

RECORD OF PROCEEDINGS

Minutes of

COUNCIL OF THE CITY OF NORTH CANTON

REGULAR

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held

Monday, August 26, 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 President of Council Jon Snyder.
3. All present recited the Pledge of Allegiance.

ROLL CALL:

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

Mr. Snyder: May I have a motion to excuse Member McLaughlin?

Mr. Foltz moved and Mrs. Kiesling seconded to excuse the absence of Member McLaughlin.

All members present voting:

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

No: 0

Mr. Snyder: Thank you.

5. Consideration

Consideration of Minutes of Public Hearing - July 8, 2002
 Consideration of Minutes of Council Meeting - July 8, 2002
 Consideration of Minutes of Public Hearing - August 19, 2002
 Consideration of Financial Statement: July, 2002
 Consideration of Mayor's Court Receipts: June & July, 2002

Mr. Osborne moved and Mrs. Kiesling seconded to approve the minutes of the public hearings, minutes of the council meeting, the financial statement and mayor's court receipt as presented.

All members present voting:

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

No: 0

6. Committee Reports

Community & Economic Development Committee: Refer to the minutes on file in the Council Office of the Community & Economic Development Committee meeting held August 19, 2002.

Finance & Property Committee: Refer to the minutes on file in the Council Office of the Finance & Property Committee meetings held July 8 and August 19, 2002.

Ordinance, Rules & Claims Committee: Refer to the minutes on file in the Council Office of the Ordinance, Rules & Claims Committee meeting held August 19, 2002.

Park & Recreation Committee: Refer to the minutes on file in the Council Office of the Park & Recreation Committee meeting held July 8, 2002.

Street & Alley Committee: Refer to the minutes on file in the Council Office of the Street & Alley Committee meeting held August 19, 2002.

Water, Sewer & Rubbish Committee: Refer to the minutes on file in the Council Office of the Water, Sewer & Rubbish Committee meetings held July 8 and August 19, 2002.

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

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

No: 0

7. Recognition of Visitors

Mr. Snyder: Thank you. Is there anyone in the audience wishing to speak to the Council this evening? If so please step forward, state your name and address for the record.

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Lee Kopp: Mr. President, my name's Lee Kopp, as you know. If possible I'd like to reserve my... opportunity to speak until we find out. I'm a little dismayed that my ward councilman is not here when this issue that's been going on for a year and a half has come up for consideration.

Mr. Snyder: Sir, unfortunately the council rules only permit public speaks during the actual public speaks. If you're talking about - do you want to address the issue of your moral claim at the time your moral claim is considered, is that what you wish?

Mr. Kopp: Yes. As I would - I would ask that since Mr. McLaughlin isn't here that we wait until he is.

Mr. Snyder: Well there has honestly been some discussion of that and a - I mean I realize your valid point. But again that will come up for consideration.

Mr. Treadon: It's currently tabled that...

Mr. Snyder: Right.

Mr. Treadon: That ordinance is currently tabled. It would have to be removed from the table, then considered by council.

Mr. Kopp: Well that's another issue. And that I was informed by a councilman today that it had to come out of committee two weeks before it was addressed. In other words it had to come out of committee before - at the committee meeting before a regular council meeting, which it has.

Mrs. Kiesling: Because I have...

Mr. Treadon: It came out of committee some time ago.

Mrs. Kiesling: It came out of committee, but I didn't know it was on because I - we had a wrong agenda in our packet.

Mr. Treadon: It's not on the...

Mrs. Kiesling: That's why I didn't know. That's why I felt really stupid.

Mr. Treadon: It's not on the agenda is it?

Mr. Kopp: It's on this agenda.

Mr. Snyder: It's on this agenda.

Mrs. Kiesling: Yes, that's why I didn't know Lee. I thought I was blind but that's alright.

Mr. Treadon: It shouldn't be on this agenda because it's still been tabled. It's still tabled so it can't be on the agenda. It shouldn't be on the agenda because it's still tabled.

Mrs. Kiesling: Well it's old business and it's tabled. So to bring it out it would take four.

Mr. Treadon: So it would have to - exactly. I...

Mrs. Kiesling: So four of us need to vote to bring it out. And that will be up to the six of us.

Mr. Kopp: I guess my point is I would rather wait to address the council when they're ready to consider the issue. And if it's going to be considered I would like to address them if not I'd rather wait. I don't want to take up your time tonight if it's not going to be considered until two weeks from now.

Mrs. Kiesling: I agree but I guess we'll vote when we vote.

Mr. Osborne: Yea I agree too, I would like to leave it on the table and we'll discuss this in two weeks.

Mr. Snyder: Any input Mrs. Magel?

Mr. Osborne: Mrs. Magel is this...

Mr. Snyder: I mean...

Mrs. Magel: No, we' not...

Mr. Snyder: No we're not considering...

Mrs. Magel: We're not actually...

Mr. Snyder: Alright, good...

Mr. Osborne: Yea.

Mr. Snyder: Well I don't know how to address that. I mean I know the rules state that you can't comment during...

Mr. Treadon: You could waive the rules - they're your rules.

Mrs. Kiesling: Right. Let's just talk about it.

Mr. Snyder: Okay, when we get to that point we'll come to it. Okay? Old business the first...

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OLD BUSINESS:

8. Mrs. Kiesling moved and Mrs. Magel seconded to **read by title only, third reading** of Ordinance No. 70-02. All members present voting:
 Yes: Osborne, Snyder, Foltz, Kiesling, Lindower and Magel.
 No: 0

Ordinance No. 70-02 - Third Reading

An ordinance authorizing the Mayor of the City of North Canton, through the Board of Control, to accept a 10.100 acre tract of land, more or less, on the south side of Applegrove St. N.W. from the North Canton Rotary.

Mr. Snyder: As you know that's the area up there that the Rotary Park has donated to the city. It's become a passive park to the city next to the Girl Scouts, which they'll use. And that's about it. Any other questions on that? If not...

Mrs. Kiesling moved and Mr. Lindower seconded to **adopt the third reading** of Ordinance No. 70-02. All members present voting:
 Yes: Snyder, Foltz, Kiesling, Lindower, Magel and Osborne.
 No: 0

Mr. Snyder: Is there a motion to remove Ordinance 73-02 from the table?

Mr. Foltz moved and Mr. Osborne seconded to **remove Ordinance No. 73-02 from the table.**

Mrs. Bittle: Foltz...

Mr. Snyder: May I have a motion to read by title only...

Mrs. Bittle: Excuse me.

Mr. Snyder: Excuse me.

Mrs. Bittle: I didn't call the roll yet.

Mr. Snyder: Oh I beg your pardon.

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

Mrs. Bittle: That's 4 yes, 2 no.

Mr. Treadon: It's before the council.

Mr. Snyder: So now we can - it can be read correct and then discussed? It has to be read before it's discussed?

Mr. Treadon: Yes.

9. Mr. Foltz moved and Mr. Lindower seconded to **read by title only, first reading** of Ordinance No. 73-02. All members present voting:
 Yes: Lindower, Magel, Snyder and Foltz.
 No: Kiesling and Osborne.

Ordinance No. 73-02 - First Reading

Ordinance No. 73-02 authorizing the Director of Finance of the City of North Canton to make payment of a moral claim to Evangeline R. Kopp in the amount of \$4,663.05 for reimbursement of legal fees and declaring the same to be an emergency.

Mr. Treadon: Recognize in its current form this will take 6 votes.

Mrs. Kiesling: Oh yea. It doesn't matter.

Mr. Treadon: I just want everybody to be aware of the rules. It is an emergency ordinance.

Mrs. Magel: May we change the...

Mr. Snyder: No it's...inaudible...

Mr. Treadon: You can amend it.

Mrs. Magel: Amend it, yea. May we amend it?

Mr. Treadon: If you have 4 votes.

Mr. Kopp: Does it matter?

Mr. Lindower: On the emergency it will take 6...inaudible...

Mr. Snyder: I mean it does make a difference because it takes...

Mrs. Kiesling: If you amend it Rick can...

Mr. Foltz: I mean if we didn't vote it so it's done then right?

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Mrs. Kiesling: Right.
 Mr. Foltz: Technically...
 Mrs. Kiesling: If you amend it then Rick gets a chance to vote on it in two weeks.
 Mr. Foltz: Well...
 Mr. Snyder: No he...
 Mrs. Magel: Okay, I see. If you're just...
 Mrs. Kiesling: If you amend it and take the emergency out...
 Mr. Foltz: You see what I'm saying? We didn't have enough to bring it out so.

Mr. Treadon: It's on the table now you can do with whatever you want. It's been read, you can have it...

Mr. Foltz: But it takes 6 votes to pass it?
 Mr. Treadon: In its current form.
 Mr. Foltz: Right. I don't think that's going to matter.

Mrs. Magel: We...inaudible...
 Mrs. Kiesling: Right, exactly.
 Mr. Foltz: Okay.
 Mrs. Magel: What did you...inaudible...

Mr. Snyder: Now I'd like to make a - I'd like a motion to amend the rules of council to permit Mr. Kopp to speak relative to Ordinance No. 73-02.

Mrs. Kiesling moved and Mr. Osborne seconded to **amend the rules of council** to permit Mr. Kopp to speak relative to Ordinance No. 73-02.

Unidentified: Inaudible...let him speak.

All members present voting:
 Yes: Lindower...
 Mrs. Bittle: Magel.

Mrs. Magel: What is this to do?
 Mr. Snyder: So Mr. Kopp can speak.
 Mrs. Kiesling: To let Mr. Kopp speak.

Mrs. Magel: Oh, yes.

Mr. Osborne: I guess I'm getting lost here too. Isn't this a vote to remove the emergency?

Mr. Treadon: No.
 Mrs. Bittle: No.
 Mr. Foltz: No.
 Mrs. Kiesling: Nope, this is a vote to let Mr. Kopp talk.
 Mrs. Magel: Allow Mr. Kopp to speak.
 Mr. Snyder: Let Mr. Kopp...
 Mr. Treadon: To suspend council rules.
 Mrs. Magel: We need to change the rules.
 Mr. Treadon: Suspend council rules.
 Mrs. Magel: Okay.
 Mr. Snyder: Inaudible...so Mr. Kopp can speak relative to 73...

Mr. Osborne: Well I think he needs to know whether we're going to vote on this...
 Mrs. Kiesling: Oh we're voting on it.
 Mr. Osborne: tonight.
 Mrs. Kiesling: They took it off the table.
 Mr. Foltz: Yea.

Mr. Osborne: This is like a hot potato everybody's throwing around here. I don't why we can't deal with this...
 Mrs. Magel: Do you want Mr. Kopp to speak, yes or no?

Mr. Osborne: Yes.
 Mr. Snyder: Yes.
 Mr. Foltz: Yes.
 Mrs. Kiesling: Yes.

Mr. Snyder: Mr. Kopp.

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Mr. Kopp: Inaudible...I don't want to get all upset, but this is more than a mistake, it's almost a travesty the way this has been handled. It's more than a hot potato, it's wrong. We did not ask to be annexed. We have done nothing wrong. And for that and for our requests of the city and the city telling us there was a 17 year policy in writing that your zoning would not be reversed, because to do so(quote), "would be a form of reverse condemnation." Now that's what the city told us. What is our zoning? Has our zoning been changed? Yes. Was it reversed? Yes. Despite all our efforts, despite a lot of councilmen's efforts. Now you can take this back all the way to the Planning Commission and that's where it went wrong right from the very beginning. I had that letter for them to read, they would not accept my information. Now, I filed a morals claim on behalf of my mother who is 83 years old, who owns the property. This is her primary asset. Mrs. Magel, she's on a fixed income. Now to protect her and her property we had to hire legal counsel. It has been mistakenly stated on multiple occasions that our legal counsel - that wasn't your responsibility to pay for our legal counsel to be at all these council meetings. My legal counsel, our legal counsel was at two meetings - two. One of those it was tabled so he left right away. So we're not talking about that. What we're talking about is the city's failure to uphold a promise that it made and what the cause and affect relationship was to us. We have a very unique property as almost all of you understand. And I can sit here and I can go back through this over and over again of what's been covered and what hasn't. Most of the council members have agreed to meet with me to discuss with this, there are some that never would agree to do that. Prior to your summer break I found out that council did - council members did not even have a copy of our morals claim, but they were ready to vote on it. Now we're talking about a six page letter with a three page time line attached. And council didn't get copies and council didn't read it. Now we made numerous requests when this first came out of the Planning Commission of the then administration. We requested the zoning ordinance, we requested anything that would show us in writing that this 17 year policy had been altered. The city failed to meet those public record requests - it never met them. My initial response from asking over at the Zoning Office for a copy of the zoning law was that there's a new zoning law coming out you don't need the current one. That's not true. It's also a public record. Now, I sent a letter to City Council on July 15th - this month - this - just this previous month. And it's my understanding that council members didn't get a copy of that letter. I'm going to read this letter because I think this is important because the failure to meet these requests is unacceptable. The State of Ohio's public record laws are very explicit. "Dear City Council. Pursuant to discussions at the council meeting of July 8th concerning our morals claim filed with the city, we would like to officially request of council that we be notified of and permitted to attend all future meetings of council, including executive sessions, that may be called to discuss our morals claim. We would appreciate having a week notice prior to such meetings. In addition, it is our understanding that recommendations and opinions regarding this matter have been issued by the North Canton Legal Department, City Administrator and other city officials. At a minimum, common courtesy would have seen that we received copies of the same, but we have not. Therefore, we request that copies of these, along with portions of the minutes of council 7/8/02 pertaining to our morals claims (Ordinance No. 73-02, per agenda item no. 11), be sent to us at the above address. We look forward to resolution of this morals claim and again offer our assistance if any need should arise." I did receive a copy of the minutes for that meeting. There were no copies of the - all the opinions and recommendations regarding this morals claim - none whatsoever. And I had requested those previously from other council members. Now, I can go through this moral claim and I can - I can sit here and I can take all night to do this and I don't want to do that and I know you don't want me to. But there are some things that need to be covered. Partially - well let me start with this. Our claim, the morals claim was for \$7,465.05. Councilman Osborne went through a lengthy process of writing this all up for council, reviewing the whole situation and talked to me about whether I was willing to accept the amount that is currently before you and I agreed to that. That amount is sixty-two and a half percent of the morals claim. However, it is about ten percent of our total efforts and costs. We did not ask of the city for one cent from any of my efforts or my costs or my time. The only thing we asked the city for was out of pocket costs of my mother. Now, despite the fact that we finally did receive conforming use, our zoning still was restricted from what it had been. And the reason I agreed to Mr. Osborne's amount of money that he recommended be paid, was because in the letter from Attorney Batista to Gene Hemminger, Superintendent Permits and Inspections, of October 4, 2001, he states, "I believe that under the existing office building district that the described service of music sound" and that goes on I will pause and let's go through that, etc., all the things that we had provided to them, "is a professional service." I make this opinion - please listen to this carefully, "I make this opinion based on the fact that you and I (meaning Hemminger) observed the premises and is clearly a very technical operation which can be performed by a professional." Now the date when Attorney Batista and Mr. Hemminger meet and toured our facility was May 22, 2001. And on that occasion, on multiple requests, we specifically, meaning my attorney and I, requested of Mr. Hemminger and Attorney Batista, why aren't we a conforming use under OB office district? And all we got was you aren't. Now you can look through the minutes or Mr. Osborne's report or my morals claim and understand Mr. Treadon's words when this came up later, "what's the problem here." Now here is Batista telling Hemminger that we are a conforming use as a professional service under OB on October 4, 2001. And if he would of merely said that on May 22, 2001, none of us would of had to go through what we would of had to go through. And our legal costs from that date forward were for the amount Councilman Osborne had recommended paid and that's why we agreed to that. Although it cannot be considered not to have been a mistake that it ever got to that point. There are a lot of things done wrong here. I've heard people talk about precedent. Well the precedent you should be concerned with is what other businesses is going to think and react when they hear about this when you try to annex them. How is North Canton going to treat properties that it annexes? That's the

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critical issue. And we're in this city now and we're very concerned about it too. You can't take a 22 year old business and annex them and say well we think your zoning should be this, when it's been something for 22 years. And that's what North Canton did to us. We aren't talking right now about damages for the reduced value of our property because we cannot use it or sell it for some of the functions that we could have before you annexed us. And I'm sorry I raised my voice. I've met with most of you, I've talked with most of you and I think you understand I'm trying to be reasonable about this. But this has reached the point where it can be corrected properly or it can become a very nasty issue. The truth of the matter is, Councilman Magel did a lot of research on zoning - Plain B1 is equivalent to North Canton GBA. Technically you have miss zoned all the other businesses (the medical businesses) in the strip on Schneider because your zoning specifies health and other medical services are GBA. But somebody wanted us to be office business. When Mr. Batista came up with the idea of a land covenant and list of things he did not want us to have on our property, we immediately agreed to all of those things. We have bent over backwards over and over and again trying to amicably resolve this situation. And the truth of the matter is it's a huge mistake. Now I'm sitting here again where I just requested records on July 15th and we didn't get them. Council wasn't even informed of the letter - it's addressed to City Council. Now you're talking about having to vote and my ward councilman isn't even here. This just goes on and on and on and on. I don't want this matter to last any longer. I want it resolved. But I want it resolved in a way where we're all friends and neighbors and we can live together peacefully. Do I feel like we've been wronged? Absolutely. Do you have any idea how much of my time this taken for a year and half? We made our original inquiry and got a response from Goldthorpe - are you ready for this, November 11, 1999, is when we were told the North Canton policy is not to rezone to a more restrictive use; to do so would be considered reverse condemnation. And that's exactly what we would have right now if I hadn't spent all this time and if my mother hadn't spent a minimal of legal fees just to get a conforming use. Because our property is very unique, our building is very unique and it's very expensive. North Canton should be proud to have our business and this facility and property in its city limits - not trying to banish us. So I'll try to sum up as fast as I can. This can be resolved in the \$4,000.00 range, which you have in front of you and we've agreed to go along with that. I believe there are a whole lot of issues and problems that you as the managers of this city and the overseers of this city, need to address. The Planning Commission, literally the exact words, President of Council you were there," if looks like an office building it's an office building". Being told by the Zoning Office that I can't have a copy of the zoning ordinance. The Mayor's Office refusing to provide me with one, even after a certified return, receive letter. The things that have gone wrong here are numerous. I don't want this to continue. But there's a lot of mistakes here that can be corrected in one move. The message you need to send is hey business people we will stick by our word and if we don't we'll at least try to cover you for it, but we want you to be in North Canton. Because any other decision is a direct message to surrounding townships and the businesses in them, you'd better look out if North Canton tries to annex you. Thank you.

Mr. Snyder: Mr. Kopp, I'd like to address two things for you sir before you sit down. Number one, you were annexed to the city and you still are provided with B1 zoning. You have never been removed from that sir nor will you be removed until the building is either sold or remodeled. So you were not reverse condemned on property, number one. Number two, you alluded to the fact your attorney only attended two council meetings - at \$7,400.00 that's an awfully large bill. Looking over this bill most of it is review - extended discussion with client. I mean possibly he talked to you about your business, but we're not about to pay that. And as to Mr. McLaughlin not being here sir, I made the decision to call for the vote. So when you do prepare anything just be sure to know that the council members are not guilty; I did decide to move the vote. Secondly, I did instruct the clerk to send you those minutes. I did receive the letter and the consultation of the Law Department we did send you the minutes. So my apologizes to you if you did not receive anything else, but it was not the members of council nor the clerk. Again, that's my mistake - I was informed of it. I did not choose, since council was vacation, to disseminate to the other council members. So you can write that on your notes and that's how it was.

Mr. Kopp: Alright. Then I would like to add something to you too Councilman Snyder.

Mr. Snyder: Alright sir.

Mr. Kopp: And that is the reason there were so many consultations with my attorney was is the city couldn't make up its mind what in the world it was going to do. Now, some of the things - these are just some of the courses that the council, the legal department and the city made us go through. Okay. Number one, go get a use variance. Well turns out there isn't such a thing. Number two, we're going to do a land covenant. We're going to put - take this thing we're going to put a legal document on your property that says you can't do these things that we want - don't want you to do such as be a convenience store. Okay. Well then what's that come back to? And this came from your law director, this was his recommendation. Now we're supposed to jump through hoops on our own and say okay what is a land covenant. Do we do this or do we not do this? Then he sends us a list of the things out of his wisdom he decides we should and shouldn't do. We go over the list, we meet, we talk about that, we decide okay we'll agree with this. Okay. Then it comes up well let's change the - zone the business GBA. Let's just be done with it. And then because he used the word this could be construed as spot zoning, then council, after had said it would vote for that, decides it won't vote for that. So now we're back to square one again. Then let's add studio for instruction or music or audio or video or whatever

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it takes to OB, so we can call him a conforming use. Then let's change the current zoning OB to descriptions that are being used in the proposed zoning so that he can be a conforming use. Okay. So then your legal counsel says to everyone, well he's a conforming use. Now why didn't he say that May 22nd Councilman Snyder? If we were a conforming use, as the assistant legal director said in October, why wasn't that said at any step in time the whole way through? Why were we forced to continually consult our attorneys to do that?

Mr. Snyder: Sir, if you fail to realize one fact, that the Law Department is counsel to the council and the administration. They are not counsel to the citizen or to a proponent of a zone change. Anything that these gentlemen tell us is pertaining to the action of Council and Administration. How you interpret - you have the right, as I've told you before and I don't want to get into a long dissertation, to seek private counsel. Such as I do in everyday of my business profession and unfortunately I have to pay for it. It - I realize it's a bitter pill to swallow, but ultimately I can recall because two or three - three of us at least have been involved in this from the day that it was proposed at the Planning Commission. And I believe every council person that was on council at the time did, at your invitation, view your property. We tried, we went, we worked - we worked with the Law Department, the Administration, Zoning...

Mr. Kopp: Well it's not - it's not...

Mr. Snyder: to get you exactly what you wanted.

Mr. Kopp: Excuse me. It's not true that every councilman came and saw the building.

Mr. Foltz: No.

Mr. Snyder: Then I stand corrected. I thought they did.

Mr. Kopp: And there are some here now that still never have. Okay.

Mr. Foltz: That's true.

Mr. Snyder: Well I'm sorry. I - it was my - I misspoke there...

Mr. Kopp: What I'm trying to...

Mr. Snyder: But the majority of us did.

Mr. Foltz: Yea.

Mr. Snyder: Including - and Mr. McLaughlin and that time Mr. Sarbach and everybody that was on council - Mrs. Kiesling and Mrs. Magel.

Mr. Kopp: Mr. Batista came up with one item after another after another after another after another.

Mr. Snyder: Well he was trying to get a favorable resolution to the situation that would allow you...

Mr. Kopp: Why didn't he talk to Mr. Treadon and read the zoning ordinance and find out that it was a professional service - we were a conforming use under OB.

Mr. Snyder: Mr. Treadon gave an opinion with only part - to a particular instance, not to your particular instance. And Mr. Treadon will tell you that - I don't speak for Mr. Treadon, but I think his opinion was based on the knowledge he had of another particular incidence. It was not the incidence that you have. So consequently you can't hold Mr. Treadon's opinion to - you're interpreting Mr. Treadon's opinion to mean you on your specific need. But I can't...

Mr. Kopp: Well I think there are a lot council...

Mr. Snyder: But we're getting off the subject sir.

Mr. Kopp: There...

Mr. Snyder: I'm - if you have anything else to say...

Mr. Kopp: There are a lot of councilmen here who would say hey, this thing all of a sudden became acceptable as a conforming use once Mr. Treadon opened his mouth in the minutes that you can look that up.

Mr. Snyder: Alright sir. Is there anything else you'd like to tell us before we call for the roll? At this time...

Mr. Kopp: Yea, I really believe you're on the verge of making a mistake that's going to affect your annexations for a long, long time in the future. And I, Mr. - Mr. Snyder specifically you, I would ask that you reconsider your thinking. I don't expect that you will, but I ask that you do. Because this is something that any and every small businessman is going to be extremely interested to hear about. Because no matter what you're told evidently by the City of North Canton, your zoning can be whatever somebody wants it to be. And that, regardless of your opinion or my opinion or anyone else's opinion, that's simply wrong. That's not the intent of zoning. Zoning is there to protect people, both the property owner and the neighbors and the city. And in this situation it's being misused for some reason by somebody. Thank you.

Mr. Snyder: Thank you sir.

Mr. Osborne: Before we call for a vote, I'd just like to...

Mr. Treadon: Well there's nothing before the council right now - there's no vote to be taken. There's no motion to adopt.

Mr. Osborne: Okay.

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Mr. Treadon: There's no - it's off the table, it's been discussed. Or excuse me, it's been read and discussed. I did read it didn't I?

Mr. Snyder: Yea.

Mrs. Kiesling: Yea.

Mr. Snyder: So now we need a motion to accept the...

Mr. Treadon: Two beers preventing dementia obviously isn't working. But I thought I read it.

Mr. Snyder: Yea you did. You were alright. So we do a motion to - at that point then it can allow for discussion. We motion to accept Ordinance No. - I lost my...

Mrs. Magel: 73...

Mr. Snyder: 73-02.

Mr. Treadon: To adopt.

Mr. Snyder: To adopt.

Mr. Treadon: Motion to adopt.

Mr. Snyder: To adopt Ordinance 73-73.

Mrs. Kiesling moved and Mrs. Magel seconded to **adopt the first reading** of Ordinance No. 73-02. All members present voting:

Yes:

No: Magel, Osborne, Snyder...

Mrs. Kiesling: Chuck, do you know what you're doing?

Mr. Snyder: Wait...

Mr. Osborne: Well I guess I'm confused here.

Mrs. Kiesling: This is...

Mr. Treadon: There's a motion to adopt Ordinance No. 73-02.

Mr. Snyder: You voted no.

Mrs. Kiesling: This is to pay him the moral claim.

Mr. Osborne: Okay, yes. This has been flipping around. I wish we would do this with a full council...

Mr. Treadon: Well you have a motion to adopt...

Unidentified: Inaudible...okay?

Mr. Treadon: that's been seconded. We're calling for a vote to adopt Ordinance No. 73-02.

Mr. Osborne: In the ordinance it says to pay it.

Mr. Snyder: Right.

Mr. Treadon: Right.

Mr. Snyder: It does require six affirmative votes to pay it. It does have an emergency clause so there are six affirmative votes required to pass the ordinance as it is.

Mrs. Kiesling: What do you think we're going to get six in two weeks?

Mr. Snyder: No I'm say...

Mrs. Kiesling: No I'm looking at Chuck like vote yes and they're all voting no and it's a done deal.

Mr. Osborne: Okay.

Mrs. Magel: Are you this confused?

Mr. Osborne: Yea, I guess I am. No. I don't know what's...

Mr. Foltz: No.

Mrs. Kiesling: Yes.

Mr. Lindower: No.

Mrs. Bittle: That's 5 no and 1 yes.

Mrs. Kiesling: This is too...

Mr. Osborne: I understand what we've done here.

Mrs. Magel: You voted.

Mr. Treadon: You just defeated Ordinance No. 73-02.

Mr. Snyder: You just defeated him.

Mr. Osborne: Well that isn't what I intend to do.

Mrs. Kiesling: Right.

Mr. Lindower: You just did it.

Mr. Magel: Did you vote?

Mr. Snyder: Yes.

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Mrs. Magel: Okay...

Mr. Treadon: Well you can change your vote if you want to change your vote.
Mr. Osborne: Yes. Adopt it I guess.

Mrs. Bittle: Okay, that would be 4 no and 2 yes.

Mr. Snyder: Okay.
Mr. Treadon: It's defeated.
Mrs. Bittle: It's defeated.

Mr. Snyder: It's defeated. Alright. Then may I have a motion to read by title only the second reading of Ordinance 79 or excuse me, of ordinance - first reading of Ordinance 86-02. We had the...

Mrs. Bittle: Excuse me, we - 79-02.
Mr. Foltz: 79-02, yea.
Mr. Treadon: 79.

Mr. Snyder: We're back there? Didn't we just - oh, 73. Oh I follow you now. I apologize. Second reading of Ordinance 79-02.

Mrs. Kiesling: We're all confused.

10. Mr. Foltz moved and Mrs. Kiesling seconded to **read by title only, second reading** of Ordinance No. 79-02. All members present voting:
Yes: Osborne, Snyder, Foltz, Kiesling, Lindower and Magel.
No: 0

Ordinance No. 79-02 - Second Reading

An ordinance authorizing the Mayor of the City of North Canton, through the Board of Control, to enter into a professional service agreement for the design of the expansion phase of the Water Treatment Plant, at a cost not to exceed \$359,500.00.

Mr. Snyder: As you know we discussed this on the 8th of July. This is the engineering for the expansion of the Water Treatment Plant. We passed the first one, we'll pass the second reading and hopefully we will probably reinsert the emergency in that.
Mr. Foltz: This is the second reading Jon.

Mr. Snyder: Inaudible...the second reading, yes - we're asking and possibly we will reinsert the emergency prior to the third reading. As you know we talked about if some of the things come to fruition that we talked about we would have the money. But another companion piece of legislation the money will be included in the actual application to the water board to expand that. Unidentified: The grant or the loan.

Mr. Snyder: So we're asking that be passed the second time - the loan. So that's where the - or we will be paying for it; either one. But at this particular time we're only asking for the passing of the second reading.

Mr. Foltz moved and Mrs. Kiesling seconded to **adopt the second reading** of Ordinance No. 79-02. All members present voting:
Yes: Snyder, Foltz, Kiesling and Lindower.
No: Magel and Osborne.

Mr. Osborne: I'm going to say no this time as well. Because I don't have enough information on this.

Mrs. Bittle: It's 4 yes, 2 no.

Mr. Snyder: Okay. Thank you...

NEW BUSINESS:

11. Mr. Foltz moved and Mrs. Kiesling seconded to **read by title only, first reading** of Ordinance No. 86-02. All members present voting:
Yes: Foltz, Kiesling, Lindower, Magel, Osborne and Snyder.
No: 0

Ordinance No. 86-02 - First Reading

An ordinance establishing the zoning classifications of One-Family Residential, R-70, Two-Family Residential, R-2F and General Business-B, GB-B, as specified by Ordinance No. 2940, Zoning Ordinance of the City of North Canton, for the premises known as the Oakshire Place #4 Annexation, containing 46.822 acres of land, more or less, annexed by Ordinance No. 46-02.

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Mr. Snyder: Chairman Kiesling.

Mrs. Kiesling: Yes, this is the Oakshire 4 that we annexed. It was completed June of this year up off of Orion - it extends our borders north. We're going as close as we can to Plain Township's current zoning. If anybody needs a map they're more than welcome to one. We've had two public hearings nobody's come to try to defeat what we want to do. We haven't had any trouble and we're going to go with what we have. A lot of it R-70, where the homes are, a little bit of R-2F and GBB where the businesses are and behind it off of North Main.

Mr. Snyder: Thank you.

Mrs. Kiesling moved and Mr. Osborne seconded to **adopt the first reading** of Ordinance No. 86-02. All members present voting:

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

No: 0

12. Mrs. Magel moved and Mr. Foltz seconded to **read by title only, first reading** of Ordinance No. 87-02. All members present voting:

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

No: 0

Ordinance No. 87-02 - First Reading

Ordinance No. 87-02 amending Section 2. of Ordinance No. 63-02 by an increase of fifteen thousand (\$15,000.00) dollars for the Viking Street Sanitary Sewer Replacement project and declaring the same to be an emergency.

Mr. Snyder: As Mr. McLaughlin told you last week, the bids were about \$15,000.00 over the initial appropriation we made in December and the Administration is requesting an additional \$15,000.00 to cover the shortfall of the bid and whatever contingency might be in that bid. And they're asking that to be put on an emergency.

Mrs. Magel moved and Mr. Osborne seconded to **adopt the first reading** of Ordinance No. 87-02. All members present voting:

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

No: 0

Mr. Foltz moved and Mrs. Magel seconded to **suspend the rules** for Ordinance No. 87-02. All members present voting:

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

No: 0

Mr. Foltz moved and Mrs. Kiesling seconded to **adopt under suspension of the rules** Ordinance No. 87-02.

Mr. Osborne: You sure?

All members present voting:

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

No: 0

13. Mr. Foltz moved and Mrs. Kiesling seconded to **read by title only, first reading** of Ordinance No. 88-02. All members present voting:

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

No: 0

Ordinance No. 88-02 - First Reading

An ordinance authorizing the extension of an eight (8") inch waterline for a distance of approximately 2,196 feet to Frazer Court, situated in the Township of Plain, County of Stark, State of Ohio and known as being part of the Southeast Quarter of Section 16 and part of the Southwest Quarter of Section 16, Township 11 (Plain), Range 8, containing 16.5243 acres, more or less, in accordance with plans and specifications approved by the North Canton City Engineer, and declaring the same to be an emergency.

Mr. Snyder: This is a request by a developer for 44 homes, which are on the southeast side of town. They will - the cost of the actual infrastructure will be bore by the developer. And they will pay the outside rate - published rates. And again the Mr. - the Engineering Department is asking it be placed on an emergency.

Mr. Lindower moved and Mrs. Magel seconded to **adopt the first reading** of Ordinance No. 88-02. All members present voting:

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

No: 0

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Mrs. Magel moved and Mr. Foltz seconded to **suspend the rules** for Ordinance No. 88-02. All members present voting:

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

No: 0

Mr. Foltz moved and Mrs. Kiesling seconded to **adopt under suspension of the rules** Ordinance No. 88-02. All members present voting:

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

No: 0

14. Mr. Foltz moved and Mrs. Magel seconded to **read by title only, first reading** of Ordinance No. 89-02. All members present voting:

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

No: 0

Ordinance No. 89-02 - First Reading

An ordinance to approve and adopt current replacement pages to the Codified Ordinances, and declaring an emergency.

Mr. Snyder: Chairman Osborne.

Mr. Osborne: This is to incorporate the legislation that has been passed over the last year into our code so they can continue to be...

Mrs. Magel: Up to date.

Mr. Osborne: used by our law enforcement and various departments to protect the city basically. This is legislation that's already been passed, we're just incorporating the wording into our zoning or code - zoning or city codes.

Mr. Snyder: Alright...

Mrs. Kiesling moved and Mrs. Magel seconded to **adopt the first reading** of Ordinance No. 89-02. All members present voting:

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

No: 0

Mrs. Kiesling moved and Mr. Osborne seconded to **suspend the rules** for Ordinance No. 89-02. All members present voting:

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

No: 0

Mrs. Magel moved and Mr. Osborne seconded to **adopt under suspension of the rules** Ordinance No. 89-02. All members present voting:

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

No: 0

15. Mrs. Kiesling moved and Mrs. Magel seconded to **read by title only, first reading** of Ordinance No. 90-02. All members present voting:

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

No: 0

Ordinance No. 90-02 - First Reading

An ordinance authorizing the Mayor of the City of North Canton to prepare and submit an application to participate in the Ohio Public Works Commission State Capital Improvement and/or Local Transportation Improvement program(s) and, through the Board of Control, to execute contracts as required, and declaring the same to be an emergency.

Mr. Snyder: Chairman Magel.

Mrs. Magel: Yes as discussed last week, this is to allow the Mayor to enter - to apply for and enter into an agreement for financial assistance for the 20 percent local share on the South Main/Everhard Intersection project.

Mr. Snyder: Alright...

Mr. Foltz moved and Mr. Osborne seconded to **adopt the first reading** of Ordinance No. 90-02. All members present voting:

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

No: 0

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Mr. Foltz moved and Mr. Lindower seconded to **suspend the rules** for Ordinance No. 90-02.

All members present voting:

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

No: 0

Mr. Foltz moved and Mrs. Kiesling seconded to **adopt under suspension of the rules** Ordinance No. 90-02. All members present voting:

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

No: 0

16. Mr. Foltz moved and Mrs. Kiesling seconded to **read by title only, first reading** of Ordinance No. 91-02. All members present voting:

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

No: 0

Ordinance No. 91-02 - First Reading

An ordinance authorizing the Mayor of the City of North Canton, through the Board of Control, to enter into an agreement by and between the City of North Canton, the Stark County Regional Planning Commission and 15 political subdivisions in Stark County for the preparation of the EPA NPDES Phase II Permit and declaring the same to be an emergency.

Mr. Snyder: Again, as we discussed last Monday evening, our share is \$4,500.00, which the Director of Finance has made provisions for in the budget. And we need to pass that on emergency.

Mr. Osborne moved and Mrs. Magel seconded to **adopt the first reading** of Ordinance No. 91-02. All members present voting:

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

No: 0

Mr. Osborne moved and Mrs. Magel seconded to **suspend the rules** for Ordinance No. 91-02. All members present voting:

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

No: 0

Mr. Osborne moved and Mrs. Magel seconded to **adopt under suspension of the rules** Ordinance No. 91-02. All members present voting:

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

No: 0

Mr. Snyder: Thank you. I need them two beers now.

17. Mrs. Magel moved and Mr. Osborne seconded to **read by title only, first reading** of Ordinance No. 92-02. All members present voting:

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

No: 0

Ordinance No. 92-02 - First Reading

An ordinance authorizing the Board of Control of the City of North Canton, through the Director of Administration, to advertise and receive bids according to specifications now on file in the office of the Director of Administration and the Mayor, through the Board of Control, to enter into a contract for the metallization and painting the inside and outside of the Wash Water Tower at the Water Treatment Plant and declaring the same to be an emergency.

Mr. Snyder: I think the budget item is 68,000. That is the tower at the Water Treatment Plant - the blue one or greenish blue one...inaudible. They want to do that and they want to do that as soon as possible. So...

Mrs. Kiesling moved and Mr. Lindower seconded to **adopt the first reading** of Ordinance No. 92-02. All members present voting:

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

No: 0

Mrs. Kiesling moved and Mr. Osborne seconded to **suspend the rules** for Ordinance No. 92-02. All members present voting:

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

No: 0

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Mr. Osborne moved and Mr. Lindower seconded to **adopt under suspension of the rules** Ordinance No. 92-02. All members present voting:
Yes: Foltz, Kiesling, Lindower, Magel, Osborne and Snyder.
No: 0

18. Mrs. Magel moved and Mrs. Kiesling seconded to **read by title only, first reading** of Ordinance No. 93-02. All members present voting:
Yes: Kiesling, Lindower, Magel, Snyder and Foltz.
No: Osborne

Ordinance No. 93-02 - First Reading

An ordinance authorizing the Mayor of the City of North Canton to apply for, accept, and enter into a loan agreement through the Water Supply Revolving Loan Account (WSRLA) in the Ohio Drinking Water Assistance Fund on behalf of the City of North Canton for planning, design and/or construction of drinking water facilities; and designating a dedicated repayment source for the loan, and declaring the same to be an emergency.

Mr. Snyder: Privileged question, Law Director. Mr. Osborne do you - have you intention to vote no on this? Is your intention...

Mr. Osborne: Isn't this involved with the funding of the...

Mr. Snyder: Yes.

Mr. Osborne: expansion...

Mr. Snyder: Yes, I mean the reason...

Mrs. Herr: But that's just a side part. A majority of this is for the Water Treatment Plant improvements.

Mr. Osborne: Oh it is.

Mr. Snyder: Yea.

Mrs. Herr: Yes.

Mrs. Kiesling: Inaudible...5...inaudible...

Mr. Osborne: Okay, then I'll change my...

Mr. Snyder: Well yea - no, it isn't that. The question's the emergency...

Mr. Osborne: I haven't been provided much information on a lot of this here.

Mr. Snyder: I'll explain it. The reason my question and I apologize is...

Mr. Osborne: And I appreciate you asking me.

Mr. Snyder: because I would pass it on a first reading because I don't want it to go - It is necessary. It will take probably 3 to 5 months and...

Mrs. Herr: And we've talked all along that this the route we were going to go.

Mr. Snyder: Right.

Mrs. Herr: That we were going to seek funding through the Ohio EPA, through this revolving loan fund and that's what this is coming down to now to actually applying for it.

Mr. Snyder: Excuse me...inaudible...

Mrs. Herr: You know we've talked about it for months. This is the actual application. We'll submit it with all the other information and wait for approval.

Mr. Osborne: Okay. I thought this was also involved with the expansion and we're still confused...

Mrs. Herr: No. What we said we were going to do was we're going to put in the costs - the cost to design the expansion. But again it's just an estimated cost. We're not going to get final approval of what the final loan is going to be until after this improvement project has actually been bid.

Mr. Osborne: So it's just an approval for an application...

Mrs. Herr: Exactly.

Mr. Osborne: stipulating a certain amount.

Mr. Snyder: Right.

Mr. Osborne: Okay.

Mrs. Herr: Exactly. Then that amount will change because we won't know the exact amount until after the bids have been opened and we don't know when that's going to be. So I mean we're talking it might not be till December or even January...

Mr. Osborne: Okay.

Mrs. Herr: that this happens. But we have to submit the application and...

Mr. Osborne: Okay.

Mrs. Herr: part of the application process is this.

Mr. Osborne: Okay, I was tying that in with the other.

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Mr. Snyder: Please remember also council that we will return - we will be requesting the 500,000 that we've advanced from our own water fund will come back from that. We are requesting that 380,000 be included, but not necessarily we will use it accordingly. But by the time it comes time to apply for the actual loan you'll have that information to disseminate. So - yes mam.

Mrs. Magel: Yes, I - for the record I also voted against the 359. I have full intentions of voting yes for this.

Mr. Snyder: Okay.

Mrs. Magel: These are two separate...

Mr. Snyder: Issues.

Mrs. Magel: issues.

Mr. Snyder: Yes.

Mr. Osborne: Okay.

Mrs. Magel: I mean this is to allow - we've got to get started on this.

Mr. Snyder: Right. So...

Mrs. Kiesling: The upgrade.

Mr. Osborne: So this involves not only the upgrade - this includes the upgrade?

Mrs. Herr: Oh yea.

Mrs. Magel: Oh yea.

Mr. Snyder: Yes.

Mr. Osborne: Okay.

Mrs. Kiesling: This is the upgrade.

Mrs. Herr: Construction and I mean everything. So this is...

Mr. Osborne: Okay.

Mr. Snyder: Member Foltz you have a comment?

Mr. Foltz: Yea. I was going to allude to this President Snyder. Julie, would it be possible and it doesn't have to be elaborate, just a time line including even the 359,000 for the engineering - it's 359,500. Just so we're all clear in our minds. I mean we had some questions before we broke for summer session. And a lot of us are just a little concerned that we want everything to move forward, we want to expand and upgrade (obviously) our water treatment facilities - I've been a very big proponent of that. Just a matter of not depleting existing accounts or surpluses. You can understand that. Just if you could write something down time line, maybe work with Mr. Held or Mayor Rice, that we have something as far as a step by step process if we use some money that's in in one of these water revenue funds, is that going to be returned to the fund and the time line with everything. I think that'd be very helpful for everybody involved.

Mrs. Herr: I can put a time line, but again it's all...

Mr. Foltz: Yea I know, I'm not going to hold you to it. But it just gives us...

Mrs. Herr: That's beyond my control.

Mr. Foltz: A step by step process about where we think we're going. What actually happens I know is out of our hands as far as the approval process. But here again I have some concerns and I'm sure some other members of council did also that I don't want to deplete some of our revenue funds so that we're backed into a corner about raising rates again. And I think everyone knows where I stood last time and I'm not going to change my vote. And I just don't want to see that happen. I think we've had a history with this and there's been some confusion. So that's all I'm asking. If you're following me Julie. Mrs. Herr: Yea. I - what's going to happen is that we're waiting right now for the EPA approval. Once the approval has been granted, we will bid the project. It's going to take I think 30 days for the actual advertisement. After that point Burgess and Niple will come in and part of their you know, part of their job is to evaluate the construction bids. Based upon what they recommend that's who we'll be - end up going with. Once we know what the amount is for the construction, for the 500,000 that we borrowed from the Water Revenue Fund to fund the design of the improvements, plus at that point we'll know whether we'll need the funds for the expansion design, we will put all that into a letter and say this is what our costs are going to be. This will get forwarded to the Ohio EPA, which will in turn will forward it to Ohio Water Development Authority because they're the ones that actually loan the money out. They will at their monthly board meeting determine whether we are warranted the funds or not and then they will give us final approval as to what the dollar amount is. Once we have that approval then we can go ahead and have the contract signed where I certify that the funds are available because we will have the commitment from the Ohio Water Development Authority to fund the project. And the way that this works is is that, again the same thing with the water tank down here on Main Street, we submit invoices and we get reimbursed through invoices.

Mrs. Magel: Yea.

Mrs. Herr: So they don't give us the money up front and say here it is, you know, go at it. No, we have to expend the funds and then they reimburse us you know within a reasonable amount of time after words. I don't know if that answers your questions or not.

Mr. Foltz: That answers a lot of it. The only concern is the engineering process. Is there a way for us to refund that money to our revenue accounts - well our water revenue fund?

Mr. Snyder: Inaudible...that's included in our...

Mr. Osborne: Well it's...

Mrs. Herr: Which one? The engineering for the...

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Mr. Foltz: That is - you're saying that is the 359,000 for...

Mr. Snyder: No that - we haven't done it. We may borrow that or we may not depending.

Mr. Foltz: Okay. That's the answer I need cleared up on my mind.

Mr. Snyder: Well right now...

Mr. Foltz: Okay.

Mr. Snyder: and again I don't want to..

Mrs. Herr: Right...

Mr. Snyder: get into apples and oranges, but we are applying to borrow that 359.

Mr. Foltz: Okay.

Mrs. Herr: Yes, that's

Mr. Foltz: That's all I needed to hear.

Mrs. Magel: Yes.

Mrs. Herr: Yea, that's what I'm going to include. Whether that actually happens or not that's..

Mr. Foltz: Okay.

Mrs. Herr: you know, but initially it will be included in there.

Mr. Foltz: And then you said the time line on that will be sometime next year.

Mrs. Herr: But again, yea we won't be submitting what the actual...

Mr. Snyder: Inaudible...20 percent...inaudible...

Mrs. Herr: you know what we're actually going to be applying for until after the bids have been opened and...

Mr. Foltz: Right.

Mrs. Herr: which you know we're not sure when that's going to be.

Mr. Foltz: Other than the engineering, we know what that's going to - the cost of the engineering.

Mrs. Herr: Approximately.

Mr. Foltz: Right.

Mrs. Herr: But again, we won't know for sure until after the bids are opened and...

Mr. Foltz: It's no different to bidding out a curb and gutter project in the street.

Mrs. Herr: Yea, I mean we have estimates and every...

Mr. Foltz: We have funds to do it we're just looking to recoup that through a different mechanism here. Okay.

Mrs. Magel: Inaudible...

Mr. Snyder: And that rate is presently, is it 2.7?

Mrs. Herr: No, the the...

Mr. Snyder: It went up a little?

Mrs. Herr: No actually it wasn't 2.7. It was 3.95 before and now it's I believe 3.89.

Mr. Snyder: Well but that's still reasonable.

Mr. Treadon: Borrow on our own money and paying 3.89 percent.

Mrs. Herr: It's for - no the loan through the Ohio Water Development Authority.

Mr. Treadon: Where did that money come from?

Mrs. Herr: Which money you talking about?

Mr. Treadon: The money borrowing, that's the tax payers' money right?

Mrs. Herr: No, this is money from - we're applying for - it's a state revolving loan fund.

Mr. Treadon: Did they print the money in Columbus or where'd they get it?

Mrs. Herr: From the feds.

Mr. Treadon: Oh, the feds gave it to them and we're borrowing it...

Mrs. Herr: The state, yes.

Mr. Treadon: and paying interest on it.

Mr. Foltz: That's that's corporate money.

Mr. Treadon: I get it.

Mr. Foltz: That's corporate money.

Mr. Treadon: That's a good deal for us.

Mr. Snyder: In the private sect that's called laundering money but...

Mr. Treadon: Yea right, it's okay.

Mr. Snyder: Inaudible...

Mr. Foltz: It would depend on what accounting service is looking at it....inaudible...

Mrs. Magel: Julie, I'm just - I've been waiting two years for this.

Mr. Snyder: Did we...

Mrs. Herr: I'm sure you're not the only one.

Mr. Treadon: Sorry I didn't mean to disrupt the meeting with a comment but I couldn't help.

Mrs. Kiesling: That's okay.

Mr. Snyder: Did we read that thing? We have not read that have we?

Mrs. Bittle: Yes, we did read it.

Mr. Snyder: And so we're waiting for the motion to adopt the first reading of Ordinance 93 - no, excuse me 90...

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Mr. Osborne: Yea, 93-02.
 Mrs. Magel: 93.
 Mr. Snyder: 93-02.

Mrs. Magel moved and Mrs. Kiesling seconded to **adopt the first reading** of Ordinance No. 93-02. All members present voting:
 Yes: Lindower, Magel, Osborne, Snyder, Foltz and Kiesling.
 No: 0

Mrs. Magel moved and Mr. Foltz seconded to **suspend the rules** for Ordinance No. 93-02. All members present voting:
 Yes: Magel, Osborne, Snyder, Foltz, Kiesling and Lindower.
 No: 0

Mr. Foltz moved and Mr. Osborne seconded to **adopt under suspension of the rules** Ordinance No. 93-02. All members present voting:
 Yes: Osborne, Snyder, Foltz, Kiesling, Lindower and Magel.
 No: 0

19. Mrs. Magel moved and Mrs. Kiesling seconded to **read by title only, first reading** of Ordinance No. 94-02. All members present voting:
 Yes: Snyder, Foltz, Kiesling, Lindower, Magel and Osborne.
 No: 0

Ordinance No. 94-02 - First Reading

Ordinance No. 94-02 amending Appendix "A" of Ordinance No. 145-01, Appropriation Ordinance of the City of North Canton, to provide for the purchase of one (1) Pearpoint Mainline Pipeline Television Equipment for use by the Sanitary Sewer and Storm Sewer Departments and declaring the same to be an emergency.

Mr. Snyder: As we spoke last week, under the new comprehensive road program this will give us...

Mr. Treadon: That's a mouth full.

Mr. Snyder: Inaudible...excuse me...

Unidentified: Wait till the next one.

Mr. Snyder: will give the Administration and Sewer and Street Department the ability to go into our sanitary and storm sewer lines with a camera without placing a person in jeopardy, as well as they'll be about to see some 1000 feet out. My only question is that does that television - does that include the actual van, that 75,000?

Mr. Lindower: Yea.

Mr. Held: Yes it does that's a whole...

Mr. Snyder: And the rest of it is ancillary things that you need for that department.

Mr. Held: It's a whole package that amount.

Mr. Snyder: The 75,000?

Mrs. Kiesling: It's a 151...

Mr. Osborne: A 150...

Mr. Snyder: It's a 151. But the plow and so forth are things we're adding to this to this - that department from that fund along - since we are amending Appendix "A". You're adding it to it?

Mrs. Herr: No, this was all there before. All we're doing is just inserting these...

Mr. Snyder: Oh, you're making it larger - adding another thing.

Mrs. Herr: Inserting it in there, yes.

Mr. Snyder: Okay, that's what I...inaudible...

Mrs. Herr: This is all a equipment that was previously...

Mrs. Magel: While we're at it...inaudible...

Mr. Snyder: That's what I told Mrs. Magel, but I wasn't sure...

Mrs. Herr: No, no this was here to begin with. This was here...

Mr. Snyder: When we started.

Mrs. Herr: Yea, the beginning of the year. All we're doing is just amending it to add that piece of equipment at the very top.

Mr. Snyder: What's that tanning bed? Is that...inaudible...

Mr. Treadon: Along with a trip to Cancun.

Unidentified: Tanning bed...

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Held _____

20 _____

Mr. Snyder: Inaudible...

Mrs. Magel moved and Mr. Osborne seconded to **adopt the first reading** of Ordinance No. 94-02. All members present voting:

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

No: 0

Mr. Lindower moved and Mr. Foltz seconded to **suspend the rules** for Ordinance No. 94-02. All members present voting:

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

No: 0

Mrs. Magel moved and Mr. Osborne seconded to **adopt under suspension of the rules** Ordinance No. 94-02. All members present voting:

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

No: 0

Mr. Lindower: There's an echo here.

20. Mrs. Kiesling moved and Mr. Foltz seconded to **read by title only, first reading** of Ordinance No. 95-02. All members present voting:

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

No: 0

Mr. Treadon: This is 95-02?

Mr. Snyder: Yes sir.

Mr. Treadon: I may or may not be able to get through this title...

Mr. Snyder: It's a tough one.

Mr. Treadon: but I'm going to give it a shot.

Mr. Foltz: It's the last one Tom.

Ordinance No. 95-02 - First Reading

An ordinance authorizing the Mayor of the City of North Canton, through the Board of Control, to enter into an agreement for the purchase of one (1) Pearpoint Mainline Pipeline Television Equipment for use by the Sanitary Sewer and Storm Sewer Departments, within the purview of the Ohio Cooperative Purchase Act, or, in the alternative, authorizing the Board of Control, through the Director of Administration, to advertise and receive bids according to specifications now on file in the office of the Director of Administration and the Mayor to enter into a contract for the purchase of one (1) Pearpoint Mainline Pipeline Television Equipment for use by the Sanitary Sewer and Storm Sewer Departments and declaring the same to be an emergency.

Mr. Snyder: You left out the HBO.

Mr. Lindower: Double talking lawyer.

Mr. Foltz: Only an attorney could get through that.

Mrs. Magel moved and Mrs. Kiesling seconded to **adopt the first reading** of Ordinance 95-02. All members present voting:

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

No: 0

Mrs. Magel moved and Mr. Foltz seconded to **suspend the rules** for Ordinance No. 95-02. All members present voting:

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

No: 0

Mrs. Magel moved and Mr. Foltz seconded to **adopt under suspension of the rules** Ordinance No. 95-02. All members present voting:

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

No: 0

REPORTS:

Mr. Snyder: Alright. Assistant Director of Law any report?

Mr. Treadon: No report.

Mr. Snyder: Director of Finance.

Mrs. Herr: No report.

Mr. Snyder: Director of Administration.

Mr. Held: No report.

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Mr. Snyder: Mr. Mayor.

Mayor Rice: Two quick things. Mr. President, I assume we'd discuss a little bit about that solid waste plan for the district last week.

Mr. Snyder: Inaudible...

Mayor Rice: I assume the direction from council is that you've chosen not to take any action on that.

Mr. Snyder: That's true sir.

Mayor Rice: Which as we discussed would be conveyed to the district as a no vote basically.

Mr. Snyder: Please. Thank you.

Mayor Rice: Okay, so I'll send a letter to that effect...

Mr. Snyder: Please.

Mayor Rice: Letting them know that. The other is just a reminder for everyone, school starts tomorrow, as my 13 year old is bemoaning to me all day. But we want to certainly encourage the entire public to be more cautious, slow down on the roadways, be aware of the school zones, for the safety - look out for the safety of our kids being transported and walking back and forth to school. The Police Department will be out in strong numbers watching to strictly enforce the speed limits even more carefully and especially enforcing the speed limits in the school zones. So for the safety of the kids everybody is encouraged to be extra cautious and slow down. That's all.

Mr. Snyder: Thank you sir. Madam Clerk.

Mrs. Bittle: No report.

REPORTS - COUNCIL:

Mr. Snyder: Thank you. Member Foltz.

Mr. Foltz: Yea, for Mayor Rice. Did we get John Boyajian the safety patrol position there in front of Erik's Grocery Bag?

Mayor Rice: I believe he is...

Mr. Foltz: Okay.

Mayor Rice: starts work tomorrow.

Mr. Foltz: Just want to make sure of that. Nothing further.

Mrs. Kiesling: In front of Erik's right?

Mayor Rice: Yea.

Mr. Snyder: Member Lindower.

Mr. Lindower: Nothing.

Mr. Snyder: Member Kiesling.

Mrs. Kiesling: Nothing.

Mr. Snyder: Member Magel.

Mrs. Magel: In our package last week was an article on a water. And after reading it it was discussing some new technology. And I want to thank Mayor Rice for having a conversation with me and allowing perhaps a second look of different type of technology. I did make a phone call, they will be - I gave them your name and number, they will be calling you probably Wednesday, as well as myself. It's just a matter of - it's just like any major - it's getting up to 10,000,000. Like any major operation you'd like to have a second opinion. And I just want to thank you for your cooperation. And there will be a call sometime this week. Thank you.

Mayor Rice: If I can add to that Mrs. Magel. After I spoke to you earlier today I did have a discussion with Rich and he informed me he's already also had a discussion with our current engineering firm and they're going to be - Rich has asked the question also. I gave him a copy of that article also. So and Rich has already inquired and they're having discussions about that issue already to my delight - he was already on that. So...

Mrs. Magel: Great minds think alike.

Mayor Rice: I give Rich credit for that. He's...

Mr. Steinhel (speaking from audience): Inaudible...we meet at 9:00 tomorrow morning to discuss...inaudible...

Mayor Rice: Well he's going to be talking about that somewhat so...

Mrs. Magel: Great, thank you.

Mayor Rice: Okay.

Mr. Snyder: Mr. Osborne.

Mr. Osborne: No report.

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Mr. Snyder: Let me see. Next Monday is the Labor Day. So consequently we don't meet on holidays. So if it's the wish of the council we would meet on Tuesday at 7:00 p.m.

Mrs. Magel: That's fine.

Mr. Snyder: And if that is acceptable to you we'll call a roll call so that that way we can pick the packets up on Friday, I believe. Isn't that right Madam Clerk? Then that prevents the police from having to deliver them. So and I - that said do you want to call the roll we'll vote on that?

All members present voting:

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

No: 0

Mr. Snyder: I don't have anything else.

FINAL CALL FOR NEW BUSINESS:

Mr. Snyder: Is there anybody in the audience wishing - Sam you'd like to speak? Please come forward.

Sam Brenton: Yea I would. Inaudible...

Mr. Snyder: Sure.

Mr. Brenton: Inaudible...old bones. My name's Sam Brenton from down Westfield. To begin with I went to Pennsylvania and I got yuns - the Mayor a souvenir. If you look on the bottom it's the governor that was not elected. He was at that coal mine from the time those guys was trapped until they - he was the last one to leave.

Unidentified: Right.

Mr. Brenton: Save that, that's a good souvenir. Now back to me. I had a guy call me a no good. Whether he was a no good son of a bitch, a no good citizen, a no good - anyhow. It started over a write up. But anyhow I can tell you guys three things that don't concern to our neighborhood. Number one - my truck that I used to drive with the big boom on it is like driving that salt truck full of salt with a plow on it. You go out of Salem and you go down towards Columbiana, Washingtonville there, that's straight down. A school bus is stopped coming up, two cars stopped waiting for him to get moving. And I'm coming down there I throw my flashers on and not a damn bit of brakes. So what do you do? Do you hit those two cars and put it into that bus and have another thing like down there in Kentucky where those kids got burned up? Not this guy. I ditched the goddamn thing. I whipped the wheel and went right over. But anyhow, a while later I come into the shop and see this kid climbed up under that big tamper (it weighs about five ton) he's in there taking the nut off they hydraulic. So I'm thinking my god wait until I get up there. So I get up there and said Ray come here. So he stepped up and I explained to him you don't take that off of that cylinder until you block that thing up. And he don't don't realize his dad is only 50 feet from there. If that thing would have come down, maybe one more turn, a half a turn, that hydraulic cylinder would of went pssst and he would of been dead. Why that's two. Down here on Harmont - in fact I retired, I'm going down there to those old railroaders at that McDonalds, they get their coffee in the morning, so I'm going down Harmont and some - here's a parachuter up in the damn tree. You know, what am I going to do? I - so I just stopped and give him - I wait a minute - and I up the hill there that phone where Fazio's or what it used to be there in that parking lot I called the Sheriff's Department and told them there's a - parachuter's up in the tree. He said is he breathing? I thought I don't know. But anyhow,

Unidentified: Inaudible...breathing.

Mr. Brenton: I went in with the guys and come back and that town from Fairhope - the firemen from there was down there with him. But anyhow that's them three things. Now in my neighborhood, I got or I used to have a neighbor - a little blue car. When he would leave I would turn my CB on. And his favorite phrase was, "you go with me you forget about going home." He was going over to the truck stop there and up and down 77. So every once in awhile I'd be out in the yard and they had sometimes two sometimes three of those little 13, 14 year old boys. I made sure I stood there until them boys left because I didn't want him to ruin them. Now, you have Mrs. Coleman. You go down past my house into the grave yard. You can go all the way around through Covered Bridge Park and come back up my house and it's almost like two miles around. Mr. Brenton: I do that all the time. Mrs. Coleman, I used to walk with her almost everyday. If I didn't meet her going in and walk with her, I'd meet her when...inaudible...coming out. And I would tell her where them two guys was making out down in there someplace - don't go that way, go the other way. Now, I come up here and I get down here and first I come from Hartville and I come up and go to the bank, get out of the bank and go down here and the light turns yellow, I hit the brake. The little white car comes out and I look for more and there's cruiser sitting there. So without thinking, hell I stopped at the red light. So then when it went green I went on down. Pretty soon the blinkers. So I just pulled in a side street down there. And did you see that sign back there, it said stop here on red? And I said, yea I seen it. I seen the red flag, I seen the sign with three lights on it. I seen everything. By the time you get to that light you're distracted from the light. She said well if there's too many signs call the Administrator. So while she was writing up I'm saying you know I said I come up East Maple Street and there's a cruiser sitting down there

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with a trailer on it right up on the sidewalk. Yea, I said that's illegal. She said I didn't know that. Now that's a cop telling me that. She don't know it's illegal to park on a damn sidewalk. But anyhow, I come up here and told the lieutenant she gave me a chicken shit write up. And he said no she didn't. So I pulled it out, it is a reprimand you know. He said no, she's right. I said no she's not. Now what did she write me for? Failing to stop at those strips and there ain't none. You go down Maple Street and there's no strips to trip that light. And that's what she wrote me up for. So I told him, I said that's a chicken shit - and he said no it ain't. I said now I want to tell you, these guys understand - there's a guy at night told her under that old evergreen tree, 10:00 at night, looking in them girls' window, I gave him the high beam a couple times to let them know I - he was there. They don't know whether it was two mailboxes and that guy slipped on the bank and had that damn lawn mower this far from his face and I just looked at him and he looked me and I went in the goddamn house. Now there's a bunch of people down there that would just love to go up and give that damn lawn mower a little kick, cause that's the kind of guy he is. See? But anyhow, but them kids on that school bus their parents - the guys that - I'd stay and watch until they left that house down there where that goonie bird lives - about 15 I would say. And then - and you tell me that I'm a no good neighbor, a no good son of a bitch or whatever, you know. And that's what he says, you're a no good neighbor. I - hey, whatever. But I moved down to that house in 1981. I walk in the grave yard. Mrs. Coleman lives two houses down from me and as you can ask her, ...inaudible...Faye Patton or any of them down there, I have never walked down that street. Inaudible...people...inaudible...a trail. They come down and go in the grave yard, Cover Bridge Park and come around. It's a trail - hundreds of people go down there. I won't go down two houses. And I told him I have no respect for the goddamn police - I don't. I used to watch them up on Everhard Road there sitting up in private driveways. You know now that's that's not fair. That is to them because a money maker. But anyhow, back to this light. That sign is there for one purpose, that is if a school bus comes down Hillcrest and wants to make a turn you got to leave him enough room to make that turn. Or if Sirpilla comes up here to serenade you guys and that trailer he got will not turn - not enough room, you got to stop back further. Or when you guys buy the fire chief that...inaudible...that rescue boat and he wants to bring that around there, he ain't going to have room because that stop here on red sign is too far close to the goddamn curb. You got to move it back a little bit. You know you take my word for it, it's too close. A school bus or nothing else can make a turn. That's what that - that has nothing to do with tripping that light. It's just to leave clearance for a turn that's all it is. Go down and change the damn thing.

Mayor Rice: Sam Sam...

Mr. Brenton: Yes.

Mayor Rice: Really glad to see you back here at council.

Mr. Brenton: Inaudible...but I say...inaudible...

Mr. Snyder: (singing a few notes)

Mr. Brenton: No, but when he told me that I was no good and I'm 77 years old...

Mr. Treadon: Jon, please bring this to a halt.

Mr. Brenton: and get a police...inaudible... state police or whatever, I was automatically pulling over, really. And they didn't have their lights on.

Unidentified: Inaudible...first.

Mr. Brenton: Cause it's a - he owes me an apology though because there's no damn trip strips down there and that was a chicken shit write up.

Unidentified: Inaudible...put the neighbors...inaudible...

Mr. Brenton: And if he says I'm a no good, hey I have no respect for him really.

Mayor Rice: We know better than that.

Mr. Snyder: Thanks Sam.

Mayor Rice: Thanks Sam.

Mr. Brenton: I mean it's the truth. And this guy here the day I told Revoldt he didn't have to come up after 20 years because I had a problem. Him and his buddies are like two monkeys. You guys was here you're watching them.

Mr. Snyder: Thanks Sam.

Mr. Brenton: Because I had a problem - you couldn't get over that word problem could you? Well I'll tell you what, that there little Rick what's his name, Mulligan? I'll...inaudible... Hey, thank you guys.

ADJOURN

Mr. Snyder: Is there a motion to adjourn?

Mr. Brenton: Hey but...

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Mr. Foltz moved and Mrs. Kiesling seconded to adjourn the meeting.

Mr. Brenton: To make that turn down there there ain't enough room between that...inaudible...

Mr. Foltz: Go ahead...inaudible...motion.

All members present voting:

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

No: 0

The meeting ended at 8:23 p.m.

PRESIDENT OF COUNCIL

ATTEST:

CLERK OF COUNCIL