

RECORD OF PROCEEDINGS

Minutes of

COUNCIL OF THE CITY OF NORTH CANTON

REGULAR

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held

Monday, April 10, 2006

7:00 p.m.

20⁰⁶

CALL TO ORDER:

1. The meeting was called to order at 7:00 p.m. by President of Council Doug Foltz.
2. The opening prayer was delivered by President of Council Doug Foltz.
3. All present recited the Pledge of Allegiance.

Mr. Foltz: Please have the Clerk call the roll.

ROLL CALL:

4. The following members of Council responded to roll call: DeOrio, Foltz, Hines, Lane, Magel, Repace, Snyder. Also present were: Mayor Held, Director of Administration Wise, Director of Law McFarren, Director of Finance Herr and Clerk of Council Kalpac. City Engineer Benekos was not present.

5. Consideration:

Minutes of Council Meeting of 3/27/06

Mr. DeOrio: Mr. President, I would like to make a correction before you pass this. On page 0210 at the bottom, it says, Mr. Foltz: do I have a motion to adopt the first reading? Then it says, Mr. DeOrio: I move that we adopt the fourth. I think I meant – I think I said the first. So, I'd like that to amend it to reflect that.

Mrs. Kalpac: No. That's – you said fourth.

Mr. DeOrio: Darn. Okay.

Mr. Foltz: Excuse me?

Mrs. Kalpac: We listened to the tape, and that's what was said.

Mr. Foltz: The minutes are correct?

Mrs. Kalpac: The minutes are correct.

Mr. Lane: Maybe it just felt like the fourth.

Mr. DeOrio: It felt like the fourth. Thank you, Doug. I stand corrected.

Mr. Foltz: Very good. We appreciate your comments anyway, Member DeOrio.

Mr. DeOrio: Trying to be thorough.

Mr. Foltz: That's right.

Minutes of Council Meeting – 3/27/06

Minutes of Public Hearing (BP/East Maple Zoning) 4/03/06

Mayor's Court Receipts – February, 2006

Mr. Snyder moved and Mr. DeOrio seconded to approve the Council Meeting Minutes, Public Hearing Minutes and Mayor's Court Receipts as presented. All members present voting:

Yes: Foltz, Hines, Lane, Magel, Repace, Snyder, DeOrio

No: 0

6. Committee Reports:

Community & Economic Development: Refer to the minutes on file in the Council Office of the Community & Economic Development Committee meeting held April 3, 2006.

Finance & Property: Refer to the minutes on file in the Council Office of the Finance & Property Committee meeting held April 3, 2006.

Ordinance & Rules & Claims: Refer to the minutes on file in the Council Office of the Ordinance, Rules & Claims Committee meeting held April 3, 2006.

Personnel & Safety: Refer to the minutes on file in the Council Office of the Park & Recreation Committee meeting held April 3, 2006.

Water, Sewer & Rubbish: Refer to the minutes on file in the Council Office of the Water, Sewer & Rubbish Committee meeting held April 3, 2006.

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Mr. DeOrio moved and Mr. Lane seconded to approve the Committee Report minutes as presented. All members present voting:

Yes: Hines, Lane, Magel, Repace, Snyder, DeOrio, Foltz

No: 0

7. Recognition of visitors.

Mr. Foltz: Anyone who'd like to speak before Council, please come up to the podium and state your name and address.

Mr. Osborne: My name is Chuck Osborne. 307 Fairview Street, SE, North Canton, Ohio. On the agenda this evening, there are two (2) pieces of legislation that I would like to address. The first is Ordinance Number 59-06, which is legislation from the Community & Economic Development Committee. Tonight's agenda for this piece of legislation reads "An ordinance authorizing an agreement with Patrick J. and Georgann Palonder for a project and real property tax exemption pursuant to the Ohio Community Reinvestment Area program, and declaring the same to be an emergency." First of all, I have to ask why is this on emergency? Emergency legislation, according to Section 2.05 of the North Canton City Charter, is legislation necessary for the immediate preservation of public peace, health or safety. Where is the emergency? Fast-tracking legislation limits public comment. Corporate charity in the name of tax abatements is a topic that the public should be allowed to address. Three (3) readings would allow taxpayers notice of this legislation and given them a chance to comment. The abatement of taxes for business that in exchange merely offer the businesses presence in the community might be a topic of interest to taxpayers of this City who must continue to pay taxes without benefit of personal abatements. The business requesting the abatement of taxes is the Pat Joyce Insurance Agency, which has operated in North Canton since 1980. Mr. Palonder states on the application that ..."without the tax incentive, we will sell the property and build in Jackson Township." The operative word here is "incentive." The property, according to the Stark County Auditor's website, was purchased September 9, 2005. The purchase of this property on North Main Street, next to the former Bank One building, evidently did not require an incentive; so, how can this be termed an incentive. The decision to purchase the property was made with plans to build on the property. Since that purchase decision was made over seven (7) months ago, any abatement of taxes is no longer an incentive but simply a handout at the expense of the North Canton City Schools. An incentive, by definition, is something that encourages someone to action. The purchase of property on North Main Street has already happened seven months in the past. Investment in Main Street properties is happening. It is happening without handouts that come at the expense of the taxpayers of the City and at the expense of the North Canton City Schools. Free-market forces are alive and well on Main Street, and those free-market forces will continue to work unless disturbed with demands for more corporate welfare. The application by the Pay Joyce Insurance Agency states that it will add two (2) full-time jobs within one (1) year. I do not want to play down any job creation in North Canton by any business; but with the small numbers of businesses in North Canton, the abatement of taxes reduces the tax base. Furthermore, it places more of the tax burden on homeowners and directly impacts the North Canton City Schools. City services can best be supported when tax revenue is derived from a broad base – broad tax base of residential, retail, commercial and industrial properties. The tax base for North Canton is being whittled down with the loss of manufacturing and industrial property tax base from The Hoover Company – and now, ever so slowly, from the abatement of taxes on the few commercial properties that make up North Canton's commercial tax base. What remains are residential property owners supporting both the rising costs of City government and the increasing costs of the North Canton City Schools. To quote Repository columnist, Michael Hanke, in today's paper, "Do economic development supporters really believe real estate tax abatement is more important than a good school system to prospective employers?" To further paraphrase Mr. Hanke, does this Council believe that approving revenue cuts to the strongest asset that the City of North Canton has going for it – its City Schools – is a good idea? I hope in my heart that you do not believe that. And that brings to mind the timing of this requested abatement. I do hope that this Council is aware that the North Canton City Schools do have a levy on the ballot for next month. How can you stand up here one week and tell the public that you support the school levy and then the very next week give away revenue that's really needed to support the great school system that residents proudly enjoy. In light of the plight of the City's financial picture revealed by – revealed in Mayor David Held's State of the City Speech just last week, and in consideration of the voters who are being asked to vote for the North Canton City School levy in just a few weeks, I ask that this

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Council seriously reconsider any plans to approve this tax abatement request. The second piece of legislation I want to speak to is Ordinance Number 60-06, which is legislation from the Finance & Property Committee. This legislation reads "An ordinance accepting the recommendations of the City of North Canton Tax Incentive Review Council ("TIRC") concerning the agreements granting exemptions from property taxation to continue the existing eight (8) Community Reinvestment Area ("CRA") agreements." This piece of legislation is not scheduled for passage on emergency, but for everyone in this room tonight, we all know that this will be amended to pass on an emergency. How sad that legislation such as this will be fast tracked before interested taxpayers can comment quickly – or publicly. I attended the meeting of the North Canton Tax Incentive Review Council on March 22, 2006, and I must say that the name of this group should be changed to the "North Canton Corporate Welfare Review Council." Three (3) of the eight (8) tax abatements that were reviewed have not met their promise of new or retained jobs as contracted when the abatement was granted. A member of that Tax Incentive Review Council, and also a member of City Council, Mr. Jon Snyder, appropriately described several of the troubling tax abatements that were reviewed at last week's Council-of-the-Whole meeting. The tax abatements that Mr. Snyder described last week were, indeed, troubling; and yet they were continued. And to make a mockery of the review process, it was made clear by the representatives from each of these three companies that there was a high probability that they would not achieve their promised goals in the foreseeable future. Why were the abatements of these companies not cancelled outright? At the very least, three companies should have been put on probation. The other companies reviewed only marginally met the requirements for their abatements as well. As I sat and listened to each of these three companies explain their plight, I could only think that this process of so-called tax incentives had degenerated further from corporate charity to corporate welfare. My last comment on the Tax Incentive Review Council is in regards to the membership of the committee. The practice of appointing Council members to serve on the Council undermines the system of checks and balances so important in our system of government. When a Council member also serves on the Tax Incentive Review Council, that Council member is quite possibly reviewing tax abatements that he or she approved as a Council member. This runs counter to the checks and balances so vital to the process of government. The practice of individuals serving as both Council members and as members of the Tax Incentive Review Council should end. In the same Repository column today that I referred to earlier, Michael Hanke states that "It seems that the only greater anti-school children group is the City of Green, which never met a tax abatement it didn't like...." I fear that North Canton is running a close second. I urge you not to seek to earn that sort of reputation. It will only harm our schools and our City. I have one final thing. I have a letter here for our new Law Director. Briefly, I am addressing this letter to request you, Mr. McFarren, that, in your capacity as the Law Director of the City of North Canton, you institute civil action on behalf of the taxpayers of North Canton against former City Administrator Mr. Michael Miller for the recovery of \$6,000.00 that was expended through neglect of duty by Mr. Miller for which the taxpayers of North Canton received nothing of value in return. And there's a little bit more to the letter, but I will end there and...(inaudible).

Mr. Snyder: Mr. President, if I may – and I hope my colleagues would endure it a little bit. A couple of things here: number one, relative to – and Chairman Repace, I

apologize if I made a comment on that, as I sit on your committee. Relative to the Palonder tax abatement – number one: the reason for the emergency is it is, in fact, to the welfare of the City. I believe there's some \$1,800 and some dollars in income tax that comes into the City from that site that we would lose. However, the abatement – even with the abatement, the City Schools are receiving greater funds than they are presently receiving from that property. And, contrary to Mr. Osborne's scenario, businesses do not pay taxes, whether you believe it or not. Businesses are passed directly through to the person who purchases the product. So, it doesn't actually – you're not taking a tax away from business by pushing – by giving him the tax incentive, because his expenses are pushed right in through his cost of doing business. But the \$1,800.00 we would lose in City income tax, as well as some \$1,600 and some dollars the school would have lost, because the property would have gone to Jackson. And Mr. Palonder is under a situation where if he doesn't begin building, he will leave. I spoke to him on Wednesday night, as the Mayor did and Mr. Wise and Director of Economic Development Bowles. And that was the reason that it was put on as an emergency basis. We followed all the guidelines. And one job or two jobs – I mean, we're just –

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we're in a world, as he says, that's true. It's not easy there, unless we do something to keep our existing businesses or encourage new businesses, and that's the only incentive we have. It's either that or give away the income tax. And, obviously, we receive less on property tax, which is, I think, about .9 versus what we'd receive in income tax. So, that's the basis for that. And I don't know if Mr. DeOrio wants to speak to the other question or not. But I'll defer to him on that.

Mr. DeOrio: In regards to the – the Tax Incentive Review Council, yeah, I couldn't disagree more with Mr. Osborne on that. And, you know, it's, it's – we have a situation where we have some businesses that are on the cutting edge of whether or not they're gonna make it, and being that the agreements were just one (1) year old, I mean, you have to allow some time for them to ramp up and get to the point where they are going meet – or feel they're going meet the projections that they are. I mean, if – why draw, you know, Mr. Osborne's logic – why draw it at one year? Why not have it the first day? I mean, if you haven't met the CR – if you haven't met the TIRC recommendation on the first day, you're not in compliance. I think we were very reasonable. I think that the discussion that was there reflected that, and I'm very comfortable with the way we left that. So, that was my only comment.

Mr. Foltz: Very good. Anyone else like to address Council tonight?

Ms. Burnett: I'm Suzanne Burnett, and I live on Pierce Avenue in North Canton. And I'm a member of the Community Reinvestment Area Committee. And I would like to say that when we discussed the application for help from Main Street, it was our opinion that Main Street needs all the help that it can get. It is the main route through North Canton. If we do something to make Main Street look better, if we can improve real estate along that lane – that road that leads through our great City, it will be to our benefit, and I do not agree with Mr. Osborne in his assessment of our action. Thank you.

Mr. Foltz: Okay. Thank you.

Mr. Schilstra: Ken Schilstra. 601 Linwood. I assume everyone's had a chance to read the notice they were given from the *EPA Citizen Action Alert*. Do I see heads shaking? In typical fashion of the approach to get these things through, the EPA chose not to mail the information out until last week for a hearing that is day after tomorrow. And then there's an extended comment period after that. Also, if you – as and described you want to go see the documentation, there's only one (1) place to go, and there's only one (1) copy to be seen, and that's in Twinsburg. And you have to go there. You can't check it out. And it's somewhere close to – we recorded 500 pages. And you have to make an appointment to even see it. And you're in a room with a camera, and they watch you; you know, and so on and so forth. But, the little bit we've been able to deduce from this is guess what, folks? Some of this is in the Zimber water shed. It's coming this way. So, we've got more water. There's more going to, also off to, I think – it looks like the west. But, we've got more. And unless – first of all, I guess it's a done deal. They've cut the deals. They're gonna fill in Category 3 wetlands at the Airport which all – we all know. Remember Katrina? Those are absorptive functions. They also reduce, you know, the pollution and so on and so forth, associated with that. But, we'll end up with more runoff, and there's no plan to do storm water detention to deal with that. So, you guys are selling the water to the Airport. I think it's time to use some leverage. Thank you.

Mrs. Magel: May I ask a question, please.

Mr. Schilstra: Sure.

Mrs. Magel: I did get your –

Mr. Schilstra: I, I know everyone was given one.

Mr. Foltz: Everybody has one in everybody's packet.

Mrs. Magel: Okay. It's a citizen advisory, and I think, maybe, you know I also have a public hearing coming April 25th.

Mr. Schilstra: Yes.

Mrs. Magel: Where did you get this?

Mr. Schilstra: We're on a mailing list. We got on – my wife got on the mailing list for the EPA for notifications.

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Mrs. Magel: Did you, by any chance, get one for my meeting?

Mr. Schilstra: Nope. Not yet.

Mrs. Magel: Not yet, okay. If you do, would you please let me know?

Mr. Schilstra: We'll let you – we will – you will be the first to know. But, yeah, they kind of slip it out. And the first attempt to make an appointment to go see the documentation was – in about two (2) weeks it would be available to be seen. Well, the meeting is in five (5) days.

Mrs. Magel: Okay, and I take it you did go to Twinsburg and –

Mr. Schilstra: My wife went up today and got some of the information.

Mrs. Magel: Okay.

Mr. Schilstra: You're allowed to make 250 pages of copies.

Mrs. Magel: 200

Mr. Schilstra: and 50, I guess --

Mrs. Magel: Okay.

Mr. Schilstra: -- which you don't take all, you know. Haven't had a chance to review it yet.

Mr. Foltz: That's of the 500? You said there's 500?

Mr. Schilstra: But if you go to 251, then you pay for the first 250.

Mrs. Magel: Now, this is concerning the water quality --

Mr. Schilstra: Yes.

Mrs. Magel: -- more than the volume.

Mr. Schilstra: They are not addressing the storm water retention at this point in time. That's puts you in the, you know, phrase of S.O.L., and we all know what that means. We're sure out of luck. But at this point in time, as far as we've been able to determine, and there's very little information anybody's willing to offer, they are not gonna deal with storm water detention. That comes later – after we've all had to deal with the problem.

Mrs. Magel: And do you know who requested this meeting?

Mr. Schilstra: The meeting on Wednesday? It's required by the Ohio EPA, and it also requires approval by the Army Corps of Engineers to fill in wetlands.

Mrs. Magel: Okay. This one was required, where I suppose mine was not required.

Mr. Schilstra: The other thing associated with it, in talking with some people we know who are inside the EPA, they said none of these have been turned down in the last five to seven years – for destruction of wetlands and maintenance of the quality. We get lip service to maintaining the headwaters of everything, and that's where they all start. But we're gonna fill them in anyway. Thank you.

Mr. Foltz: Okay. Thank you.

Mrs. Magel: Thank you.

Mr. Foltz: Anyone else like to address Council?

Mr. Hershberger: Shawn Hershberger. 1320 South Main. I'm the owner of Café 1320, and I want to talk about the South Main project. I had – some whys and how construction – Eric just said that in a couple weeks we're having a meeting with the engineers, so I guess we won't need to address those issues tonight. My real concern is streetscaping – what it's really supposed to do for the City of North Canton. I notice

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from Rose Lane going north – I don't know how long ago that happened, but I've only been in town for four (4) years. You've got sinking brick, chipping brick – which is a liability. We gotta go in and repair all that at one time. We're spending \$2 point some million dollars to do this project, and it's killing your South Main business people. I just don't understand. I don't know that I can survive it. You're taking out my entire summer season where I need to make my money to bank on for winter months when we don't do any business. I've got quite a few employees there. I built my business. That wasn't a very good restaurant when I bought it four years ago. You're taking up the entire summer months for this, and I don't understand why it couldn't be done in late fall, early spring, both, something. I had a very, very bad winter down there. Cost of goods are up fuel costs are up. All my vendors are charging a fuel stop charge. Jobs and Family Services fees are up – everything's up. I raised my menu to help cover that. I'm struggling. I will not survive. So, Brenda Capestrain, who owns the plaza that I'm in, We're at 50% occupancy now.

Ms. Capestrain: I don't own the plaza. I don't own the plaza.

Mr. Hershberger: She owns the dry cleaners in the plaza. We're in a plaza that's now at 50% occupancy, and the next one up's not doing any better. You've got Kraus' Pizza in there. The guy just opened. He's concerned about it too. He's trying to build a restaurant. And I'm not here to attack. I get myself all –

Mr. Foltz: Well, you're a business owner, and you're trying to make ends meet.

Mr. Hershberger: Absolutely. I'm not attacking or anything.

Mr. Foltz: We appreciate your comments.

Mr. Hershberger: We are so concerned you're going to take everything. I spoke to people at Ro's Ice Cream. They can't be here, because they gotta be down there runnin it. They're concerned that they could take a 50% loss of sales and employ 50% less people – all of these businesses – I don't think that by streetscaping from Everhard to Rose Lane is something that's got brick, and we have to go back ten (10) years later and re-do. It's not broken, so why are we fixing it?

Mr. Snyder: Mr. President, you better explain – we're not putting bricks into the sidewalks there.

Mr. Hershberger: Oh, you're not gonna do that from there down so it would match.

Mr. Snyder: We're only doing infrastructure work, see, so there is no streetscape from Rose Lane to Everhard. The poles will be moved from the west side –

Mr. Hershberger: You're putting in sidewalks?

Mr. Snyder: -- or from the east side to the west side. Yes. But we're not putting in brick sidewalks.

Mr. Hershberger: Okay. Which is a smart move, because, obviously, it didn't work.

Mr. Snyder: A lot of cost also.

Mr. Lane: Well, there'd be new light standards as well.

Mr. Hershberger: You're gonna still dig it up; it's going to be down to two (2) lanes; people are going to avoid those areas.

Mr. Snyder: The quality of the road, if you look at it, will not stand another winter. It's not done for aesthetic purposes. It's done because that road is sinking. And I was fortunate through Mr. Miller this past fall – last fall – to have it recovered from Maplecrest southwards to Easthill. But that road will not take another winter without collapsing. It is not done for aesthetic purposes. It's done for functional purposes. That road is corroding away from the bottom. It sits on concrete and brick –

Mr. Hershberger: Right.

Mr. Snyder: -- and needs to be taken apart and rebuilt; otherwise, you won't have a road to come to your business with. And they will maintain traffic – both north and

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southwardly through the whole project – not like the project they're doing today. I lived through construction of South Main. I know exactly –

Mr. Hershberger: I understand the bridge. I do. I bought the story. We got (inaudible) ...for three (3) months to save money. It's a road that you could drive over that bridge and see the bridge is eroding. I don't see that our sidewalks are eroding.

Mr. Snyder: No, but the street is.

Mr. Hershberger: Okay. So, why don't we repave?

Mr. Snyder: We are going to. We have to rebuild the street. You can't just repave. The street is collapsing from underneath. The underlayment of that street is coming apart. That street is probably 80 to 100 years old. It has to be built properly. It's being done with federal funds to the specifications of the Federal Department of Transportation and O.D.O.T. (Ohio Department of Transportation). It's not a City project. It's a \$4,000,000.00 project funded only \$100,000.00 by the City. And it's done to their specifications.

Unidentified Speaker: How long, Jon? How long will it –

Mr. Snyder: It's a 200-day contract starting, probably, July 4th weekend; and, you figure, that's what? Three, four months. So, it will probably be, realistically, into September, the first week of October, provided there is no, you know, depending on the weather. The South Main Project, I think, the Mayor and Director Wise will tell you, is probably running about 12 days ahead of schedule. The problem is, I mean, there's no other time to do it. I mean, we're in northeastern Ohio. You have about a 250-day window where you can do construction. The materials have to be laid at certain temperatures. That's all governed by the government. So we have to --

Mr. Hershberger: I understand that. We have those temperatures in late fall and early spring.

Mr. Snyder: That's right. Now, I mean, as far as the ability to, I mean, I'm sure somewhere along the line – and trust me, I'm extremely sympathetic to your, your situation, because I've lived through construction. I know what it can do financially to any business.

Mr. Hershberger: I can't live through it. I know my financial situation right now.

Mr. Snyder: I'm sure somewhere along the line --

Mr. Hershberger: I have a sign, and I just want to know what you people think.

Mr. Snyder: Somewhere along the line, I will – I would ask you, and I'm sure the Mayor and Mr. Foltz will back me up as well as my colleagues. There's something that will be able to help minimize the situation – whether it's signage – what we're gonna have to do – allow some zoning variances or some other things for you to do, because the last thing we want to do is put you out of business. I mean, there's no possible way. That's not in the best interest. But, when it's complete, it'll actually enhance your business. It's a proven fact.

Mr. Hershberger: It hasn't kept – from Rose Lane up, it hasn't drawn business or kept businesses open. They're closing.

Mr. Snyder: Well, I don't know.

Mr. Hershberger: That beautification did not help. Norcia's closed. The rib shop. I mean, it's just – it goes on and on.

Mr. Snyder: I would beg to differ with you there. I was there seven or eight years after it, and I never, you know. I mean, did I ever get back exactly what I lost? No. I mean, it's a global market today, so I can't blame it on the construction.

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Mr. Hershberger: Well, I would just like to think that City Council is – everyone that's sitting here that I don't recognize a few faces – is going to help the South Main. If you need the laundry or if you need dry cleaning, you need ice cream, you need food, that you people will support these businesses.

Mr. Foltz: We appreciate your concern. I think we're going to patronize every –

Mr. Lane: Well, I think Brenda knows I'm in her business all the time. In fact, I'm wearing something that I had cleaned; and I eat at your restaurant when I can. So, and Ro's – I'm at all the time.

Ms. Capestrain: Yeah. Those two are my customers: Jon and Doug.

Mr. Foltz: Ma'am, you had some comments, also, to get on the record.

Ms. Capestrain: Yeah, I guess.

Mr. Foltz: State your name and address.

Ms. Capestrain: Shhh. You're making me look bad. Brenda Capestrain. 1310 South Main Street. I have the same concerns. I'm not against the project. I didn't realize what Jon just said about the street, you know, eroding, or whatever – it needs rebuilt. I'm just very concerned as a small business owner for – in North Canton that – I'm in the same plaza with Shawn, and we struggle terribly for a number of reasons. The location of the plaza, itself, is not the best, and we have some – with a terrible sign out there and some shrubs – removal of the shrubs. So, if the guys want to tear that out, too, when they're doing the streets, we won't care. So, they can do that too. But, just, again, support of the North Canton businesses. My lease is up, here, end of 2006; and depending on what goes on for me as well. I'm struggling just as bad as Shawn. Unfortunately, North Canton with Hoovers – I'm an ex-Timken employee, so, you know, I know all about that. And I don't know where the money's coming from. Eventually, since there's no industry left here in the area, the small businesses are going to have to employ the young kids from Hoovers and Hoover High School and young adults. So, we hope to still be here to give them jobs. Okay.

Mr. Foltz: Thank you for your comments. The last thing we want to do as a Council body is to drive businesses away or to close them up. So, as Member Snyder indicated, telling about the infrastructure, it's just putting up with in a short term for the long-term gains, hopefully. And I know that intersection at Everhard and South Main's going to be wonderful – turn lanes – that you're going to actually increase traffic, hopefully, coming through North Main.

Mr. Lane: Mr. President, I know that Mr. Bowles, if you wanted to make a comment. He's been working with a lot of these folks, and we're planning a meeting here very soon.

Mr. Bowles: Good evening. I just want to make Council aware that Mayor Held and I and the administration – we've had multiple conversations regarding the South Main. The concerns the businesses have been expressed to me. And, generally, if you've all heard me talk, the businesses in North Canton are not unlike other businesses in Stark County and other places in Ohio. It's been a very, very rough first quarter. I just want to let you know that – adding to what Shawn said – is we are planning a meeting with the South Main merchants some time within the next two (2) weeks. I've already had conversations with Councilman Lane and Councilman Snyder; and they've agreed to be at that meeting and also the City Engineer and the administration. We'll talk about a number of different opportunities to help lessen the effects of the construction and the timeframes and, possibly, some co-advertising opportunities to try to lessen the effects of the business. It won't, certainly, make up for the losses – possible losses during the construction. But, you know, the City and the administration – we're willing to do our part to help out.

Mr. Foltz: I appreciate it. I'm sure Mayor and Administrator – you take any calls from area businesses, as you indicated in the Our Town article, about the bridge.

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Mayor Held: Yes.

Mr. Foltz: So, I'm sure that's open for discussion for any of the business leaders here in town.

Mayor Held: Absolutely. If I can add also. I do appreciate both of you coming up here and speaking, because I know that it is a tough time. And I know that you're really struggling to keep the businesses going. And we're trying to keep that delicate balance of being sensitive to the needs of your business; but, at the same time, as Councilman Snyder had mentioned, we want to try to maintain the infrastructure of the streets. And I hope that it doesn't appear that we're trying to minimize what you're going through. Because there's been a lot of meetings and lot of discussions as to how to manage the businesses along Main Street. And, just as both of you have the businesses on Main Street, Councilman Snyder has his business on Main Street also – the tuxedo shop – and, so, again, I appreciate you coming in and taking the time, and we're gonna do the best that we can to work with you folks, because we do appreciate the business that you have here, and we want to do everything we can to keep it going. Thank you.

Mrs. Magel: If I could make a comment. I hear it in your voice, and I've lived it. I had a business on East Maple Street, and it was all brick, and they had to take the brick out. It took them seven (7) months, and I went through – I lived through what you're going through. So, I would ask the administration – Eric, let's do whatever we can. It's heartbreaking to – and I owned a business for 12 years, and we went out. But I think your project will be much faster than mine. East Maple was seven months, and I just couldn't hold on. But I would ask the administration to listen at their voice.

Mr. Foltz: Okay.

Mrs. Magel: Not what they're saying. Listen to the tone. Thank you.

Mr. Foltz: Thank you. Anyone else like to address Council this evening? Okay, seeing none, we'll go to old business.

OLD BUSINESS:

8. Mr. Foltz: May I have a motion to read by title only second reading of Ordinance No. 35-06.

Mr. DeOrio moved and Mr. Lane seconded to **read by title only, second reading** of Ordinance No. 35-06. All members present voting:

Yes: Lane, Magel, Repace, Snyder, DeOrio, Foltz, Hines

No: 0

Ordinance No. 35-06 – Second Reading

Ordinance No. 35-06 amending Section 935.10 BACKFLOW PREVENTION DEVICE, of the Water Lines and Hydrants, Chapter 935 of the Codified Ordinances of the City of North Canton, Ordinance No. 40-05, specifically Subsection 935.01(b), and repealing any and all legislation passed previously and inconsistent with this ordinance.

Mr. Foltz: Chairperson Magel.

Mrs. Magel: Yes. This request came from Rich Steinhebel of the Water Treatment Plant, and our Director of Administration, Earle Wise, wrote the legislation. And I believe all is in agreement is – that's how they wanted it to be worded. And I'm quite satisfied and would ask that the second reading be carried forward.

Mr. Foltz: Do I have a motion to adopt the second reading of Ordinance No. 35-06?

Mr. DeOrio moved and Mrs. Hines seconded to **adopt the second reading** of Ordinance No. 35-06. All members present voting:

Yes: Magel, Repace, Snyder, DeOrio, Foltz, Hines, Lane

No: 0

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9. Mr. Foltz: May I have a motion to read by title only third reading of Ordinance No. 36-06.

Mr. DeOrio moved and Mrs. Hines seconded to **read by title only, third reading** of Ordinance No. 36-06. All members present voting:

Yes: Repace, Snyder, DeOrio, Foltz, Hines, Lane, Magel

No: 0

Ordinance No. 36-06 – Third Reading

An ordinance authorizing the Mayor of the City of North Canton, through the Board of Control, to enter into an amended Agreement by and between the City of North Canton ("City") and the Akron-Canton Regional Airport Authority ("Airport") requiring the Airport to make payment to the City in the amount of \$100,000.00 for certain improvements to the City's water system to provide adequate flow and pressure for the Airport; and repealing Ordinance No. 155-04, which authorized the original Agreement, and any and all legislation inconsistent herewith.

Mr. Foltz: Chairperson Magel.

Mrs. Magel: Yes, this is the commonly known as the "Airport Agreement" – water agreement to sell water. And, also, along with the – where it says adequate flow and pressure, we had already had our three (3) readings on those four (4) projects that we had discussed. And, therefore, I would like the third reading to go forward.

Mr. Foltz: May we have a motion to adopt the third reading, then, of Ordinance No. 36-06.

Mr. DeOrio moved and Mrs. Hines seconded to **adopt the third reading** of Ordinance No. 36-06. All members present voting:

Yes: Snyder, DeOrio, Foltz, Hines, Lane, Magel, Repace

No: 0

10. Mr. Foltz: May I have a motion to read by title only third reading of Ordinance No. 48-06.

Mr. DeOrio moved and Mrs. Magel seconded to **read by title only, third reading** of Ordinance No. 48-06. All members present voting:

Yes: DeOrio, Foltz, Hines, Lane, Magel, Repace, Snyder

No: 0

Ordinance No. 48-06 – Third Reading

An ordinance establishing the zoning classification of R-70, Residential Single Family, as specified by Ordinance No. 50-03, Zoning Ordinance of the City of North Canton, for the premises known as the Martinez/East Maple Annexation, containing 2.602 acres of land, more or less, annexed by Ordinance No. 167-05.

Mr. Foltz: Chairman Repace.

Mr. Repace: Well, this is property that's been annexed into the City in accordance with North Canton Zoning Regulations. This property does need to be zoned. The property's being zoned R-70, which is Residential, and the same zoning as was in Plain Township. And I'd ask that this be moved forward with the third reading.

Mr. Foltz: Do I have a motion to adopt the third reading, then, of Ordinance No. 48-06?

Mrs. Magel moved and Mr. DeOrio seconded to **adopt the third reading** of Ordinance No. 48-06. All members present voting:

Yes: Foltz, Hines, Lane, Magel, Repace, Snyder, DeOrio

No: 0

11. Mr. Foltz: May I have a motion to read by title only the third reading of Ordinance No. 49-06.

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Mr. Lane moved and Mrs. Hines seconded to **read by title only, third reading** of Ordinance No. 49-06. All members present voting:

Yes: Hines, Lane, Magel, Repace, Snyder, DeOrio, Foltz

No: 0

Ordinance No. 49-06 – Third Reading

An ordinance establishing the zoning classification of R-70, Residential Single Family, as specified by Ordinance No. 50-03, Zoning Ordinance of the City of North Canton, for the premises known as the Dent/East Maple Annexation, containing 2.862 acres of land, more or less, annexed by Ordinance No. 180-05.

Mr. Foltz: Chairman Repace.

Mr. Repace: This property also has been annexed into the City and needs rezoned. This property is also going to be zoned R-70, which is Residential. And it's the same as it was for Plain Township.

Mr. Foltz: Do I have a motion to adopt the third reading of Ordinance No. 49-06?

Mr. DeOrio moved and Mrs. Magel seconded to **adopt the third reading** of Ordinance No. 49-06. All members present voting:

Yes: Lane, Magel, Repace, Snyder, DeOrio, Foltz, Hines

No: 0

12. Mr. Foltz: May I have a motion to read by title only third reading of Ordinance No. 52-06.

Mr. Lane move and Mr. DeOrio seconded to **read by title only, third reading** of Ordinance No. 52-06. All members present voting:

Yes: Magel, Repace, Snyder, DeOrio, Foltz, Hines, Lane

No: 0

Ordinance No. 52-06 – Third Reading

An ordinance authorizing the Director of Administration of the City of North Canton to advertise and receive bids according to specifications now on file in the office of the Director of Administration; and for the Mayor of the City of North Canton to be authorized, through the Board of Control, to enter into a contract for the South Main Streetscape (Easthill to Rose Lane) Phase IV project, at a cost not to exceed \$2,420,080.00.

Mr. Foltz: Chairman Lane:

Mr. Lane: This is the project that we were talking about in the midst of Public Speaks. It is, actually, \$725,000.00 is our share of that \$2.4 million. This is the third reading; and, again, we're planning on getting together with the merchants and explaining this maybe a little bit more in detail, and, hopefully, eliminating some of their fears. Construction starts sometime in July. I do move we adopt the third reading.

Mr. Lane moved and Mr. DeOrio seconded to **adopt the third reading** of Ordinance No. 52-06. All members present voting:

Yes: Repace, Snyder, DeOrio, Foltz, Hines, Lane, Magel

No: 0

13. Mr. Foltz: May I have a motion to read by title only a second reading of Ordinance No. 53-06.

Mr. DeOrio moved and Mrs. Magel seconded to **read by title only, second reading** of Ordinance No. 53-06. All members present voting:

Yes: Snyder, DeOrio, Foltz, Hines, Lane, Magel, Repace

No: 0

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Ordinance No. 53-06 – Second Reading

An ordinance authorizing the use of the City of North Canton Dogwood Pool by the North Canton YMCA for the 2006 pool season, pursuant to a Letter of Understanding, and to provide a reduced admission rate on agreed days and times.

Mr. Foltz: Any questions from Council?

Mr. DeOrio: Mr. President, I would just like to be on the record that Mr. McFarren was able to get a new Letter of Understanding from Mr. Beinlich. It was faxed over today. I had an opportunity to review that, and I'm very comfortable with where we are on that.

Mr. Foltz: I'm sure the rest of Council will receive that letter before a third reading. I just recently reviewed it myself before the Council meeting. So, if not, I'll look for a motion to approve the second reading of Ordinance No. 53-06.

Mr. DeOrio moved and Mrs. Hines seconded to **adopt the second reading** of Ordinance No. 53-06. All members present voting:

Yes: DeOrio, Foltz, Hines, Lane, Magel, Repace, Snyder

No: 0

NEW BUSINESS:

14. Mr. Foltz: May I have a motion to read by title only the first reading of Ordinance No. 57-06.

Mr. Snyder moved and Mr. DeOrio seconded to **read by title only, first reading** of Ordinance No. 57-06. All members present voting:

Yes: Foltz, Hines, Lane, Magel, Repace, Snyder, DeOrio

No: 0

Ordinance No. 57-06 – First Reading

An ordinance establishing the zoning classification of GB-B, General Business B, as specified by Ordinance No. 50-03, Zoning Ordinance of the City of North Canton, for the premises known as the B.P./East Maple Annexation containing 0.765 acres of land, more or less, annexed by Ordinance No. 203-05.

Mr. Foltz: Chairman Snyder.

Mr. Snyder: Thank you, Mr. President. General Business B is the most likely to drum up business in Plain Township. It does allow drive-through gas stations, and that is what is most likely. And that's that. And we did have a public hearing, I believe, last week, on that with no objection.

Mr. Foltz: Okay. May I have a motion to adopt the first reading, then, of Ordinance No. 57-06.

Mr. DeOrio moved and Mrs. Hines seconded to **adopt the first reading** of Ordinance No. 57-06. All members present voting:

Yes: Hines, Lane, Magel, Repace, Snyder, DeOrio, Foltz

No: 0

15. May I have a motion to read by title only the first reading of Ordinance No. 58-06.

Mr. DeOrio moved and Mrs. Magel seconded to **read by title only, first reading** of Ordinance No. 58-06. All members present voting:

Yes: Lane, Magel, Repace, Snyder, DeOrio, Foltz, Hines

No: 0

Ordinance No. 58-06 – First Reading

Ordinance No. 58-06 authorizing the Director of Finance of the City of North Canton to pay the North Canton Law Department bi-weekly rate, pursuant to Ordinance No. 123-

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03 to Paul J. Pusateri through the transition period ending April 1, 2006, and declaring the same to be an emergency.

Mr. Foltz: Chairperson Magel – excuse me, Hines...(inaudible)

Mrs. Magel: I have enough.

Mrs. Hines: Paul, the outgoing Law Director, stayed on another two (2) weeks, and this is just a motion to pay him. And the reason for the emergency is that he's already done the job and think he should be paid.

Mr. Foltz: Do I have a motion to adopt the first reading, then, of Ordinance 58-06?

Mr. DeOrio moved and Mrs. Magel seconded to **adopt the first reading** of Ordinance No. 58-06. All members present voting:

All members present voting:

Yes: Magel, Repace, Snyder, DeOrio, Foltz, Hines, Lane

No: 0

Mr. Foltz: May I have a motion to suspend the rules for Ordinance No. 58-06.

Mr. Lane moved and Mr. DeOrio seconded to **suspend the rules** for Ordinance No. 58-06. All members present voting:

Yes: Repace, Snyder, DeOrio, Foltz, Hines, Lane, Magel

No: 0

Mr. Foltz: May I have a motion to adopt under the suspension of the rules for Ordinance No. 58-06.

Mr. DeOrio moved and Mrs. Magel seconded to **adopt under the suspension of the rules** Ordinance No. 58-06. All members present voting:

Yes: Snyder, DeOrio, Foltz, Hines, Lane, Magel, Repace

No: 0

16. Mr. Foltz: May I have a motion to read by title only the first reading of Ordinance No. 59-06.

Mr. DeOrio moved and Mrs. Magel seconded to **read by title only, first reading** of Ordinance No. 59-06. All members present voting:

Yes: DeOrio, Foltz, Hines, Lane, Magel, Repace, Snyder

No: 0

Ordinance No. 59-06 – First Reading

An ordinance authorizing an agreement with Patrick J. and Georgann Palonder providing for a project and real property tax exemption pursuant to Ohio Community Reinvestment Area program, and declaring the same to be an emergency.

Mr. Foltz: Chairman Repace.

Mr. Repace: This is the CRA application that Mr. Osborne brought to everyone's attention. And this is a request for a commercial CRA application from Patrick J. Palonder. The Palonders, who own and operate the Pat Joyce Insurance Agency, are requesting the CRA tax exemption at the rate of 50% for a 15-year term to support the construction of a new 2,367 square foot office building located at 225 North Main Street, which is currently a vacant property. The Housing Council has reviewed and approved the project to now go forward. The new construction will be at a cost of \$310,000.00, with an additional cost of \$25,000.00, for furniture and fixtures, for a total project cost of \$335,000.00. The new construction will have two (2) floors with a basement area. The Palonders are currently leasing office space. The property owners' current lease will expire in November. Therefore, they would like to have approval to move forward by obtaining all necessary building permits and start the construction. Now, that's one of the reasons why that this is – we ask this to be passed as on an emergency, to answer Mr. Osborne. The Palonders have had a North Canton business since 1980 and would like to remain in North Canton, even though most of their business is done

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in Jackson Township. The current payroll of their business is approximately \$180,000.00, with an additional approximate payroll of \$50,000.00 for new and part-time employees. When a tax abatement is brought forward, it is fair to the CRA. It is thoroughly reviewed by the CRA Committee before brought to Council. The CRA Committee is a good committee that really digs in and, and reviews and discusses all options and so forth. Any time that you can improve our City – that's a vacant lot. When you show that there's construction on a vacant lot, that is always good for your community, and that attracts other businesses. We have a lot of empty buildings in our community that need to be filled. By doing projects like this is exactly what needs to be done. Mr. Osborne is right. Nobody knows what's gonna happen with The Hoover Company. There's a lot of uncertainty. But I would say to Mr. Osborne and everybody else, don't rule Hoovers out. So, these are exactly the kind of things that we want – we want to do in the City of North Canton, and I move that this goes forward and is passed on an emergency.

Mrs. Magel: Chairman Repace, was this not done with the blessing of the School District?

Mr. Repace: Oh, thank you. Yes. There is a letter that Mr. Bowles – addressed to Mr. Bowles, who is the Director of Economic Development. And I'll read this letter: Dear Mr. Bowles: Please let this letter confirm that we are responding within the 14 days School Board notification letter received from the City of North Canton on April 6, 2006, regarding the above tax exemption application. Upon review of the materials provided to us, please let this letter serve as confirmation of the Board's official action to concur with the CRA Tax Exemption Application submitted by Patrick J. and Georgann Palonder. If you have any questions regarding the Board's action, please contact me (the phone number). With care and support, Michael R. Gallina. So, this is done, also, at the School Board's blessing. Kathy, thanks for bringing that to my attention.

Mr. Foltz: Any other comments from Council?

Mr. DeOrio: I would just like to echo what Mr. Snyder said at the beginning in that if we do nothing, and we just let it go, the school system's going to get less money because it's a vacant lot. It's not bringing in the revenue that it could. So, even with the abatement, the school's gonna get more money. So, it's a good thing to do. And I also wanted to just thank Mrs. Burnett for taking the time to come and speak on that as one of the CRA members. I appreciated that.

Mrs. Magel: Okay, then I'd like to second.

Mr. Repace moved and Mrs. Magel seconded to **adopt the first reading** of Ordinance No. 59-06. All members present voting:

Yes: Foltz, Hines, Lane, Magel, Repace, Snyder, DeOrio

No: 0

Mr. Foltz: May I have a motion to suspend the rules for Ordinance No. 59-06.

Mr. DeOrio moved and Mrs. Magel seconded to **suspend the rules** for Ordinance No. 59-06. All members present voting:

Yes: Hines, Lane, Magel, Repace, Snyder, DeOrio, Foltz

No: 0

Mr. Foltz: May I have a motion to adopt under the suspension of the rules for Ordinance No. 59-06.

Mrs. Hines moved and Mrs. Magel seconded to **adopt under the suspension of the rules** Ordinance No. 59-06. All members present voting:

Yes: Lane, Magel, Repace, Snyder, DeOrio, Foltz, Hines

No: 0

17. Mr. Foltz: May I have a motion to read by title only the first reading of Ordinance No. 60-06.

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Mr. DeOrio moved and Mr. Lane seconded to **read by title only, first reading** of Ordinance No. 60-06. All members present voting:

Yes: Magel, Repace, Snyder, DeOrio, Foltz, Hines, Lane

No: 0

Ordinance No. 60-06 – First Reading

An ordinance accepting the recommendations of the City of North Canton Tax Incentive Review Council ("TIRC") concerning the agreements granting exemptions from property taxation to continue the existing eight (8) Community Reinvestment Area ("CRA") agreements.

Mr. Foltz: Chairman DeOrio.

Mr. DeOrio: Yes. This is the TIRC Committee's recommendation to continue these existing CRAs to commercial enterprises in the City of North Canton. As Mr. Snyder spoke earlier, they've been given a thorough review, and we feel very comfortable with where we are on that. And I would recommend and so move that we adopt, for its first reading, Ordinance No. 60-06.

Mr. DeOrio moved and Mrs. Magel seconded to **adopt the first reading** of Ordinance No. 60-06. All members present voting:

Yes: Repace, Snyder, DeOrio, Foltz, Hines, Lane, Magel

No: 0

18. Mr. Foltz: May I have a motion to read by title only the first reading of Ordinance No. 61-06.

Mr. DeOrio moved and Mrs. Hines seconded to **read by title only, first reading** of Ordinance No. 61-06. All members present voting:

Yes: Snyder, DeOrio, Foltz, Hines, Lane, Magel, Repace

No: 0

Ordinance No. 61-06 – First Reading

An ordinance approving, confirming and accepting a perpetual water utility easement known as and being part of the Southwest Quarter of Section 31, Township of Lake (T-12, R-8), County of Stark and State of Ohio, Parcel Number 2015167, and also being part of a 0.344 acre parcel conveyed to Steven D. and Angela Shankel as recorded in Instrument Number 20029200075468 of the Stark County Recorder's records, and also known as the Mt. Pleasant/Pleasantwood Easement, for the purpose to lay, re-lay, construct, install, maintain, operate, alter, inspect, repair, remove, replace and renew, at will, a water main for conveying potable water and all appurtenances thereto with the right of ingress and egress at any time to and from such water main and all appurtenances thereto on, under and through, and declaring the same to be an emergency.

Mr. Foltz: I think that was the entire ordinance...(inaudible) Chairman Magel.

Mrs. Magel: Yes. Mr. Law Director, could you read that Instrument Number again?

Mr. Snyder: We've got the Super Lotto.

Mr. Lane: Bingo.

Mrs. Magel: That was just an initiation for your reading. This is just, basically, after all of those holidays is an easement that we need for one of the projects on Mt. Pleasant to get water up to the Airport. It's – although, it's not in here, it is to be no more than one dollar (\$1.00). It's just an easement, so it's very simple. And I would ask that the first reading be approved.

Mr. Foltz: We have a motion to adopt the first reading, then, of Ordinance No. 61-06?

Mr. DeOrio moved and Mrs. Hines seconded to **adopt the first reading** of Ordinance No. 61-06. All members present voting:

Yes: DeOrio, Foltz, Hines, Lane, Magel, Repace, Snyder

No: 0

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19. Mr. Foltz: Next, may I have motion to read by title only the first reading of Ordinance No. 62-06.

Mr. Wise: Mr. Chairman, if I may, or Mr. President – the last ordinance was not passed on an emergency?

Mrs. Magel: This is a first reading, and then it will be passed on an emergency later.

Mr. Wise: Okay.

Mrs. Magel: But not tonight.

Mr. Wise: Okay. Could we do it on the second reading?

Mrs. Magel: I believe that's what we agreed to.

Mr. Wise: Okay. All right. I just want to be clear. Thank you.

Mr. Foltz: We have a motion on the table. Do I have a motion to read by title only the first reading of Ordinance No. 62-06?

Mrs. Magel moved and Mr. DeOrio seconded to **read by title only, first reading** of Ordinance No. 62-06. All members present voting:

Yes: Foltz, Hines, Lane, Magel, Repace, Snyder, DeOrio

No: 0

Ordinance No. 62-06 – First Reading

An ordinance authorizing the Mayor of the City of North Canton, through the Board of Control, to enter into a two (2) year Agreement by and between the City of North Canton ("City") and the Stark County Combined General Health District ("Board") to provide activities related to Phase II Storm Water of storm sewers located within urbanized area of the City, at a total annual cost not to exceed \$5,750.00 and declaring the same to be an emergency.

Mr. Foltz: Chairperson Magel.

Mrs. Magel: Yes. This is as we had discussed. That \$5,750.00 amount was for 300 – up to 300 storm sewers to be checked. This will be the County that's going to come in and make sure all of our storm systems are measured and up to snuff. And this is going to be the same thing – that it will be an emergency, but not on a first reading. As was discussed earlier, emergency – I'd like to give things – the public time to come up and speak. Although, I doubt it's gonna be on a utility or this Phase II storm water, but, yes, we – I had spoke to Jim, and he agreed with this. So, I would like this first reading to go through, please.

Mr. Foltz: Do I have a motion to adopt the first reading of Ordinance No. 62-06?

Mr. DeOrio moved and Mrs. Magel seconded to **adopt the first reading** of Ordinance No. 62-06. All members present voting:

Yes: Hines, Lane, Magel, Repace, Snyder, DeOrio, Foltz

No: 0

REPORTS:

Mr. Foltz: Reports – Director of Law.

Mr. McFarren: Nothing other than I appreciate your patience and continued communication.

Mr. Foltz: We're happy to reciprocate. Director of Finance.

Mrs. Herr: The only thing I wanted to mention is that our filing due date for municipal income tax is April 17th – Monday – since the 15th falls on a Saturday. So, we get the benefit of the weekend, so make sure that everyone files and – by the 17th.

Mr. Foltz: Okay. Director of Administration.

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Mr. Wise: A number of construction projects going on – Bonnett Street Waterline, we just started. They started digging, I think, on Thursday. I don't think they worked on Friday, but they were up there today digging in the waterline on Lehigh and Watkins, and then they're working their way towards Bonnett. With regard to Dogwood Pool, there was some construction up there on Dogwood Street. They had to run a line to the sanitary sewer, and that's progressing. They started digging this morning, and that's going pretty well. Cordelia and Summit waterlines will begin fairly soon. I missed the pre-construction meeting on Cordelia, so I don't know exactly the date that they're going to start on that, but those will be starting soon. Marquardt, which has been going on for quite some time, will be finished, I'm told, on Thursday or Friday. They're actually milling the street. They milled the street today, and they'll be laying asphalt tomorrow and maybe Wednesday. And, then, it takes a little – just short of a day before anyone can drive on it. So, hopefully by Thursday, it'll be open for traffic completely. Main Street is progressing. We've had a lot of complaints from the people on Knoll and Northfield and Greenway, and we're trying to alleviate that the best possible way. There's also been some complaints from businesses with regard to that not being marked as a detour. So, it kind of goes both ways – the residents don't want it to be a detour, and the businesses south of there want it to be a detour. But there is significant traffic on those streets. We've put up a lot of signs, and, I think, the four-way stop at Northfield and Knoll is working out pretty well. I haven't heard any complaints about that. They have taken down the traffic lights at the intersection of South Main and Everhard. They did that this morning. There are now stop signs – well, there always have been stop signs down there since the construction began. But there are stop signs with flashing lights on them. That, I think, is going pretty well. I spoke with one afternoon shift officer today, and he's not aware of – and I shouldn't say it – he's not aware of any accidents at that location to date right at – on South Main and Everhard. It seems to be going fairly well – that traffic through there. And, I think that's all I have. Thank you.

Mr. Foltz: Okay, thank you. Mayor.

Mayor Held: Yes, I'd like to invite the Council members next Monday – we're going to have a tour of the Water Treatment Plant at 5:30, and this will give you an opportunity to see our new upgraded and expanded Water Treatment Plant. I thought that members that might be interested in touring the plant – getting a little better idea as to what we have down there at the City, which is a fantastic facility. They've done a really nice job down there, and, so, we'll schedule that for this Friday at 5:30.

Mr. Foltz: Monday.

Mayor Held: Or, I'm sorry. This Monday at 5:30, and so those that can attend, I'd love to have you down there. And, members of the press, if you'd be interested in touring also, that would be a good time to do that. And, then, I'd like to thank members of Council – those that attended the State of the City. It was nice to see you there, and I think it went really well. We'd also like to thank all the department heads – they put a tremendous amount of time – you really can't appreciate how much time was put into that presentation just gathering all the information from each department. Eric Bowles did a real nice job putting the presentation together on the Power Point and, also, Julie, for gathering all the financial data. I know there was a lot that we asked of you to get together, and that was nice. And, E.J., you were there until, I think, 11:30 the night before putting that together. So, I appreciate everybody's help and support. And that's all.

Mr. Foltz: All right. Thank you. Our Clerk? Any comments?

Mrs. Kalpac: No report.

REPORTS – COUNCIL:

Mr. Foltz: Okay. Member Lane.

Mr. Lane: I just want to thank the administration for their help on that Knoll, Greenway and Northfield situation. It's not fixed by any means. It seems like every day that goes by, more people find the cutoff – or the cut-through, I should say. The biggest problem that I've had – I've been over there several times, and I was over there on Saturday for

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a while, and I'll sit around and watch, and the car traffic seems to be proceeding. Although, you've indicated that the amount is much higher, and you've got a lot of pedestrians through there and no sidewalks. So, it's a, excuse me, it's a dangerous situation, but the car traffic seems to be working. What's starting to happen now is delivery trucks – there were a couple of dump trucks through there today that had nothing to do with the Main Street project. There was even a car carrier. I don't know how it got in there, but it was coming down Knoll, and I don't know how it turned, how it got there, but it was there; and this was early in the process last week. So, I don't know if, in addition to everything else we're doing, if there's a way to post "No Trucks" or at least consider that as a possibility, that might help us a little bit along the way. But I do appreciate your efforts, and I think everybody understands that we're all gonna to have to live with it. But whatever we can do to help it along as it progresses, I think it would be appreciated. And hearing that it might be 12 days ahead of schedule is welcome news, as long as that keeps going that direction as opposed to slowing down. So –

Mr. Foltz: Thank you.

Mr. Lane: And I didn't realize Mr. Benekos wouldn't be here tonight. Will he be back in the office tomorrow?

Mr. Wise: Yes.

Mr. Lane: Okay. I've got a couple of project questions for him. So, thank you.

Mr. Foltz: Member Snyder.

Mr. Snyder: If I go to the Water Treatment, I get an extension on my taxes, because I won't be here in time to file them?

Mr. Foltz: He's still got til midnight. Right?

Mr. Snyder: Oh, well, then I'm all right, then. A couple things. I'm sympathetic to that, but we're reaching a point where we can't choke all the traffic off. That is a public right-of-way. You start stopping traffic – as you – first of all, you have too many signs. It's so damn convoluted, anybody who could drive a car could – there's too many signs all over – local this; stop; road closed. There has to be something drawn up where there's signs at Everhard and so forth, so that the natural flow will take the detour.

Mr. Lane: I think the one at 44th ended up missing for a while.

Mr. Snyder: Well, it's because of the O.D.O.T. You can't put that – it's not a break-away sign. And we are beginning to choke the merchants on both ends of the street. And, I mean, there are too many signs, because it's very difficult – I see people turn around right in the middle of the street now. And that's what's going to happen, because it's not a direct – if there's a sign at Everhard telling them to follow Easthill and around, they'll follow that, because they're looking for Fishers or whatever they're looking for, and northwardly, people do everything by habit. They don't do – they don't – you know, they just know that's the way they normally went. But that would be my only question to that. And, then, the other thing I need some guidance here. And I say this, also, to Director Wise. I notice that there's been sent a moral claim for my committee for next consideration. However, I have just received communications from Members DeOrio, Repace and Hines relative to a moral claim. And I just want to know if I can postpone that moral claim consideration until I can bring in tandem both that consideration and that claim, which would be two (2) weeks. Is there a problem on that? Is time of the essence on that?

Mr. Wise: No. It's entirely up to you.

Mr. Snyder: Well, I think to be fair to both the Council and to the person that's submitted his moral claim that there be some concrete process that we can continue to follow. And I know that's not the normal channel, but I was advised today that that was sent over here, so I'm asking for leave – if I could leave that for another couple of weeks. And I will consider – I appreciate your allowing me time to look at that and will share it with my committee. Although, you were the architect of it, so I won't have to share with you.

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Mrs. Hines: (Inaudible) ... anything to do –

Mr. Snyder: But I will – if that's all right, I'll take it (inaudible). That's not a problem.

Mr. Wise: Until May 1st – the next Committee –

Mr. Snyder: Yes, the following Council of the Whole. Or at least get it considered at that time, because, really, I don't have that to go up on there, because next week, I hope to present change in the fee structure for permits and so forth. So, that will take some time, and that's a lot to – if it's not a problem, I would like to –

Mr. Wise: No. That's fine.

Mr. Snyder: Okay. I'll ask the Clerk to do so, then, if that's okay.

Mr. Foltz: That was my question to you again. You had a chance to meet with Gene?

Mr. Snyder: I have. And I'm juggling three balls with Gene. We want to come out with a sign ordinance – and, hopefully, at least, and get the permission of Council, through this construction period, to waive the temporary sign ordinance that prohibits temporary signs to identify businesses. And maybe in that corridor we can allow temporary signs during construction. And he's hoping to put on a disk the video of all the signs that are on Main Street so you can see who's conforming and not. And, then, we're bringing in tandem, again, the fees; because we're entering the construction season, and The Sanctuary has all those new homes that we may be able – because if we can be proactive on our fees, we can – Mr. DeOrio will appreciate that – more pay for the building department over there.

Mr. Foltz: Right.

Mr. Snyder: Carry its own weight. So, I'll be bringing that next Monday, and, then, the following Monday, the ordinance on moral claims as well as that moral claim.

Mr. Foltz: We're still working on the exterior codes?

Mr. Snyder: Well, yeah. That's coming very closely. We had a meeting.

Mr. Lane: In fact, I wanted to bring something up on that. I had a situation where I've got a routine violator that has been cited again. You know what the magistrate fined him?

Mr. Snyder: No.

Mr. Lane: Fifteen Dollars (\$15.00). So, they're in the process of citing him yet again, today, and again tomorrow. And, eventually, they're going to get a message, or we're gonna have to do something about it. So, but that's what Gene comes across. That's why I brought it up. He's out there trying to do his best to keep properties in good shape, and you send them through the courts, and they get fined \$15.00 and go home.

Mr. Snyder: That's why we want to bring it here to our local court. And right now it's been hammered down to where you'll be given the citation. It's valid seven (7) days to correct it. At that point, you get fined.

Mr. Foltz: We've heard from a number of our citizens – and if any Council members have any other input, please get it to Jon or Gene. I'm dealing with one now where there's a dumpster in the front yard that people have been looking at for 15-20 years. Why was it even acceptable for it to be there in the first place? It's beyond me. But, then, you know, we've got to address those things.

Mr. Lane: Is it decorated?

Mr. Foltz: No. It's (inaudible).

Mr. Lane: Well, okay.

Mr. Snyder: I think they need some tax abatement.

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Mr. Foltz: You know. So, those are the loose ends we need to tie up. Okay. Thank you, Member Snyder. Member DeOrio.

Mr. DeOrio: No report.

Mr. Foltz: Okay. Member Hines?

Mrs. Hines: No report.

Mr. Foltz: Member Repace.

Mr. Repace: No report.

Mr. Foltz: Member Magel.

Mrs. Magel: I just wanted to thank Mayor Held for getting me a copy of the written – I realize when I saw it how lengthy it was, and it would have taken you some time. But I appreciated getting it to me as speedy as you did. Thank you.

Mr. Foltz: Okay. Final call for new business from the administration or Council. Anything? Seeing none, do we have a motion to adjourn?

ADJOURN:

Mr. DeOrio moved and Mr. Lane seconded to adjourn the meeting. All members present voting:

Yes: Lane, Magel, Repace, Snyder, DeOrio, Foltz, Hines

No: 0

Meeting adjourned at 8:13 p.m.

PRESIDENT OF COUNCIL

ATTEST:

CLERK OF COUNCIL