOT whereby we can relieve some of their burden by creating these transportation improvement districts where local communities will offer money to help build the projects that are near and dear to their hearts. Projects that have again been promised for decades but have not been built. And also the Transportation Improvement District is a management mechanism whereby engineering and legal work and purchase of right-of-way, those types of thing - environmental work can be done locally by local professionals and we can manage them and not have to worry about ODOT and again the over abundance of projects that they're working on on a regular basis. In 1996 we talked about a number of projects that would be a model that we could look to for the Transportation Improvement District so that we could show the rest of the community how you can work through this partnership to get things done. Shuffel Road frankly was one of the first ones that we showcased when we talked about the Transportation Improvement District. The Shuffel Road Interchange benefits a lot of people in Stark County. I would submit to you it benefits a lot of residents in the northern part of our county because right now they lack the ingress and egress to I-77. For whatever reason we have not had a good system of ingress and egress to I-77 and we don't have good corridors moving from and easterly to westerly direction and back and forth. And I don't know why that happened way back when but that just seems to be the way our county was designed when they did the highways. This will provide an opportunity for us as a county, all the residents in the northern half of that county to have better access to the interstate. And that's what this is all about. And it performs a partnership between the other political subdivisions. And why would North Canton or Plain Township want to get involved with an interstate that is situated in Jackson Township? Well I would submit to you that that interstate highway is a public highway that we all use. Not just the people in Stark County, but people throughout the State of Ohio indeed other people from across the United States. But if you look at just like if you were looking at a commuter rail system, I don't think if I was here before you tonight talking about a commuter rail system that was going to go through the Stark County area, cut it right in half and go up to Cleveland, I don't think anyone would question whether or not North Canton or any of the other political subdivisions in close proximity to that commuter rail system should donate to it. And that's what I'm asking you to consider here this evening. It's something that will benefit our entire community. I think we all have a stake in having better access to the interstate and this will provide the mechanism to do so. The beauty of this and again one of the reasons we have a Transportation Improvement District, is the TID will be the one who will sign off on the note. Now we also as a TID, being a quasi public political subdivision, we also have the ability to enter in to bonding agreements with bonding companies. So we can be the entity that secures the financing and that's what we're talking about. We're not - all we're asking for is North Canton, Plain Township and Jackson to be cosigners on this particular loan. And incrementally over time you can pay for this without having a burden where you're plopping down "x"

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amount of dollars of your highway funds and actually then depriving other worthwhile highway projects here in North Canton. I also would submit in Jackson Township Mr. Daniluk, that I am very sensitive to residential transportation. In fact one of the Transportation Improvement District projects is the widening of Fulton Road - extending the widening from the part where it now is widened over to Everhard Road all the way through over to Plain Township where Hills and Dales intersects with - or excuse me, Fulton intersects with Hills and Dales. These are the kind of things that you can be doing in North Canton too. You can partner with Plain Township, the TID and widen Market and Easton - the Market and Easton interchange. You can use this creative financing so that you won't have to overly burden your transportation budget. And you can pay for it incrementally through tax increment financing, cooperative economic development agreements, joint economic development districts. These are new paradigms in way we build highways and the way that we've put forth cooperation between our political subdivision. I for one as a live long Stark County resident think it's time that we all start trying to look to ways to cooperate as a community and look at the big picture as a whole, how we all can benefit as a county. Fred Krum has done an excellent job as the director of the airport. We have to tip our hat to him because he has grown that airport at a time when he's had to compete with the likes of Cleveland Hopkins Airport and other metropolitan airports - Pittsburgh Airport and so on and so forth. And he has created his niche here. The quality of life of this community will be dependent upon us having a viable transportation system. Not only ground transportation, but air transportation. And thank you Fred for what you've done in your leadership at the airport. But without this project, without this Shuffel Road interchange, we won't have another opportunity like this again in our lifetime. And I hate to think how the people of Stark County will suffer when we find out we can't get in and out of the airport and all of a sudden now the usage drops. There are great things out on the horizon for this airport. We need to support what Fred is doing. We need to support what our residents, in my opinion, need as well. Now, what we're asking for you today, cause we're giving you a lot to digest, but what we're asking for is a letter of intent showing your willingness to move forward on this and to give us your support on this. Because I would submit to you there's a lot of things that I would want to work with you on to work out. Number one - I think that you should be entering into negotiations with Jackson Township and Plain Township to either do a JEDD or a CEDA. This is a way again you can work cooperatively with the other political subdivisions to make sure and by the way make sure it's zoned properly, make sure there's controlled growth there. I would submit to you there's going to be growth there no matter because that's what that area is just going to be because of the way things have moved. It's not going to be a place where they're going to build homes. But we need to make sure we protect those residents who are close in proximity to that. And one of the ways we can do that is to make sure that there's controlled growth. And the way you do that is through a cooperative economic development agreement or a JEDD. So your letter of intent if you would deem it appropriate this evening would be one that could be issued with a lot of provisos in there saying that providing Jackson Township is a participant in the plan. Providing that we can enter into negotiations with Jackson Township and Plain Township on cooperative economic development agreements. I don't mind you putting those provisions in there in fact I would submit to you that would help us as we try to really make sure that this is done correctly. Our window however is shutting and it's going to be shutting quickly. The funds that ODOT has committed to the project, the 3.7 million dollars has been appropriated, it's been set aside, but come July 1 of 2002, this year, the beginning of the new fiscal years - year those funds are gone and we need to start right now purchasing right-of-way. We need to - well when I say purchasing right-of-way the first thing we need to do is do the design work to know where we're going to be purchasing that right-of-way. And we only have a small window for that. So if we can at least get some letter of intent, some positive signal that you all are wanting to do this in cooperation with Plain and Jackson and doing other things that will help you down the road generate the money for the debt service, which by the way can be done through tax increment financing and you've got until 2006 to get that done. So there's a lot of things that can be done. But we need that letter of intent so we can start to earnestly work on the finance plan. And as you know, I guess I would just relate it to you, it would be similar to what you do in the private sector, you can enter into a letter of intent. It's - it's not - it's a good faith negotiation. It's something where you are showing that you're willing to earnestly in good faith negotiate, but you put in there provisos then that say that this is the kind of standards that we want to see met before we sign on the dotted line for any kind of finance plan. That's what we need tonight. And I would ask you to please take that under your consideration. It would be greatly appreciated.

Mr. Snyder: Representative Schuring, I appreciate your time constraints. However, the rules of council, as well as the charter would require that either a request would come from the administration to appropriate committee or the appropriate committee of council would initiate that legislation. And unfortunately we couldn't do it tonight anyway it's not a working meeting. So if it does come over or it is considered, the earliest it could be considered for committee would be next Monday evening.

Representative Schuring: That will be fine and I appreciate that. I knew there was some rules and procedures you had to abide by. But I guess I'm getting it out on the table so you know exactly what we want and I will be more than willing to work with any of the council as a whole or individually towards any of those provisions that you think would be important to the City of North Canton as you move forward on this particular request.

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Mrs. Kiesling: Jon, are we going to have a meeting next Monday night?

Mr. Snyder: Oh excuse me. I apologize. That's right...

Mrs. Kiesling: That's the other thing.

Mr. Snyder: We have so many Mondays in this - the first one would be the first May something. May?

Mr. McLaughlin: May 6th.

Mrs. Kiesling: 6th.

Representative Schuring: Our deadline - what we're trying to do and you know deadlines you put them out there and sometimes things don't always go according to plan, but we would like to show the Ohio Department of Transportation that we have the support of the political subdivisions by May 15th.

Unidentified: Thank you Fred.

Representative Schuring: Will that happen? I don't know. We would hope it would because we're up against a real tight die line - deadline and time line as it relates to the design work on the - on the property that needs to be acquired and then actually going through the process of eminent domain to acquire the property. And as you know, you I'm sure have had experience doing that, it's not a very simple task and it can take as long as a year if not longer. And funding highways, they go through cycles and if you miss your - if you miss your window you're out. And so there's a number of deadlines and time lines that we're going to have to meet on this and the first one is the design work of the right-of-way and the purchasing of the right-of-way.

Mrs. Magel: Mr. President.

Representative Schuring: Thank you.

Mr. Snyder: Mam.

Mrs. Magel: Which committee would this be under?

Mr. Snyder: I would believe it would probably come under community and economic development or possibly the street. I'm not...

Mrs. Magel: That's why I'm asking.

Mr. Snyder: We'd consider parking it over there with you - you might have it, but we'll determine that. Mr. Foltz.

Mr. Foltz: Yea. Representative Schuring, has Jackson and Plain Township been approached already at this point?

Representative Schuring: You - here's our schedule. We are meeting with you this evening, this is our first presentation. We go to Plain Township tomorrow. And Fred will be calling Jackson Township, I believe tomorrow, to see if we can get on at their very next regularly scheduled meeting.

Mr. Lindower: Can I ask a question?

Mr. Snyder: Please.

Mr. Lindower: Mr. Schuring in regards to the Shuffel Road Interchange, is there any reason why, due to the beneficial - the benefits of placing that interchange there, the City of Green has not been contacted on this?

Representative Schuring: I will have to defer to Fred because I know he's had conversations with them. And I will just tell you from my own personal standpoint, again being from Stark County, I would want Stark County to be the coordinator and the leader in this. Because I think there are opportunities that go with the interchange and political subdivisions and partnership can, you know, be the recipients of some of those - those opportunities. And I'm not sure I would want to...

Mr. Lindower: I just feel that that would be of great financial benefit to the City of Green also as well as the Stark County area.

Mr. Krum: They'd like to see it fail. And they would like to see it moved up into the City of Green...

Mr. Lindower: Well that figures.

Mr. Krum: just north of the airport.

Mr. Lindower: Okay, enough said.

Mr. Krum: That's it.

Mr. Snyder: A turf war.

Mr. Krum: They're just waiting in the wings.

Mrs. Kiesling: I have a question. How did you come to the basis of Plain Township is only...

Mrs. Magel: 20.

Mrs. Kiesling: Yea, 20 percent and we're at 30 percent? And did you do per household ratio?

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Representative Schuring: We knew we were going to be asked that question. I wish I could tell you that we sat down hours on end and worked out a formula. But I think - Gary could I call you the author of that? I think maybe Mr. Connor was the one we - you know, it was arbitrary with a little bit of logic behind it. It's - it's the interchange will be in Jackson Township and you're the closest political subdivision to the east and Plain's the next closest to the east, so that's where we're coming from there. I wish I could give you a better - if you've got a better formula let me - let us know.

Mr. Krum: Inaudible... In addition, after they proposed the numbers, I sort of did a land mass thing and roughly it sort of approximated that. Those kind of numbers as affected land mass we saw as natural - that would naturally gravitate towards using that. But it's unscientific.

Mrs. Kiesling: Well my thought is you know, Plain Township residents are using our roads to go to Plain Township. Why shouldn't we be semi equal?

Representative Schuring: Well what I would say is and this is that new paradigm I'm talking about. If we enter into partnership and believe the tools are out there now for these partnerships. We're seeing these cooperative economic development agreements being entered into with other political subdivisions - Alliance and Washington Township have done it, Canton now has done two of them, Hartville has done one with Lake. And I'm very you know, honored, that was a bill that I sponsored into law. And actually ladies and gentlemen the reason I did that and joint economic development districts is because I've sat back and watched for too long the acrimony between municipalities and townships and the us and them kind of thing and the turf war. These are tools that can be used to bring people together so that we can benefit the community as a whole. And that's why I think this project is so critically important. Because it's a model that can be used. It can show other parts of Stark County how we can use the creative financing of the TID, the cooperative economic development agreements, the tax increment financing, to do things we never thought of before. If this was a project that we were presenting to you 15 years ago, I think it would of been difficult for us to assemble the capital. Now we have the tools to get it done and I think we should seize the moment.

Mrs. Magel: Mr. Mayor, have you had any initial conversations with Jackson with the CEDA or JEDD or... inaudible...

Mayor Rice: No. The furthest its - ran into Trustee Meeks on Friday and just in passing asked him what he thought of the Shuffel Road interchange. And it was just a casual walk by. We didn't get any - into any detail. He said they're going to be meeting with Kirk and Fred and discussing it. So...

Representative Schuring: Council Member Magel, I would tell you that that's the reason I would suggest in your letter of intent that you put in there those provisos.

Mrs. Magel: I understand.

Representative Schuring: Because to do a CEDA, to do a JEDD, to do tax increment financing, will take literally months to put together. But it's happening. It's not something we're talking about hypothetically. These things are happening. And I've had some cursory conversations with the Jackson Township Trustees, they're interested in these things. Does that mean - you know I don't want to be presumptions and speak on their behalf and say that you know it's going to - that the CEDA will necessarily happen. But again it's happened in other communities. And I think this is perfectly suited for it. And I would think its chances would be very great.

Mrs. Magel: I'm looking ahead. I may be the one as Mr. Snyder had discussed - and - in charge of the committee and so I'm just... And you're giving a date of May 18th?

Representative Schuring: May 15th.

Mrs. Kiesling: 15th.

Mrs. Magel: 15th.

Representative Schuring: Yea.

Mrs. Magel: That's even better. I'm just going through the checklist of...

Representative Schuring: I understand. And I would be available to you personally too as you try to sort these things out and understand them a little bit better.

Mrs. Magel: Thank you.

Mr. Osborne: I'd like to say - make a couple comments. I had the opportunity to meet with Fred Krum earlier this week along with Mr. Snyder. And it's obvious that Fred has worked on this long and hard. He's looked under every rock for funding. He's got this down to two million as he represented. And I think if anybody in here who flies out of the airport or has family that flies out of the airport or conducts business with anybody who flies out of the airport, this is a regional endeavor. And I think it's a must that we all support it. I'm very much behind it.

Representative Schuring: Thank you.

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Mr. Snyder: Okay, that's it. Thank you Representative Schuring.

Representative Schuring: Thank you.

Mr. Snyder: Appreciate it very much. Is there anyone else in the audience wishing to speak to the council this evening? Mam, would step forward please, state your name and address for the record.

Pam Feagler: Good evening. My name is Pam Feagler. And my address is 4904 Ridge Avenue SE, Canton 44711. I am the executive director of the American Free Tree Program in Canton. We are an environmental nonprofit, working to promote urban forestry and green space preservation in every community. And I have a urban forestry initiative project I'd like to present to the council and explain some of the reasoning for that. There's a lot of talk here tonight about infrastructure and building and the economic development of the county. There's one portion of the infrastructure that we need to really consider as well as the building part and that's the green part - the green space. I believe the push for development is wonderful; it means jobs and economic success. But to live in a county with the infrastructure being built we have to be sure that we have the green space and the forestry initiatives so that our county stays beautiful. Recently we've been involved in a couple of urban forestry projects right here in North Canton. One of those was a grant we received to plant street yard trees on Bonnett Avenue here in North Canton. And that planting took place at the end of January. We went to the residents door to door; they agreed to accept a free tree. These are large ball and burlap sized trees. And then they agreed to take care of the trees for the long term. And that was a project funded by an individual. Another we were invited to join in was the Great Trail Girl Scout Council the new service center that was built on Applegrove. And I worked with Theresa Byrne of the Service Center to come with a plan to put the habitat back onto the site that had been destroyed during the construction process. There was a lot of concern for the beauty of the area, the wildlife habitat that had been destroyed to be put back, aesthetics for the neighborhood and a goodwill gesture to the neighbors to say you know, we did this big construction and it was a mess for awhile, but now we're going to add something back to it. And so I worked her to come up with a plan and we are waiting funding approval to proceed with that plan. We're going to be planting a lot of trees around the area. These are large trees and Davey Tree Expert Company has agreed to be a partner in that and help with that process. So we're - we're hoping that that comes through. Now the other green - urban forestry project that happened in North Canton was the Ohio Bicentennial Legacy Tree Planting Project. And this is where the trees were planted at the ball fields on Easton. And the City of North Canton was awarded that grant as part of the DOT (Department of Transportation) initiative to plant one tree for every school child in Ohio by the year 2003 for the bicentennial; this came from Governor Taft. And you were able to receive that tree grant. Now all of these projects have a theme and that is we're taking an area of the community that needed to be enhanced and we've planted trees in it to make - to add to the green space. And so we have come up with a project - I've been invited to be a partner in a project with several other agencies to do a urban forestry initiative project here in North Canton specifically related to the Ohio bicentennial project. Because you received that grant we want to enhance what was done and add another aspect to this urban forestry initiative. The partners that I'm working with are Kim Cooksey of the superintendent of recreation and grounds for North Canton, Drew Todd who is the urban forestry coordinator with the Ohio Division of Forestry in Columbus; Lola Lewis who is the urban forester with the Ohio Division of Forestry in New Philadelphia and Cindy Byington who is with advertising and public relations with Murphy Epton in Columbus. I was invited to join this group and discuss an idea for an urban forestry project for North Canton and we did this several weeks ago. We decided to come up with a project in North Canton at the Dogwood Park location on 7th Street. And that park is a - it's a small well maintained park in the middle of a nice housing community, it's next to the Hoover High School, it's a - it's a small wooded area that has some great oak and beech trees, but the forest needs some revitalization. And so we're - our idea is to have a urban forestry initiative kickoff project where we invite students from the North Canton middle school to walk to Dogwood Park and have a presentation where we have speakers address the community. Mayor Rice, members of council and many members of the community will be invited to this event. It's going to be held on Friday, May 3rd, approximately 9:00 a.m. to 12:00 noon. And we're going to have several people there speaking to the event to the urban forestry initiative projects that we'd like to see happen in North Canton. Our goal with this is to show the community and the city how a group of people can come together, collaborate, work together, have material, donated services all happen together to create a project that will enhance the community. So some of the students when they come to the park will be on litter patrol, clearing out the wood out of the - like limbs out of the woods, some of the students will be planting trees, some of the students will be on water patrol and mulch patrol. American Free Tree Program is donating the trees for the project with the assistance of the National Tree Trust, who we received the trees from as a grant ourselves. So what we're hoping is that this project will blossom and not end there. We're asking that the City of North Canton consider creating an additional aspect to this project where they have what's called a urban forestry stewardship workshop for the community. The Division of Forestry would be willing to come up with speakers for public forums. We could have a site in the city that we could invite the public to come to for regular meetings. And this - these meetings would be for to teach people how to properly plant and care for trees. There seems to be a need out there. There seems to be a lot of people constantly contacting us saying you know, gosh we need some help. We don't know what to do. Do you have anybody that can help us plant trees, how do you trim them; what's the right way, what's the wrong way? So there's a need out there that we'd like for the City of North Canton to consider adding to this project after the event. Now all this works up to your Tree City USA designation. Which is a designation sponsored by the Arbor Day Foundation. And

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the a - the - the city has four qualifications it should meet to be - have a Tree City USA designation. That also - it facilitates a city getting grants - additional grants for green space and urban forestry initiatives. And these are four simple on the surface initiatives here. First of all you have to establish a tree board. It's a voluntary board made up of either members of council, forestry professionals, citizens in the community, anybody who has an interest in promoting urban forestry in a community. The second, you need to create or revise a tree city ordinance. Some cities have very lengthy, involved ordinances dealing with every aspect of trees in their community. Others have very short, brief, concise ordinances. It runs the gamut. It's all depending on the needs of the city and the needs - the want of the community. The third thing is the city would have to create a budget of at least two dollars per capita towards the implementation of any tree city care program. Now that budget can either consist of actual dollars that are designated to the program and this would pay salaries of say a certified arborist, a forestry professional to inventory the trees in the city, have a crew of people who actually - that would work with the parks and recreation department that would help just take care of just the trees and the green space like that. Or that two dollars could also be in kind donations or services - material, volunteer labor. It doesn't have to actually be dollars that are designated towards that. In any community beautification project that happens in your city, even if it's through a neighborhood improvement group, a nonprofit - the local Girl Scouts, that counts towards the budget for your Tree City USA designation. The fourth thing is to organize an annual Arbor Day event and a proclamation that the city is promoting Earth Day once a year. So all these aspects of this - what we're doing with this Dogwood Park, we've tried to take these four aspects and incorporate them into what we've done. As far as the establishing the tree board, myself and the people I'm working with would considered the tree board for this particular project. Revise - create a tree city ordinance. Well we've created the project and we're deciding the trees to plant and where to plant them and who's going to be the volunteer labor to do it. The budget that we've created is basically donated material and service. That's how we're arranging this. And then organizing an annual Arbor Day event, this is the event that we've organized. So these four aspects that we have - I've just covered is everything we're doing with this project. And this is to show the community how actually maybe not easy, but how doable a project like this can be for an entire city. Anytime you have building construction and the trees are and vegetation and habitat are eliminated, the next step should be to put it back in some form. There's opportunities all over the city whether it's private residential areas, business areas, the highway corridors - there's always areas that can be improved with green space, planting trees, bringing back the environmental aspect. And so I'm hoping that council would approve this project. Come out and enjoy the day. We'll send out invitations. And thank you for - thank you for considering this. Right now Ohio - just a footnote, leads the nation in Tree City USA designations. There's 222 cities in the state that maintain that designation and become recertified every year. And so we would like that every city in Stark County actually join into that number. So thank you.

Mrs. Kiesling: I want to say a special thank you, Pam. I live on Bonnet Street so it was my street that received the free trees this year. And the letter that we all signed earlier helping the Girl Scouts get the grant hopefully from the Hoover Foundation is what she was talking about getting free trees for them. And I've been working with the Administration and our Superintendent of Permits and Inspection, who is not here tonight, who is in trouble, trying to look at a new ordinance for the city and get going on this. And we appreciate all of the help. I've met with Lola Lewis and Pam here many times and David Kidd. And Kim hopefully we'll get you involved in all of this and we can at least start moving on a board and go for a tree city some - somehow. Thank you for your time.

Mr. Snyder: Thank you.

Mr. Foltz: Thank you.

Ms. Feagler: Thank you.

Mr. Snyder: Is there anyone else wishing to speak?

Greg Mencer: I actually live 1471 Ellsmere NW, North Canton. I am a resident of the city. But I'm actually here on my capacity as the Chairman of the Board of the North Canton Chamber of Commerce. I just want to add our 425 member support of the Shuffel Drive interchange. We have supported this by resolution more than six months ago. And many of us have worked actively behind the scenes to promote and support the gentlemen that have come here today. And I can reassure you from my professional work, working with Hammond Tree & Associates in the civil engineering field, this is an opportunity that once lost none of us will see the opportunity re - re - come again. And if you've been in Columbus you can see it takes people Lex Wexner and that to put in a Polaris Interchange and things like this. This is truly an opportunity that we should not miss. And I think it would also be truly a tremendous opportunity as Representative Schuring has said to show some regionalism and some community area with

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our neighbors instead of fighting that goes on many times that I don't think too many of our citizens appreciate when we get territorial over small areas. And I can tell you in economic development people look at states they don't look at cities. And Alabama you read in the paper is taking everybody because of what they're offering. We can't do anything about that that has to go to the state level. But we have an opportunity here to help northeastern Ohio. I think it's very important and I wanted everyone to know that the North Canton Chamber of Commerce supports this wholeheartedly. Thank you.

Mr. Snyder: Thank you. Anyone else? Okay, thank you. If not...

OLD BUSINESS:

- 9. Mr. McLaughlin moved and Mrs. Kiesling seconded to read by title only, second reading of Ordinance No. 46-02. All members present voting: Yes: Magel, McLaughlin, Osborne, Snyder, Foltz, Kiesling and Lindower. No: 0

Ordinance No. 46-02 - Second Reading

An ordinance accepting the application for the annexation of certain territory, known as Oakshire Place No. 4 Annexation, containing 46.822 acres of land, more or less, in Plain Township to the City of North Canton.

Mr. Snyder: Chairman Kiesling.

Mrs. Kiesling: Yes this is the area up off of Orion north in Canton or North Canton that we're going to annex in and have been trying to do this since March of '99. The public hearing for the zoning is going to be this - next Wednesday, May 1st; it's a Planning Commission meeting.

Mr. Snyder: Okay. Alright...

- Mr. Foltz moved and Mr. Osborne seconded to adopt the second reading of Ordinance No. 46-02. All members present voting: Yes: McLaughlin, Osborne, Snyder, Foltz, Kiesling, Lindower and Magel. No: 0

- 10. Mr. McLaughlin moved and Mrs. Kiesling seconded to read by title only, second reading of Ordinance No. 47-02. All members present voting: Yes: Osborne, Snyder, Foltz, Kiesling, Lindower, Magel and McLaughlin. No: 0

Ordinance No. 47-02 - Second Reading

An ordinance amending Ordinance No. 2940, Zoning Ordinance of the City of North Canton, to change the zoning district of all the premises situated on the east side of North Main Street between Applegrove Street and Wilbur Drive in the City of North Canton and being part of Out Lot 198 and part of Out Lot 260 and approximately 654 feet deep and currently zoned General Business A from GB-A, General Business-A district to GB-B, General Business-B district.

Mr. Snyder: Chairman Kiesling.

Mrs. Kiesling: This is the area...inaudible...it's like it's self-explanatory between Applegrove and Wilbur we're rezoning and Albrecht, Inc. is going to put a gas station in their parking lot at Acme. And then we have decided to rezone the whole parcel. Anybody?

Mr. Snyder: Alright...

Mr. Osborne: If I might add that will bring it in compliance with the property that's across the street which is also GB-B. Mrs. Kiesling: right.

Mr. Snyder: Okay...

- Mr. McLaughlin moved and Mrs. Kiesling seconded to adopt the second reading of Ordinance No. 47-02. All members present voting: Yes: Snyder, Foltz, Kiesling, Lindower, Magel, McLaughlin and Osborne. No: 0

NEW BUSINESS: None

Mr. Snyder: Okay and there's no new business.

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REPORTS:

Mr. Snyder: Director of Law any report.

Mr. Batista: No report.

Mr. Snyder: Director of Finance.

Mrs. Herr: No report.

Mr. Snyder: Director of Administration.

Mr. Held: No report.

Mr. Snyder: Mr. Mayor.

Mayor Rice: No report.

Mr. Snyder: Mr. Engineer.

Mr. Benekos: No report.

Mr. Snyder: Madam Clerk.

Mrs. Bittle: No report.

REPORTS - COUNCIL:

Mr. Snyder: Member Foltz:

Mr. Foltz: I've got no report for now. Just keep streak going, but I might chime in later you never know. You know how I can be Jon.

Mr. Snyder: Alright. Member Lindower.

Mr. Lindower: None.

Mr. Snyder: Member McLaughlin.

Mr. McLaughlin: Yea, I have a couple things.

Mayor Rice: He broke your streak.

Mr. McLaughlin: Doug knew it.

Mr. Osborne: Just like the Indians.

Mr. McLaughlin: I guess I was on vacation last week - I wasn't on vacation, I was out of town for business and I come back. I got a few phone calls from this letter to residents from Chuck Osborne. First of all I'd like to say a few words on this thing. And I'm sorry Kelly I didn't get back to you, I didn't get back in time. But I don't like the implications that some of this letter has in there saying that the Mayor and the Administration doesn't work with Council or doesn't do things or doesn't inform us. First of all I want to say Tom Rice is probably been the most easiest mayors I've worked with in the three I've had as for information, as for his willingness to meet and his willingness to solve problems. David has been the same way. Giving David a memo on what needs to be done, David will do it. Tom also in his recognition set down with us and helped us solve the water problem. And I have to give Tom a big kudos for that because Tom did sit down and spend part of the time with us and I have to say thank you. After reading this letter I got some phone calls too just shaking their heads on this thing and saying you know, they can't believe it. First of all and also referring to you know, that council - I prefer if you put out a letter from now on that you put that Chuck Osborne, I, rather than referring to council. First of all I was never consulted on this letter on what my thoughts were whatever. When you speak of council you speak of yourself. There's six - there's seven members of council on here. As I referred to council I remember council 6-1 voting for Dave Johnson, 6-1 for the waterline and 6-1 for the skate park. Also, second of all, is the figures he has on the connection to the waterline. Where does it say in the contract that it's compounded? It never did say that it was compounded. You take 1500 times a 100 years is a \$150,000 plus the CPI. That's far from 100,000 - \$1,000,000 that he's saying. And what about the benefits it's going to have? The 100 years of profits we've

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had compared to \$1,000,000 of so called his figures. I think that something has to be said on this thing. I think that council has to - if I'm wrong Council please let me know. But I think that you know, when you speak you speak of yourself and I don't want to be spoke of as council, as Chuck Osborne. And I think there out to be a disclaimer on this thing saying I you know, I put this out, I paid for it and it's my and you did put your thoughts on there, which I appreciate. But as for the last page being a self ratification page you know, I've got no comment on that. But I just - I just want to open it up to my peers and saying you know, does everybody feel the same way or am I out of order or... I mean I just...

Mr. Foltz: No. No, no Rick, I totally agree with you. I'm glad you showed some leadership here to address this on council floor. To echo what you said earlier, Mayor Rice has been very proactive as far as any of the issues that have been presented to us. And I think being a former council member here, twice I might add, you totally and fully understand how the information process is a great thing for everybody involved. But it has to be regulated in a way that's fair to everybody on council. And I think what we see here is a danger of people wanting to not only be council members, but be administrators and everything else that goes along with that. I totally respect and well think it's a very positive thing in their r nature as far as our city engineer, our mayor, our administrator, our director of finance and all our department heads - I think they do a wonder job. I'm involved with that in my daily work efforts in Canton. And I don't think we need to micro manage what happens with the management as far as some of their meetings or issues. Obviously getting back to the first - first point that Mr. Osborne raises here. Mention of this meeting was I believe at our last regular council meeting if we look at the minutes - I think they're in this packet and it was directly spelled out that Gene Hemminger and Jim Benekos were going to meet with Hartt and discuss their zoning update. No - nobody had a problem with that at that time. And then all of a sudden there's a meeting that takes place and now council members are upset because they weren't invited to it or weren't allowed to attend it. If anybody has a beef on council here, if anyone would have any issues concerning this meeting, I feel it would be Council Member Magel who authored a lot of the legislative work in this draft. She spent countless hours on this and she's no longer the chair of that committee. But Council... Magel unless I'm misreading something here were you upset that you did not attend that meeting?

Mrs. Magel: Actually Doug for a minute there you had me worried. You said council members were upset when there was a meeting and I was wondering who the plural was. I was praying to God you didn't mean me.

Mr. Foltz: Very good.

Mrs. Magel: I had no problems being called off of that meeting. I understood what happened. I actually after giving this some thought I really respect what happened. Two members were inadvertently asked to the same meeting. That's against the Sunshine Laws.

Mr. Osborne: That is not correct.

Mr. Snyder: Excuse me. Wait now - wait. We can't allow interaction.

Mrs. Magel: As per I take it and I was told when I was on council.

Mr. Snyder: Yea, just go ahead.

Mrs. Magel: At least that used to be the way before you became mayor. And I'll tell you this has nothing to do personally with you, because this happened before in this chamber. This is one thing don't ever and everybody knows this about me, don't you ever speak on my behalf. It would be a tremendous help to all members of City Council - is that me? If North Canton residents would communicate their concern about the conduct that the City Administration has demonstrated regarding a council member's right to unobstructed access to information. I never gave anybody and I'll tell you and I never will give anybody permission to speak for me on this council. I worked too hard to get on this council. If I have something to say I have a voice - you can hear me right now. I don't need you to speak for me and don't anybody ever speak for me. If you don't - I do not feel all members of City Council it would be a tremendous help - it won't be a tremendous help to me. There's no way I feel that the City Administration has demonstrated some conduct about unobstructure to access to information. Those are not my words. Take them out of this before you distribute again. Take that - take that paragraph off. No, I do not - I understood what happened. I'm a grownup. I did not even try to attempt that meeting. I hope we go forward on this. It's a good - we worked on this for how long? It's going to be a very very good zoning book. It's going to be North Canton. It's going to be the three of us what we put into it. Gene had worked very hard. Now he's been - I don't know how many years he's been working here, but he knows the zoning and he knew how to incorporate the needs of North Canton and change this. And Jim was new here, he went through the entire thing so now he's up to complete speed on the zoning. And that's why we did this. That's why we had to stop and take a look at the whole thing. And no, I have no problem not being at that meeting. I have no problem with the administration - been forward and honest with me. There's two speakers here tonight, Kirk Schuring and Fred Krum. I was amazed at their honesty and openness, especially with Marcia's question. I mean they were right up front and said well it was arbitrary. And that's how I feel if I could speak to you two, I get an honest answer. It may not be the answer I wanted, but I got a - I get a fair shake. So I'm glad to clear that up.

Mr. Foltz: Okay.

Mrs. Magel: Member Foltz, no, I was not one of the ones upset about that meeting.

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Mr. Foltz: And Jon just to follow my with train of thought here. This still comes through committee. There's still going to be public hearings on this. There's going to be plenty of opportunity for public input, our input on what we'd like or dislike about it. We were involved in previous meetings with the Planning Commission on this throughout the years. I don't see this in anyway shape or form that a council member wasn't - that didn't attend this administrative meeting that subjects this to no voice in this process at all. I just don't see that. Secondly Rick, I'm glad you brought up about the pipeline. I don't understand it either. I mean I think it's a great thing that we have something hopefully that's going to be in place in case we have a drought situation. Six of us were in agreement of that. And for us to worry about a 150 - well \$1,500 in payments for an easement, that even if I'm using an amortized annual fee structure as Member Osborne drew up here or typed here, you know, that's going to be 40 years before we you know, we even to close to what Canton's paid for the last couple years - they're 95,000. It's going to take us 35 years to reach that - their 95,000. I'm not worried about that 35 years from now; let's get the pipe in the ground. The last thing is on the back page, there is a public speaks from a text from Glenn Saylor about the vote for the J Group. Once again the full story has not come out on this. If you look at the minutes of our January 14th meeting basically - Marcia, I believe you had a - you had an emergency situation in your family - I think everyone voiced their opinions on it and Jon I think you discussed it that you need to call the question of the matter at hand because of Member Kiesling's immediate departure from the council obviously. And that was well understood by the rest of the council with her family member at Stat Care. And I made the motion point of order after there was some other discussions made. That was the main reason that Mr. Osborne did not have a second or third rebuttal towards why he was voting the way he did. In no way shape or form was that a censure or we were trying to jam something down quickly or pass something quickly without everyone's opinion. I think everyone knew where they stood on this - at that matter anyway. We had committee meetings on this. Most of council that was here previous year supported the J Group at that time. I think that wasn't an issue. So we were all very well informed as far as how each other were going to vote at that point. So I just want to clear that up. If you read what - Mr. Saylor's text, it doesn't address that. It makes it seem like we just rushed through this and that wasn't the case at all. I think all the information wasn't out about how we got to the point of order. And I don't have anything else to add at this point. Maybe some other council members do.

Mr. Snyder: Inaudible...Councilman Kiesling is any...

Mrs. Kiesling: Nothing right at the moment.

Mr. Snyder: Councilman Osborne now you may speak if you have something to say.

Mr. Osborne: Thank you sir.

Mrs. Magel: May I say something?

Mr. Snyder: Can I come right back to you...inaudible...

Mrs. Magel: Yea, it has nothing to do with him.

Mr. Snyder: Oh, well go ahead. Can I...

Mrs. Magel: It has to do with council stuff you know...

Mr. Snyder: Yea I'll get - let him. Yea, I'll get right back to you as soon as he's finished we'll come back to you. You can speak and rebuttal...

Mr. Osborne: Okay, a lot of rebuttals here. Number one, Mr. McLaughlin, it says right there on the very front, legal disclaimer, "the thoughts and ideas expressed in this publication do not represent the opinions of anyone other than those of this writer." It's right on the front page.

Mr. McLaughlin: I know. Well why did you say - why do you keep referring to council? Council this, council that.

Mr. Osborne: I'm not speaking for council. Now to address what Mrs. Magel said, the last paragraph on page 2, I'm not speaking for council. I just say it would be a tremendous help to the members of council. I'm not speak on behalf of...

Mrs. Magel: Inaudible...council...inaudible...

Mr. Osborne: How do you - how do you - how do you get out of that that I'm speaking for Council? Now the meeting, I am chairman of the ordinance and rules and moral claims. I had reported on the progress of the draft of the new ordinance back in - earlier this year in January. In fact I made a couple reports. Now when Mr. Benekos made his report the other night it was a total surprise to me. Cause this meeting we had been attempting to schedule it for several months. We were trying to coordinate the schedules

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of D.B. Hartt, of Mr. Hemminger, of some staff, additional staff for Mr. D.B. Hartt and finally were able to schedule a meeting and It had been on the schedule for several weeks. And it was clear to everyone I was attending as chairman of Ordinance and Rules Committee. I get over there that meeting - that morning about 20 minutes before the 10:00 meeting and I'm waiting and chatting with Judy at - at Permits and Inspection and right about 10:00 Mr. Hemminger brings me to a back room and says I'm sorry to have to tell you this Chuck; but the Administration has asked that you not attend this meeting. There was never any comment that there was a concern about the Sunshine Law. As chairman of the committee if Mrs. Magel would of even intimated she would of wanted to attend I would of had to advise her that we cannot violate Sunshine Law.

Mrs. Magel: Advise me.

Mr. Osborne: Now as far as the figures on the pipeline, I have checked those out with a CPA. If you add interest on top of interest year after year that's compound interest. And the figures do indeed come up to over a million dollars. Now if you want I can show you the year by year schedule over the entire 100 years. Now granted we're all going to be gone, but we're saddling the City of North Canton with this debt. And you're just renting this this easement. The minute you quit making those payments we've lost our investment that's in the ground and that money. We're just a renter. So I stand by the figures. And I can show the complete - in fact I believe I put in your box the complete 100 year fee schedule.

Mr. McLaughlin: It doesn't say compound.

Mrs. Kiesling: Is he right Julie?

Mrs. Herr: Well I did not see the actual agreement. But from what they were saying it's - the rate is increased every year for rate of inflation. So when you increase it one year it comes - becomes the rate for that year and then the following year that rate is applied to what the new annual fee is and it keeps compounding.

Mr. Foltz: Inaudible...40 year payback to what Canton paid now, what do we care?

Mr. McLaughlin: But...

Mrs. Herr: because you're adding the inflationary on top of - off the amount that has the inflationary rate already.

Mr. Foltz: I'll be 78 then.

Mr. McLaughlin: But on the basis of 3.2 you cannot take that for 100 years.

Mrs. Herr: Well that's - I've brought that question up myself. I mean that's.

Mr. McLaughlin: You cannot if you look historically - I don't care if he - he...

Mr. Osborne: Historically 3.2 percent is the historical inflation rate.

Mr. McLaughlin: No...

Mr. Foltz: Well, bottom line I'm not going to get hung up on it -

Mr. McLaughlin: Yea, either am I because it's...

Mr. Foltz: on a consumer price index on something we need to do by July. You know that's the bottom line. And the pay back, like I said earlier is 40 years to what Canton paid a couple years ago.

Mr. McLaughlin: And plus the fact that...

Mr. Osborne: Well back in the 80's the inflation rate as you know was probably up around 12 percent. But historically since the 20's historical inflation rate has worked out to be 3.2 percent.

Mr. Foltz: Well if that's the only thing holding the job up...inaudible...that wasn't a consideration for my vote.

Mr. McLaughlin: Neither was mine.

Mr. Foltz: Okay.

Mr. McLaughlin: Inaudible...

Mr. Osborne: So like I said there is a disclaimer on this page 2. I state that I'm paying for the expense. I also had permission from Mr. Saylor, although I don't believe I really had to since they were public comments, they're in the minutes of the meeting and those were his thoughts as to the way the meeting transpired - he analyzed the minutes. So if you're content to come in here and listen to presentation and say ha, I think that's a good idea then obviously you don't have a problem gathering information. I believe in a little research, a little due diligence and I question things. So if you don't question anything obviously you're not going to have any problem gathering information, cause you don't really want any information. You're willing to just shoot from the hip and say well that sounds like a good idea let's go for it. So that's my comments.

Mr. Snyder: Mrs. Magel you had some rebut - you had some....

Mrs. Magel: Well - well yea I spoke. Now I have something else. I'd like to read something on page 2, "the City of North Canton has not incurred any expense with the publication of this newsletter." How does that say paid for by Chuck Osborne - Chuck Osborne, Council at Large, Committee reelection? Those two aren't the same. You stated page 2 said you paid for this. That's not what that says.

Mr. Osborne: I didn't say I paid for it. I says...

Mrs. Magel: Didn't you just - didn't you just say it?

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Mrs. Kiesling: I don't know how he said it.

Mrs. Magel: Well guess what; it's going to be in the minutes.

Mr. Osborne: Well what are you trying to say?

Mrs. Kiesling: It's not paid by his campaign - his committee though.

Mr. Osborne: The City did not incur...

Mrs. Magel: Well I'm just saying he just said on page 2 it states I paid for this. That's not what that says. It says North Canton did not pay for it.

Mr. Osborne: It does not say that. Well it says the City of North Canton did not incur any expenses with writing.

Mrs. Magel: Publication of this newsletter. I can read. That does not say you paid for it. And by the way there is what a disclaimer is supposed to say, paid for by - at least that's what I was told.

Mr. Osborne: Well the front page says personal message to North Canton residents.

Mrs. Magel: I understand that.

Mr. Osborne: Who's paying for you web site? The one that you say is official.

Mr. Snyder: We can't - we can't all go off and start bantering.

Mrs. Magel: Okay.

Mr. Snyder: Is there anything else that we want...

Mrs. Magel: Mr. - Mr. Benekos - I had called him up if you read in the minutes from two weeks ago. I had asked him for the numbers that - the actual numbers or estimated for the South Main/Everhard project and he said he would get to us next Monday. Of course last Monday was not available. So this - the traffic numbers he passed out to all of you. I'd like you to like - to take a look at that. Cause after all we did...

Mrs. Kiesling: Inaudible...said yes.

Mrs. Magel: vote on that. Alright, second thing is I had asked the President to put on a agenda the renaming of Easton and East Maple and I'd like to update everyone on that. There was a snafu that came available to me last Thursday that I cannot proceed without a petition signed from someone from Easton. And that's being addressed as we speak and I have to wait before I get that petition and when I do then we'll carry on. Third thing, Mr. President, last Monday we was canceled due to lack of agenda, but on the agenda was the mayor's report and the finance report. Is that coming up then next?

Mr. Snyder: Well no, we actually, according to the rules of council and statue we only have to approve it, which we did this evening. You don't have to actually present it, it just has to be approved.

Mrs. Magel: Okay.

Mr. Snyder: My apologizes I did not explain that to you when I asked for approval tonight.

Mrs. Magel: Okay.

Mr. Snyder: But thank you for bringing - but that - as long as it was approved and you had it physically to review. But my apologies I didn't - I should of explained that when I...

Mrs. Magel: Well that's...

Mr. Snyder: cause we asked - thank you for bringing that up.

Mrs. Magel: Right.

Mr. Lindower: Mr. President.

Mr. Snyder: Mr. Lindower.

Mr. Lindower: I would like to make a real quick, short comment here. I don't want to get into nitty gritty and figures and badgering any one council member. I would like to say that I've received total 100 percent cooperation from the Mayor's Office and the City Administration since I've been on Council. I've never once gone to the office and asked for information that I haven't been able to get. Now after being a department head myself for a little over 8 years with the city, I'm aware of the fact that many times people will request information which takes a reasonable length of time to obtain saying only that when somebody comes in demands information many times it's not possible to give it to them immediately. So I would just ask Mr. Osborne if he would try to understand that sometimes when information is requested to give the person a reasonable length of time to obtain it and to be able to assimilate that to him and the other council members. Other than that I have nothing to say.

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Mr. Osborne: I have one other comment then. The reason for the newsletter was in consulting with Roy Batista I was advised that the administration can basically do as they please as far as access to department heads. And I was advised that if you want any information you would have to address letters to the administration anytime you wanted a question answered. And I just don't feel that's very satisfactory - ties up their time, ties up my time. And I don't demand information, you just consult - you just - I have a question, can you answer this question. And...

Mr. Snyder: I...

Mr. Osborne: as a result of being shut out of the meeting and also being advised by a contractor that they were not to talk to me anymore. I didn't have any complaints from the administration back about two months ago when I talked Bernard and Niple (Burgess and Niple). I had a nice half hour conference call with them when we were discussing water rates. Had some questions about restructuring our tier structure. We had like seven rate levels and a - anyway I had nice half hour discussion with them. They gave me some nice information. Gave me a web site, which I passed on to Julie. There was no concern then. I just don't know why now all of a sudden it's a problem. I just think it's a concerted effort on the part of the administration to limit my ability and to shut me down basically.

Mr. Held: Okay, can I...

Mr. Snyder: I'd like to say one thing if I may. Pursuant to Mr. Osborne's complaint being shut from the meeting I received letter which I directed to the Law Department, which Mr. Batista answered. I was requested on - by Director of Administration Held to attend a meeting last Friday at 3:00. Which I spent approximately two and a half to two hours and forty-five minutes with the Mayor, Director of Administration, the Engineer and the Director of Superintendent of Permits and Inspection. At which time we - I feel and I'm sure the Administration concurs with me we had a total understanding of the actual Charter and the Mayor has lessened the actual requirement of the Charter. And he simply states that as the administration - and Mayor I apologize, I'm not speaking for you I'm just - this is a synopsis of the meeting - the Mayor has no problem with Council calling for a question with any department head. However, you should choose to visit a site that is not protected either security or fence because of the situation it has to be protected, you are to call that person and say I'd like - I have a couple questions may you receive some time this week or today or sometime that I could sit down and talk to you about it. Simply for the fact that the departments that are generally - most of the questions are proffered to this time year extremely busy because of the weather and season of construction. However, he did and the Administrator and the Mayor were emphatic that no member of council can direct either a department head or an employee of the administration as to the actual job. And I don't think that's the intent of any council member. However, if you do have a question or you do wish to visit a secured site or you do wish to visit a job site that is under the control of the Administrator, by Charter and by common courtesy please call the Administrator and work it out with him. That he may either escort you or have a department head there escorting. Only for reasons of not trying to hide anything, but it's to facilitate the work. We all have a job. And for a good many years I answered not only to myself, but I answered to the bank. But you know yourself if you're interrupted during your job and you're taking an hour to two a day and all of a sudden it's five days, that's ten hours worth of work we've robbed the city of. That you know and I'm sure all department heads will answer it. So that's really what we worked out. The Mayor was very forthright in it - the Administrator was very forthright in it. I think there's a little misunderstanding on some it but, we've worked that out. So hopefully that will stop a lot of this that we don't - because unfortunately I'd like to spend more time, but it's now exceeded 35 hours a week and I just don't have that kind of time, I do have to make a living. So and I'm not complaining, I'm just saying that we all have to adhere by the rules no matter who we are. But that's basically - Administrator Held am I correct in what I've proffered here?

Mr. Held: Yes, that's really what I wanted to clarify. And you...

Mr. Snyder: Yea they were very forthright in it and we worked it out. We have - and in the department heads that are most affected, the problem is they have a lot of work to do. And we can't just - you wouldn't walk in if you owned stock in the Hoover Company you wouldn't walk in Keith Minten's office, because you wouldn't be there very long, you'd escorted out of the premises. Because you have to have an appointment. As you do anybody that has a responsible position even in the most lowly of positions. So that's that problem.

Mr. Osborne: Do city residents have to call ahead to talk to either Gene or Jim or Kim Cooksey or...

Mr. Held: No, they're welcome to walk into their you know, to their office.

Mr. Osborne: So a resident has more access...

Mayor Rice: I don't think that's what...

Mr. Osborne: to city officials than a councilman?

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Mayor Rice: I think what - I think that's what the Council President just said.

Mr. Snyder: You can call without - there's no problem.

Mayor Rice: I don't think you're repeating what Jon just said.

Mr. Osborne: But a city resident can come in and see any department head?

Mrs. Kiesling: If they have the time I'm sure they will.

Mr. Held: There's no restriction.

Mr. Lindower: No they don't just walk in off the street to department head and talk them.

Mr. Osborne: Pardon.

Mr. Lindower: They don't just walk in off the street.

Mr. Snyder: They'd make arrangements probably. The secretary would stop them.

Mr. Lindower: There's people to go through - there's a procedure you - like the...

Mr. Osborne: But if they ask to see a department head would the department head spend some time with them?

Mr. Lindower: If they were available and could do it at a drop of hat like that they probably would. Many times they're busy doing other functions that they have to go through other individuals or make an appointment to be able to see them. I think Mr. Snyder explained that. That for instance when I was a department head there was no person that I wouldn't talk to, but there many times when I couldn't speak to somebody immediately.

Mr. Osborne: Well I've never asked to see anybody immediately. I've set there for 15, 20 minutes if need be. I'll come back an hour later. I'll come back in the afternoon. If a city resident can come in and coordinate a meeting or a five minute question and answer session with a department head, I don't know why a council member couldn't.

Mr. Snyder: Well as I said - maybe I didn't explain. The administration is completely comfortable with anybody talking to a department head. The only thing we asked is that an appointment be made. Call ahead and say can you spend this time with me? You can't just - what we're - what they're trying to prohibit is just walking right in, past the secretary, right into their office.

Mr. Osborne: Well nobody's ever done that that I know of.

Mr. Snyder: Well...

Mr. McLaughlin: Well I think it has to do with budgeted time. I think everybody budgets their time for so much time for this and that. And I think it's only - it's only, you know, polite that you do call ahead and make an appointment. And I'm sure some of the residents - I walked in when I rented the hall down there and wanted to see Kim and Kim wasn't there and the lady said that I'll set you an appointment up or have Kim call you or whatever and get back to you. But I think you've got to do that. You just can't be walking in off the street. I mean there's - these people have a job to do. And there's - and quite frankly, especially Rich in our water department has a lot of responsibilities. I think you have to schedule time with him and you know because of all the things he's got to do and all the things he's got on his mind right now. And you have to realize too everybody reports back to Tom. Tom is the chairman of the board so to speak and he needs to get these people doing what they're supposed to do. And I think it's only polite that you do call ahead and make an appointment.

Mr. Osborne: Well I've met with every department head here in town practically and they've all been very obliging, no complaints - this is all coming from the city.

Mr. Held: That's exactly - that's exactly our position. I don't believe to my knowledge we've ever restricted any access to any department heads to you at all.

Mr. Osborne: And now you are - and now you are.

Mr. Held: In what circumstance? Name one circumstance where we have denied you information or we have denied you access.

Mr. Osborne: Read my newsletter.

Mr. Held: I've read it. Can you name one time?

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Mr. Osborne: You denied me for a meeting that I was - been scheduled to attend for three weeks and I show up and I wait for 15 or 20 minutes...

Mr. Held: Let me explain my decision making process...

Mr. Osborne: And then you tell me I can't attend.

Mr. Held: Okay.

Mr. Osborne: And you call the contractor at Burgess and Niple and told them not to talk to me. That any information they release must come - have permission from you.

Mr. Held: Okay which issue would you like me to address first?

Mr. Osborne: And I've got the recording right here on my cell phone if you want to hear it.

Mr. Held: Exactly. Would you like me to address Burgess and Niple first?

Mr. Osborne: Take your pick.

Mr. Held: Okay, I'll address that one first. Burgess and Niple came in, they made it very clear to us that Councilman Osborne had been inquiring about some, some engineering as far as it pertains to the city. Which they were very accommodating. However, they wanted to know if it got into expenses who was going to pay for it. Certainly I was in no position to authorize additional work for Burgess and Niple. So at that point I made it very clear to them that if there were any requests for work, that they please direct that to myself or to the Mayor...

Mr. Osborne: Well I would not be requesting any...

Mr. Held: And that's what I instructed the department heads because it's very expensive for consultants...

Mr. Osborne: I have not requested...

Mr. Held: to sit down and take a half hour or an hour's worth of time to answer questions; there's costs associated with that.. So I did make that decision. I made it very clear to Jim Benekos that if there were any questions forwarded to Burgess and Niple that they were to direct them to me. Secondly...

Mr. Osborne: Well I have never generated any work from a contractor and I wouldn't do that. But simply asking a question...

Mr. Held: You mentioned that you took up 30 minutes of your time asking questions.

Mr. Osborne: They were very obliging.

Mr. Held: Okay. Who pays for that?

Mr. Osborne: There was no fee for that.

Mr. Held: Okay. They made it clear to me that when we're trying to ask for more information, because they look at the city as a whole, there is a representative from the city that is requesting information there's costs that are associated with that. It was not approved by City Council.

Mr. McLaughlin: It's like a time clock isn't it? Once you punch that time clock...

Mr. Osborne: So they bill you like an attorney?

Mr. Held: Well that's...

Mayor Rice: They do - exactly. That's exactly the problem.

Mr. Foltz: Well, we're getting off...

Mr. Osborne: Sorry Roy.

Mr. Held: But and then secondly...

Mayor Rice: Now he's got it...

Mr. Held: as far as the meeting it was 100 percent my responsibility for that decision with the zoning ordinance. And let me explain the process by which I made the decision. It was brought to my attention by Gene Hemminger and also by Jim Benekos originally that there was a desire by two council members of the same committee, which was a...

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(YEAR)

Mr. Osborne: Why was that not made available when you asked me to leave?

Mayor Rice: Inaudible...does he have the floor now?

Mr. Held: I'm sorry, wait. What's that?

Mr. Snyder: Go ahead, excuse me.

Mr. Osborne: Why didn't you advise me of that when you asked me to leave - and this meeting had been scheduled for three weeks. Why did you advise me when it was booked?

Mr. Held: Okay, do you want - do you want me to answer the question?

Mr. Snyder: Mr. Held go ahead.

Mr. Held: Okay. Again, it was brought to my attention, I believe it was Friday afternoon, that two council members from the same committee wanted to attend the meeting with D.B. Hartt and Gene Hemminger and Jim Benekos. So at that point I thought we can make it public meeting, but for time considerations that wasn't going to be possible. The second option was to cancel the meeting entirely. The third was to move ahead with it and put the city in a position where sunshine laws would be a - you know we'd be in violation of sunshine laws. So then we had Jim Benekos announce at the Monday night council meeting that we would make it an administrative meeting. Which was my decision, I directed Jim to say that. And I thought if a council member had a concern at that point certainly it would be expressed and discussed at that time. Nothing was said so we moved ahead with that. And then I get a call the next day I believe it was - was it the following day after council - that a member of council wanted admission to the meeting that I had decided was going to be administrative for the sole purpose of not violating any sunshine laws. And so at that point...

Mr. Osborne: Well if you decided on it Friday...

Mr. Snyder: Please let...inaudible...finish...

Mr. Held: Now hold on; it's my turn you can answer after I'm done. Thank you. So at that point I stuck with the original decision of keeping it administrative. And I sat on the phone and I directed Jim Benekos and Gene Hemminger to do that. Because at that point I had two options - well three options - cancel the meeting, which we already paid for. Secondly to let you in or to make it public, but then that's not fair and equitable to all the other council members. Because I would of been hearing from the other side why did you make it an administrative meeting and then come back and want - let one council member in. So I decided to go with the original decision. And again my intention was not to offend anybody and if I did that I apologize for that. Again, Mayor Rice has made it very clear to me that all information is open and available to everybody. And I cannot think - I am not aware of one instance where a council member has requested information and we have not responded. And so I'd like to just you know, remind everybody that if you have questions or concerns please bring them up to me. However, it must be brought to my attention in order for me to address it. And Chuck you have my cell phone number - I've mentioned this to all the council members, you have my personal cell phone number. If you have a question or a concern, you can call me 24 hours a day, 7 days a week and I'm available. That's all.

Mr. Osborne: Okay. This is all rather convenient. Mrs. Magel never advised me that she was interested in attending the meeting.

Mr. Held: Who's responsibility is that? My responsibility?

Mr. Osborne: That would be her's if she wanted to attend the meeting.

Mr. Held: No, but I'm saying in order for me to make my decision I just explained to you my decision making process and what I was responsible for.

Mr. Osborne: Well then why didn't you call me on that Friday when you made that decision?

Mr. Held: I made very clear to council that Monday night through Jim Benekos. He had expressed a decision that I made as far as how that meeting was going to be handled.

Mrs. Kiesling: No. In your minutes it says (Jim speaks), "Gene Hemminger and myself will be meeting with D.B. Hartt tomorrow to answer all our questions and our concerns. And hopefully within a couple weeks after that we'll have a final list of comments, concerns that we can turn over to the council and then you can proceed as you wish with that." However, we all know and we're not all going to play stupid I hope, that had she been chairman of rules - that committee, she would of gone to that meeting. We all know that.

Mr. Foltz: Common on Marcia.

Mr. Held: Now hold...

Mayor Rice: Not if...inaudible...

Mr. Held: Let me answer this.

RECORD OF PROCEEDINGS

Minutes of COUNCIL OF THE CITY OF NORTH CANTON

REGULAR

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held

Monday, April 22,

7:00 p.m.

2002

(YEAR)

Mr. Held: Now hold...

Mr. Foltz: Now come on.

Mrs. Kiesling: He assumed - I have the floor - he assumed...

Mr. Foltz: Come on, you're assuming.

Mayor Rice: Not if multiple people...inaudible...committee.

Mrs. Kiesling: I assumed, honestly.

Mayor Rice: Not if two people of the committee wanted to attend.

Mr. Foltz: Yes you are assuming. You're not - speak for yourself Marcia, like Chuck should of in the newsletter.

Mrs. Kiesling: I am speaking for David because him and I had a conversation probably three days later and you said to me, I very - made it very clear that night at the meeting that council wouldn't be involved till later - Jim said that it was an administrative meeting. Now Dave, that is not spoken in here. So...

Mr. Held: I don't...

Mrs. Kiesling: We are assuming. But you guys, let's quit playing games.

Mr. Held: Okay Marcia can you...

Mrs. Kiesling: If you didn't want him to go to the meeting call him and tell him.

Mr. Held: Can, can you - if you had a better option as far as how I could of handled it, please tell me that would be.

Mrs. Kiesling: Call them both. What is - what is the problem with a phone call?

Mr. Held: We have a meeting scheduled I believe it was at 11...

Mr. Osborne: It was Tuesday morning at 10:00.

Mr. Held: At 10:00 so I get a call...

Mr. Osborne: And you made all these decisions Friday you said.

Mrs. Kiesling: Right, I just - I understand why you made your decision honestly.

Mayor Rice: Inaudible...worth arguing about...

Mr. Held: Right. This is going nowhere.

Mrs. Kiesling: It's just sometimes openness helps a little bit.

Mr. Snyder: Okay.

Mayor Rice: I don't know how much more open we can be than on the record.

Mrs. Kiesling: You're on the record tonight; that night you weren't.

Mayor Rice: It's in the minutes - it's in the minutes.

Mrs. Kiesling: No it's not in the minutes Tom.

Mr. Foltz: It's in the minutes two weeks ago too.

Mayor Rice: You just read it.

Mrs. Kiesling: I read what he said I didn't read what he said to me on the phone.

Mr. Osborne: And I don't have the previous several meetings' minutes...

Unidentified: No.

Mr. Osborne: but I made reports similar to Jim Benekos' that we would be meeting at a such and such a date on the ordinance. I've been reporting the progress of Gene and Jim on typing up their list and trying to coordinate a meeting with D.B. Hartt. Here at the eleventh hour in a subtle ploy why didn't they - Jim come right out at that meeting and say this will be an administrative meeting Chuck you're not to be included.

Mr. Foltz: Councilman Snyder...

Mr. Osborne: You wait till 10:00 Tuesday morning and I'm there for 20 minutes and then you do this to me.

RECORD OF PROCEEDINGS

Minutes of

COUNCIL OF THE CITY OF NORTH CANTON

REGULAR

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held

Monday, April 22,

7:00 p.m.

2002

(YEAR)

Mr. Foltz: Just to wrap this up if I could. Just no council member attended that meeting, it was an administrative meeting. It's going to come through a committee form as far as the whole zoning ordinance update. We'll have a chance to discuss it then...

Mr. Osborne: And I'm chairman of the committee.

Mr. Foltz: We'll have a chance to discuss it then.

Mr. Osborne: I'm chairman of the committee.

Mr. Snyder: Wait, wait - whoa, whoa, whoa...one at a time.

Mr. Foltz: I understand that.

Mr. Osborne: How am I going to report it out of committee if I can't even attend the meeting?

Mr. Foltz: We're going to have a chance to discuss it as a council, as committee, we'll have public hearings on this and it'll come to a vote.

Mr. Osborne: You're not going to discuss it in council if I don't get it out of committee.

Mr. Foltz: There's other members on council Chuck and you're forgetting that. If you don't want to take it out of committee maybe there's enough members here that want to vote it out of committee. Okay.

Mr. Snyder: Thank you. Okay, is there anybody...

Mayor Rice: Can I just add - I just want to add.

Mr. Snyder: Mr. Mayor, excuse me, go ahead.

Mayor Rice: Just a quick question. Rick...

Mr. McLaughlin: Yes.

Mayor Rice: you're chairman of water, correct?

Mr. McLaughlin: Yes sir.

Mayor Rice: We just passed an agreement with METRO that Mr. Benekos spent many hours in meetings with METRO dealing with that agreement. Were you at any of those meetings?

Mr. McLaughlin: No I was not. But...

Mayor Rice: Were you able to present

Mr. McLaughlin: Yes.

Mayor Rice: the METRO agreement intelligently?

Mr. McLaughlin: I was informed - I had quite a few meeting with yourself and Mr. Benekos after the fact.

Mayor Rice: What about...what about the contract with the City of Canton?

Mr. McLaughlin: I was...

Mayor Rice: Were you in any meetings regarding that?

Mr. McLaughlin: No I was not.

Mayor Rice: That the administration conducted with the City of Canton?

Mr. McLaughlin: No I was not.

Mayor Rice: Were you able to present that to council intelligently?

Mr. McLaughlin: Yes I was. For you guys...

Mayor Rice: Thank you.

Mr. McLaughlin: it was a well communication between the Mayor and everybody else. So no problems.

Mr. Snyder: One question I had. Mr. Foltz, was that your picture on the front page there the other day...inaudible... Your son was, was that you behind him?

Mr. Foltz: Yea, I attended that Liturgy.

Mr. Snyder: Yea, I a - that's good, I'm glad I...

Mr. Foltz: Church - you know church falling down we need all the help we can get Jon.

Mr. Snyder: Well I just want - I seen that. I just - I apologize...noted that - I said that, but I seen that in there. I didn't want that to go unnoticed.

Mr. Foltz: Thank you. Appreciate that.

Mr. Snyder: That was a nice picture. Any...

Mrs. Magel: Were you standing under the bell or...

RECORD OF PROCEEDINGS

Minutes of COUNCIL OF THE CITY OF NORTH CANTON

REGULAR

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, April 22, 7:00 p.m., 2002
(YEAR)

FINAL CALL FOR NEW BUSINESS

Mr. Snyder: Final call for business. Anybody in the audience wishing to speak before the council? If not I probably have the record for two things on the agenda that took two hours. That's pretty good Rick, you beat that one.

ADJOURN

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

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

No: 0

The meeting ended at 9:00 p.m.

PRESIDENT OF COUNCIL

ATTEST:

CLERK OF COUNCIL