

RECORD OF PROCEEDINGS

Minutes of COUNCIL OF THE CITY OF NORTH CANTON

REGULAR

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, February 11, 7:00 p.m.

2002

(YEAR)

CALL TO ORDER.

1. The council meeting was called to order at 7:00 p.m. by President of Council Jon Snyder.
2. The opening prayer was delivered by Rev. Gary Smith, Heather Ridge Commons.
3. All present recited the Pledge of Allegiance.

ROLL CALL:

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

Consideration of Minutes of Council Meeting: 1/28/02

Mr. McLaughlin moved and Mr. Osborne seconded to approve the minutes of the council meeting as presented. All members present voting:

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

No: 0

6. Committee Reports

Park & Recreation Committee: Refer to the minutes on file in the Council Office of the Park & Recreation Committee meeting held February 4, 2002.

Street & Alley Committee: Refer to the minutes on file in the Council Office of the Street & Alley Committee meeting held February 4, 2002.

Water, Sewer & Rubbish Committee: Refer to the minutes on file in the Council Office of the Water, Sewer & Rubbish Committee meeting held February 4, 2002.

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

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

No: 0

7. Recognition of Visitors

Mr. Snyder: Is there anyone in the audience wishing to speak before the council this evening? Yes mam. Please step forward and state your name and address for the record. Sir - I'll come - right back to you. Sir if you step forward, state your name and address for the record.

Carl Gooden: My name is Carl Gooden.

Mr. Snyder: Carl - Mr. Gooden, would you please step here to the microphone sir so the tape can pick you up? Thank you.

Mr. Gooden: My name is Carl Gooden. I live at 233 Sutton Avenue NE, here in North Canton. I've been here some 30 years. Want me to speak at this time?

Mr. Foltz: Yes, go ahead sir.

Mr. Snyder: Yes sir, if you would please.

Mr. Gooden: I believe some of you got a letter I wrote last Friday. At which I was appalled to understand that there is a move to take the two tennis courts at Dogwood Park, which serves people from kindergarten through senior citizens, and they want to change those into some sort of a facility for the skateboarder people. I can't understand why they want to do this. I took a trip on Saturday down through the park system till I found Canton's. It's down there on - around Schroyer Avenue about 9th Street SW. They have a bunch of I guess you would call them setups for the kids to run - skate back and forth and do various and assorted maneuvers and so forth. It's a nice facility. When I was down there I took a bunch of pictures; if you want them I can leave them with you. The kids there - I saw only one that had any safety equipment on it and that was a pair of gloves in case he fell. The runs or the obstacles which they were jumping

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over, sliding, were about the length of about 120 feet long - they were rather close together. This is fine for those kids. There were a bunch down there - I would say the ones I say the ones I saw ranged from junior high probably up through senior high. There were no older people. All these kids were on skateboards, not inline skates. There was no place for the inline skates people to skate. There was no place for the kids to learn how to skate, because there was too much going quickly up and down there, zipping over those obstacles and trying to perfect their techniques. Also, there was no place for these kids to play what I term as ball hockey on inline skates. Approximately two weeks ago down in Clearmount School in the parking lot where the teachers park, a whole bunch of kids got together down there, set up their nets and they were having a ball playing ball hockey. And I think that if we're going to take a very fine facility, which is now used for a tremendous amount of people and tear it all up and make one of these jumps, then I think it has to be reconsidered and to include all of the skate - skateboard activities. Including something like a track where they can go and skate where ever they want. I don't know what will come out of this, but I'm very, very sorry if they go ahead and tear up the tennis courts at Dogwood Park. Thank you.

Mr. Snyder: You have something to say Mr. Foltz or...

Mr. Foltz: Yes, Jon. Mr. Gooden, I did read your letter and I appreciate you sending it to the rest of Council voicing your concern. Basically I've been a proponent of this skate facility for a number of years and finally we got it off of the drawing board and hopefully funded. And it will come to fruition as far as it's being developed with some - hopefully some meetings with some of the youth in the City. I'm very familiar with the Schroyer skateboard facility as I'm the assistant director in the Canton parks system and I had a hand in that development. And I too drove by Saturday and I saw 20 or 30 kids enjoying the facility, because that's the only one in Canton or the immediate are. I'm in favor of this for numerous reasons, least of all just to eliminate the kids on the city property, on the Y property, on the streets. They just need a facility to go and express themselves, you know, with platforms and quarter pipes and half pipes and so forth. I think the Dogwood area is centrally located. We have price - excuse me, we have the Dogwood pool there, we have EMS right next by - next to it, we have basketball courts there. It's not near - immediately near any residential areas, other than the residents right behind the pool. It's visible from two streets; I think that's a key. Just so - so there's traffic around the young kids and the youth to see, make sure that they are behaving there at the site. Right now I think that we have 18 total courts in the city. And I was involved with a supplemental appropriation to the school system for their 5 courts, knowing that eventually this might happen - this skateboard facility might happen. And just the other day I saw 7 or 8 kids at Dogwood parking lot jumping off the sidewalk onto the asphalt parking area, using some of the bike racks as sort of a lift-off device for their skateboard and inline skating. I understand that they're your favorite courts. Hopefully we can accommodate you elsewhere in the city through our existing courts at Price Park, at Glenwood, at Witwer, Eastwoods and at Strausser and the high school. But I definitely feel these kids need a place to play and I think the consensus through council, that'd be the best place at this - this time period.

Mr. Gooden: Okay. Two more comments. How many of these kids do you believe are going to walk from the south end - west end - the west - or are going to walk to Dogwood to go on their skateboards?

Mr. Foltz: Well I think they might skateboard up there sir, or inline skate there. Because they do it at the Y or they do it - and if they're on the sidewalks, you know, that's their approach to get there, it's no different than a bike. But at least they'll have a place that they can feel safe and do their tricks or maneuvers.

Mr. Gooden: The other thing that worries me; why was it until last Thursday, when it came out in the Repository, nobody in the tennis group ever heard of it - this proposal to tear up the courts.

Mr. Foltz: Well it was...

Mr. Gooden: I think there needs to be someplace that we can get all the information of this type and these proceedings disseminated to the people.

Mr. Foltz: Well it was in the appropriation ordinance of last year, that was in December. But until we go through committees with it, that's the first the public is really going to find out about it. And anyone that lives in the city is more than welcome to attend some of these planning meetings as well as the youth of the city. So feel free to come to those meetings also and voice your concerns or look for - approach from tennis players yourself. That's all I can tell you at this time. I think it's well - it's badly needed in the this City.

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Mr. Gooden: Thank you.

Mr. Foltz: Thank you sir.

Mr. Lindower: Mr. Gooden, I spoke to you on the telephone last week one day.

Mr. Gooden: Yes.

Mr. Lindower: And after talking to you I went out and did some research on my own. I have a feeling that - and after assessing your information as far as the tennis courts on 7th Street that, that probably would still be the best area. Number one - as Councilman Foltz said, that the area is patrolled often by the police department, in view of the fact that it is in an area where it's readily observable by 7th Street as well as Dogwood. I have a feeling that some of the other areas may not be observed quite as well. Number one - as far as the information being put out to the public on what was being planned for that, one of my goals through the year is to possibly get all the legislative information that we plan to talk about and to debate here in council will be put on an Internet web site so that people have got accessibility to all of the information that's being discussed in council. I don't know how else, other than the fact that the news media that attends the meetings can report that information. I don't know how more expeditiously to get that out to the public other than the fact that if we put it on the web site with the computer availability like it is today, that possibly people will be informed in a more forthright manner.

Mr. Gooden: May I ask one more question? Are there any plans to put restrooms, drinking water - what was the third one - up there at the courts behind the high school?

Mr. Lindower: The parking I think you were concerned about.

Mr. Gooden: Yea parking, restrooms and drinking water. There's very little parking up there except the road that has the gate shut off at the end. And is the high school aware - I don't know is it the city's property; those courts up there?

Mr. Foltz: No, it's - sir, it's the school's property, but we contributed - I don't remember the exact figure - it was, I think it was over...

Mr. Snyder: 20,000.

Mr. Foltz: \$20,000.00. It was 20 or \$25,000.00, knowing that we would probably utilize an existing tennis court for the skateboard facility. And the reason we want to do so is it's going to cut our cost down initially, you know, all we have to do is buy the structures and maybe do some modifications on the fence. The asphalt - the sealed asphalt area where the tennis courts are, are very appropriate for the skateboarders to use. And it would probably cost us 20 or 30,000 just to put in new courts - I might be - that might be minimal cost at best to put that somewhere else. And that would be added to the 25,000, excuse me 35,000 that we're going to bid out for the skateboard play structures.

Mr. Osborne: I'd like...

Mr. Lindower: I'd like to add that in regards to your comment about water and parking and so forth, improving the facilities at the school. I think that should prove to be a viable area up there that people would actually use at any kind of frequency, that it would be possible for the city to work with the school to possibly have those improvements made. They put the water fountains in at the practice field for the football team and tracks and so forth. So I think that's possibly something that could happen down the road.

Mr. Osborne: I'd like to say something. Mr. Gooden called me as well. And I applaud Chairman Foltz's efforts here, he's worked on this long and hard. But I have to - tend to agree with Mr. Gooden. I too went up there and did a little research over the weekend. The tennis courts are -look like they're newly refurbished, they're in excellent condition. There's also basketball courts there. I think the density of recreational activities up there is very high as it is. And I would envision the East Maple Street area as being an excellent area for this kind of activity. I did talk with one resident who lives right next door to the pool, cause I was concerned about noise and this gentleman said that he moved in there knowing that there was a lot of activity here with the pool. But he also was not in agreement with cannibalizing an existing recreational facility to the exclusion of skateboarders. I definitely agree we need something in the city for skateboarders and I'm wholeheartedly behind it. But I would like to maintain what we have up there and locate a different site.

Mrs. Magel: Sir.

Mr. Gooden: Yes.

Mrs. Magel: I also spoke with you. I think one of the problems is what Dave hit on - communications. And I would like to see some of what we're...inaudible....what we're done being broadcast over an Internet. I think basically what happened here, he read the paper on a Thursday and was surprised. There was no communication and the tennis court that he uses was going to be changed. I think had there been a discussion - surely from what I'm hearing there's lots of tennis courts - it's not that we have lack of tennis courts. One thing I would like to see is a list of the tennis courts we do have so when other - I get other phone calls, you know, I can redirect, perhaps you'd like to, you know, go to this tennis court or this tennis court. And I'd like a little bit more of an answer - things nailed down on that. Are we allowed to use the school? Mr. Gooden suggested - he was kicked off of Witwer.

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Mr. Gooden: No, I've been asked to leave the ones down by the junior high school because of classes. I've been asked to leave the ones out at Dogwood because a group had instructions. I have also attended at Dogwood under instructions. Some of you may remember Nancy Spencer when she had classes here and we had them even as late into the Fall as during football games on Friday night we'd be over there playing tennis on the tennis courts.

Mrs. Magel: Inaudible...we have how many, 18?

Mr. Foltz: In fact is Kim Cooksey here? Kim maybe you could...

Mr. Snyder: Yea, he's in the audience.

Mr. Foltz: Kim, maybe you could come up and just - I thought I got them all. Price we have 2, Glenwood we have 2, Witwer we have 3

Mr. Cooksey (speaking from audience): Inaudible...park...

Mr. Foltz: Eastwood is 2 and the high school 5? Did I miss anywhere?

Mr. Cooksey (speaking from audience): Inaudible..Glenwood...2 courses behind Goodwill on South Main.

Mr. Foltz: Right, Glenwood there. Okay.

Mr. Osborne: The ones that are up there by Dogwood though are probably one of the premiere courts in town, next to the high school. The ones behind the former Frye Hardware they're not utilized very much and I don't think they're in fabulous condition. Also I had my wife check with a tennis user here in town and who's a teacher at the high school and she advised me they used Dogwood for tournaments. They have to divide up tournaments amongst the high school and Dogwood and the junior high school when they're all going on at the same time. So again, I'd like to see the city wholeheartedly support a different location.

Mr. Gooden: I wonder if I could make one other statement? I would like to see and get on the record, congratulations going to Laura, I guess it's Konowal, as she was - on Thursday afternoon she was named the Ohio Boys Tennis Coach of the Year by the National Federation of State High School Association. I think she's to be congratulations - congratulated for her work and it should be told. Thank you.

Mr. Foltz: Thank you sir.

Mr. Snyder: Thank you Mr. Gooden, we appreciate your comments. Madam, you'd like to speak?

Mrs. Bittle: Thank you.

Miriam Baughman: I'm Miriam Baughman. 320 Weber Avenue. And I'm here tonight to make a statement. There are several groups of North Canton residents who would very strongly oppose any effort to enact Planned Unit Development into the North Canton zoning. Thank you.

Mr. Snyder: Thank you mam. Is there anybody else? Sir, would you step forward and state your name and address for the record.

Regan Robinault: I live at 3425 Holl Road. I keep hearing skateboards and inline skates. Are you also going to include bikes in this?

Mr. Foltz: We're going to have meetings about that. The problem I hear with the bikes, and I know they do need a facility also, is how it affects the equipment that's going to be used. I don't know if all three of those separate sporting situations can evolve around one skating area.

Mr. Robinault: I don't know if you've ever been there - Joe's Skate Park over in Green? I've taken my son and his buddies there several times. You always see bikers, skateboarders and inline skaters there riding together. I'm just hoping you're going to take them into consideration when you build this place. I'd be more than happy to talk to you.

Mr. Foltz: Sure.

Mr. Robinault: There's a group of kids that come over to my house. I have about three acres and they get about half of it for riding their bikes in the woods. The past five years they've been building and tearing down jumps all year long. They need a place.

Mr. Foltz: Well.

Mr. Robinault: Not that I don't want them at my house, but...

Mr. Foltz: Is this a dirt facility sir? Is that what you're talking about dirt and clay?

Mr. Robinault: Inaudible...dirt.

Mr. Foltz: Similar to the one they have up by the Goodyear - well the airport there at the Rubber Bowl? It's a BMX racing circuit.

Mr. Robinault: It's not like that.

Mr. Foltz: It's not like that at all.

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Mr. Robinault: It's more jumps that they can go off and do their tricks and stuff on. Like I say, I'm not saying I don't want them in my house or at my house forever, but there's a bigger group than what can come to my house. And we've had to tell my son not to bring any new kids over anymore because there's so many kids coming over. And they really need a place to play. As far as some of the older people in the audience, times are changing. You drive by the ballfields, you don't see a group of kids playing ball any more. Nobody sets up their own ball games. Unless they're in a league, you don't see it. You drive by those fields and they're empty all the time. Playing tennis - I love to play tennis. Anytime my wife and I have gone out I've never had to go back home because I couldn't find a court. But I'd hate to see you tear up a court for this if there's another empty lot somewhere to use. Is there one of you guys I can give my card to.

Mr. Foltz: Yea, definitely. I was going you if you'd give me your number.

Mr. Robinault: When you do start planning I'd like to get...

Mr. Foltz: We can get together and...

Mr. Robinault: Yea, you gotta do this.

Mr. Osborne: As far as the bike concern, this should be very inexpensive. It's just a matter of landscaping isn't it? Just creating dirt hills. Doesn't it just involve dirt hills and...

Mr. Robinault: Well these dirt hills are this tall now.

Mr. Osborne: Right, I understand.

Mr. Robinault: I mean...

Mr. Osborne: So it's just a matter of doing a little excavating and you've got what you need I'd say.

Mr. Robinault: Right.

Mr. Snyder: Thank you sir.

Mr. Foltz: Alright, thank you.

Mr. Snyder: Yes mam.

Carol Larkins: I'm Carol Larkins. I live at 2819 Rita Street NE in Hartville. I work in North Canton though, so I do pay city taxes. My two sons here are skateboarders. My oldest one's been skating for probably at least 8 years and I've spent the last 5 years going to every park in Ohio and probably at least 5 or 6 other states. So I have - well I've seen just about every park there is. I think Dogwood would be a great facility because it's not - right - houses are not right on top of it. It's got other, you know, with the pool and playgrounds there's a lot of people that come to use that will - parents that will drive their younger kids there that may even have, you know, 5 year olds that want to play on a playground, where the older kids are skating. It has police that will patrol the area, which keeps any rowdy stuff down if, you know, if you're worried about that concern. I know some people, you know, might look around and say well these kids don't look like the cleanest cut group of kids. You know, I mean my oldest son has some long hair, but they're really good kids. I've met so many great kids and they're just - he's as dedicated to this as a football player is dedicated - basketball, whatever. I mean he spends hours, after hours, after hours. And he's great at it. I mean he's really, really, really, really good. I mean he's been to Woodward, which is like the premiere place in Pennsylvania. And I'm really proud of him - I'm really proud of him.

Unidentified: Okay.

Ms. Larkins: He's also in the orchestra and he wants to be a high school English teacher, you know. So, you know, it's not like - you know, don't judge a book by its cover. You know, you see kids that maybe don't look, you know, kind of like - you know, I've heard a lot of different comments I guess is what I'm trying to say. But I think it's a great location. I think it's good to put it on the tennis courts because you've already got the base there - that saves a lot of money. I mean we've been on parks like down on Middletown, it's \$200,000.00 cement parks. We've been in Canton. We've been on parks that were maybe 5 or 10,000, where you just have a couple little ramps. So, you know, 35,000 is a good place to start as long as they have good planning and my son was...inaudible... to be on the committee to help with that. I mean there's just - it's just an excellent sport. It is a sport. It's one of the fastest growing sports for kids - especially the 7 to 14 year olds and they need a place to be. You know, I know a lot of people don't want them out in the streets so let's give them a place to go and something constructive and some place that has room to grow - like Dogwood would be great. I'm sure there's something I'm forgetting, but...

Mr. Foltz: Okay, thank you.

Mr. Snyder: Thank you for your comments. Anyone else wishing to speak this evening? Yes sir.

Scott Meyer: Hi, my name is Scott Meyer. I'm actually a resident of North Canton. I'm also a longtime skateboarder. Also a tennis player and a mountain biker. So I get around to all those sports. And I would like to say I've been skateboarding for 15 years and I've been waiting for 15 years for skate park to be placed in North Canton. I'm a small business owner and in the process of starting a small business. And I do a lot of skateboarding. I've traveled all over the country. I've been to every skate park probably on the east coast and a lot on the west coast. And I can tell you there are some good kids at the skate parks. And the kids really do need a place to go. The tennis courts, there are 18. If you

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look at the statistics and I can give you those statistics, two things I'm concerned about that were stated. One is going out one Saturday afternoon is not what I would consider doing valid research on this. I think if you looked at the numbers of the people using the tennis court and you looked at the kids that - if you could even try to get the kids together, statistically there are more kids riding skateboards right now than there are playing Little League baseball. And there is no place in North Canton right now for those kids to skateboard - they're every where but where? They can't go anywhere. You know, they're in business parking lots, they're in busy streets, they're in places that they shouldn't be. They need a safe place to skate. I would like to say that. And also I would like to say that traveling is definitely an issue - and kids do travel. I travel down to New Philadelphia where there is a skate park and it's a 45 minute drive. And I bump into kids from North Canton all the time down there. So when you're concerned about them traveling just to the other side of town, I think the kids will do anything to get to the skate park. And they're going to use the facility, because I see them traveling hours to go to these facilities that are hours away because there's nothing around here. And the kids get kicked out of places around here over and over and over and harassed by the business owners, because they don't have a place to go. So I really feel strongly that they do need to provide a place - safe place for these kids to go to be able to skateboard. So that's all I have to say.

Mr. Snyder: Thank you for your comments - we appreciate that.

Mr. Foltz: Okay, thank you.

Mr. Snyder: Anyone else wishing to speak? Okay. Do we have a motion to read by title only the second reading of Ordinance No. 13-02?

OLD BUSINESS:

8. Mr. McLaughlin moved and Mr. Foltz seconded to **read by title only, first reading** of Ordinance No. 13-02.

Mr. Cooksey: Excuse me. Mr. Snyder...

Mr. Snyder: Yes.

Mr. Cooksey: I'm sorry, I thought one of these gentlemen were going to get up. I'm...inaudible...

Mr. Snyder: Oh surely. You want to stand? Please step forward, state your name and address for the record.

Jeremy Robinault: My name's Jeremy Robinault. I live 3425. This here's my dad, he's already spoken. And in my backyard there's jumps about as tall as me. And Joe's Skate Park is great to go to, but not every weekend I get to go here because, you know, my parents don't give me or my friends a ride. And, you know, it is great that it's by the Dogwood Pool, if you ever get hot you can go swimming there. And it's great that it's by the medical center if anybody gets hurt and you got it right there. If everybody gets...

Mr. Snyder: We brought that subject up last week...inaudible...

Mr. Robinault: Oh hey, if everybody gets tired of biking you can go to the baseball field too. But, you know, it would be a great idea to consider building this park. I mean I've been biking for 5 years, John over here has probably been doing it for 7, maybe 8. And it's just enjoyed me for the whole time I've been doing it. And I skateboard around with Dustin and Chris and they have a great time with me. And John, Bobby, there's numerous people that come to my backyard and go street riding with us. It would just be great to have this come along. Thank you.

Mr. Snyder: Thank you, appreciate your...inaudible... Mr. Foltz...

Mr. Foltz: Jon, just to wrap up. This park will be built. It's just a matter of putting out the bid for \$35,000.00 worth of equipment. Having some community meetings that Kim Cooksey is going to more or less chair and I'll be there. Just looking for some input from young men like yourselves or anybody else that's interested in inline skating and skateboarding. So - and hopefully we have the right area at Glenwood. I think there's a consensus on council to keep it there; that can be discussed yet in the future. But I feel confident it's going to be built and it's just a matter of how it's planned at this point. So I just wanted to make everyone aware of that. Thank you. Okay.

Mr. Snyder: Thank you Mr. Foltz. And now may I have a second for Ordinance No. 13-02 - for the second reading please?

Mrs. Bittle: We have a second.

Mr. Snyder: Do we have a second?

Mr. Foltz: I second - I seconded that.

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Mr. Snyder: Okay, thank you. Mr. Treadon...

All members present voting:

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

No: 0

Ordinance No. 13-02 - Second Reading

Ordinance No. 13-02 amending subsection 5. Meetings and Hearings: of CHAPTER D. Zoning Board of Appeals and Interpretation, Section III ADMINISTRATIVE REGULATIONS, of Ordinance No. 2940, Zoning Ordinance of the City of North Canton, to change the notification requirement for a variance procedure.

Mr. Snyder: Chairman Osborne.

Mr. Osborne: As we discussed before, this is just a clarification to the requirement for a notification when there's a zone change. I think there's just a change of a couple words and that will make it - streamline the process.

Mr. Snyder: Thank you.

Mrs. Magel: May I make a comment?

Mr. Snyder: Please.

Mrs. Magel: Okay. I just happened to see this in the minutes and I thought I got this cleared. This is not a difference in a zone change. This is a difference in a notification for variance procedure.

Mr. Snyder: Exactly.

Mrs. Magel: Okay. So I just wanted Council to know what we're actually voting on.

Mr. Snyder: Yea.

Mrs. Magel: It has nothing to do with zone change.

Mr. Snyder: It has nothing to do with zone changes; no. It only - if they're asking for a variance of the existing zoning, in the procedure that we used to notify.

Mrs. Magel: Right.

Mr. Snyder: We will maintain the same procedure that we have for zone changes. Which we will notify all contiguous and abutting property owners be in the municipality or not.

Mrs. Magel: Right. There needed to be clarification. This particular one is changing the verbiage for a variance procedure.

Mr. Snyder: That's right. Thank you.

Mrs. Magel: Notification for variance procedure.

Mr. Snyder: Thank you Mrs. Magel.

Mr. McLaughlin moved and Mr. Lindower seconded to **adopt the second reading** of Ordinance No. 13-02. All members present voting:

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

No: 0

NEW BUSINESS:

9. Mr. McLaughlin moved and Mr. Foltz seconded to **read by title only, first reading** of Ordinance No. 22-02. All members present voting:

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

No: 0

Ordinance No. 22-02 - 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 to enter into a contract to pave the Ballfield Parking Lot, at a cost not to exceed \$25,000.00, and declaring the same to be an emergency.

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(YEAR)

Mr. Snyder: Chairman Foltz.

Mr. Foltz: Yes, as it reads we want to continue with the asphalt work over there by the Little League complex, which is also our nature area. \$50,000.00 was appropriated last December for that work and also some landscaping work that's going to be done yet on East Maple - both west and east sides of the ballfield parking lot entrance. So at this time I'd like to see council pass on emergency so we get a good price for asphalt work and hopefully have at least two-thirds of that area done before they start the season.

Mr. Snyder: Okay...

Mr. McLaughlin moved and Mr. Foltz seconded to **adopt the first reading** of Ordinance No. 22-02. All members present voting:

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

No: 0

Mr. McLaughlin moved and Mr. Foltz seconded to **suspend the rules** for Ordinance No. 22-02.

All members present voting:

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

No: 0

Mr. McLaughlin moved and Mr. Foltz seconded to **adopt under suspension of the rules** Ordinance No. 22-02. All members present voting:

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

No: 0

10. Mr. McLaughlin moved and Mr. Foltz seconded to **read by title only, first reading** of Ordinance No. 23-02. All members present voting:

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

No: 0

Ordinance No. 23-02 - 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 to enter into a contract for the Sheraton Drive NW Improvement project, and declaring the same to be an emergency.

Mr. Snyder: Chairman Magel.

Mrs. Magel: Yes. This is for the actual work to be done for Sheraton Drive. For the record the cost will be \$601,000.00, split up three ways, taken out of account 4529 - Storm Sewer Maintenance Department - 120,000; second would be taken out of account no. 5929 - Paving and Curbs and Gutters - 351,000; and thirdly taken out of account no. 50 - 7552 - Facility Improvement - 130,000. As I said, the total cost would be \$601,000.00, for the record.

Mr. Snyder: Okay.

Mr. Foltz moved and Mrs. Magel seconded to **adopt the first reading** of Ordinance No. 23-02. All members present voting:

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

No: 0

Mr. McLaughlin moved and Mr. Foltz seconded to **suspend the rules** for Ordinance No. 23-02.

All members present voting:

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

No: 0

Mr. McLaughlin moved and Mr. Foltz seconded to **adopt under suspension of the rules** Ordinance No. 23-02. All members present voting:

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

No: 0

11. Mr. McLaughlin moved and Mrs. Magel seconded to **read by title only, first reading** of Ordinance No. 24-02. All members present voting:

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

No: 0

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Ordinance No. 24-02 - First 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 Linwood Avenue SW Improvement project, and declaring the same to be an emergency.

Mr. Snyder: Chairman Magel.

Mrs. Magel: Yes, this is Linwood Avenue engineering only. To come out of - for the record to come out of account no. 5929 - Paving Curbs and Gutters, cost not to exceed \$15,000.00.

Mr. Snyder: Alright...

Mr. McLaughlin moved and Mrs. Magel seconded to **adopt the first reading** of Ordinance No. 24-02. All members present voting:

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

No: 0

Mr. McLaughlin moved and Mrs. Magel seconded to **suspend the rules** for Ordinance No. 24-02.

All members present voting:

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

No: 0

Mr. McLaughlin moved and Mr. Osborne seconded to **adopt under suspension of the rules** Ordinance No. 24-02. All members present voting:

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

No: 0

12. Mr. McLaughlin moved and Mrs. Magel seconded to **read by title only, first reading** of Ordinance No. 25-02. All members present voting:

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

No: 0

Ordinance No. 25-02 - First 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 Middlesworth Subdivision Streets Rehab project, and declaring the same to be an emergency.

Mr. Snyder: Chairman Magel.

Mrs. Magel: Yes. This is also engineering study for the Middlesworth Subdivision Street Rehab. For the record to be taken out of account no. 5929 - Paving, Curbs and Gutters, at the amount of \$116,000.00 - not to exceed.

Mr. McLaughlin moved and Mr. Lindower seconded to **adopt the first reading** of Ordinance No. 25-02. All members present voting:

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

No: 0

Mr. McLaughlin moved and Mrs. Magel seconded to **suspend the rules** for Ordinance No. 25-02. All members present voting:

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

No: 0

Mr. McLaughlin moved and Mrs. Magel seconded to **adopt under suspension of the rules** Ordinance No. 25-02. All members present voting:

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

No: 0

Mr. Snyder: Chairman Kiesling do you want to set a public hearing?

Mrs. Kiesling: Yes I do. Do you want to say it though since I'm not speaking very well?

Mr. Snyder: Yes I will. It has been requested of the Planning Commission by the Acme Group to rezone that parking lot on the north - on the east side of the street from General Business A to General Business B. Upon consideration of the Planning Commission it came by a 4-0 vote to - their recommendation to rezone from Applegrove northwardly to Wilbur, on the east side of the street all that property from General Business A to General Business B. And pursuant to the law, we have set 30 days from to date as March 25th for a public hearing, here in the Council Chambers. And I will set that public hearing for 6:45, if that's convenient with Chairman Kiesling.

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Mrs. Kiesling: Yes, that's fine.

Mr. Snyder: Members of Council, would that be fine? I feel 15 minutes should be sufficient for that and if not we would reconvene. Okay? So we will do that March the 25, 2002 at 6:45 p.m.

REPORTS:

Mr. Snyder: Any reports? Assistant Director of Law.

Mr. Treadon: No report.

Mr. Snyder: Director of Finance.

Mrs. Herr: No report.

Mr. Snyder: Director of Administration.

Mr. Held: I do have one announcement. It doesn't directly pertain to the City itself. But I'd like to announce we had our baby on Friday and at the same time picked up the keys to our new house. So it was an eventful afternoon. And the baby's name is Aubrey Rose, she's our fourth child and she's 7 pounds 4 ounces and 20 inches long.

Mr. Snyder: Great.

Mr. Held: So it was a nice afternoon at our house Friday.

Mr. Snyder: Congratulations.

Mr. Held: Thank you.

Mrs. Kiesling: Congratulations.

Mr. McLaughlin: Congratulations.

Mr. Held: Thanks.

Mrs. Magel: Congratulations.

Mr. Held: Thank you. And that's it.

Mr. Snyder: Okay. Mr. Mayor.

Mr. McLaughlin: That's hard to top.

Mayor Rice: And he didn't get - he didn't get anything done today either let me tell you. I'll be glad when things settle down.

Mr. McLaughlin: I thought you were going to tell us you got a new puppy or something, you know.

Mayor Rice: Yea. No, I do want to inform Council of kind of a status report in regard to East Maple well field area. And I'm going to attempt to convey to everyone the upcoming EPA activities that are going to commence out at East Maple to the best of my ability. However, keep in mind this an EPA activity and ultimately they control the activities. So I'm just - I'm not speaking for them, I'm trying to convey the best I can in description for them the type of activities of that are going to go on out there. It's not meant to be exact. If you want exact you'll probably have to talk to EPA. Starting tomorrow morning, roughly 7:00 a.m., the Ohio EPA will be on site at our East Maple well field area. The EPA activity is under the direction of Larry Antonelli. We'll be conducting several activities in that area. Their ultimate goal is to try to determine the quality of the aquifer and the geology in that area for both the city and its residents and surrounding area. The city's role in this is simply as a supportive mechanism. We will have pledged our complete cooperation with EPA to help them achieve their goal. But this is their investigation testing that's going on. What we expect to happen over the next two days is Ohio EPA is going to be conducting both stagnant and purged tests on all of our monitoring wells at that location - monitoring wells 1 through 4. They then are going to be conducting a series of what they term geoprobe testing around Monitoring Well 1 and Monitoring Well 4. As I understand it, it's a probe that goes into the ground around the monitoring well at various locations, they drill down and the they pull out samples of soil, water, etc., and test those. EPA is going to be conducting all the testing, they're going to be drawing all the conclusions, they're going to be filing a report, with that they're going to be handling all these tests. We will have some of our staff people on the site. I think John Hockensmith will be out there the next couple days to assist them in any way they need, but it's their game that they're handling. They're going to be consulting with other professionals - possibly even Scott Bair, as some people may remember from OSU, and other people to try to determine then what the next steps may be. Again, with the ultimate goal of trying to determine the quality of the aquifer and the geology out there. They may and we have discussed with them the possibility that they may want to do what is referred to as I understand it a roto-sonic drill activity creating a vertical aquifer testing that will - that they may propose doing somewhere between Monitoring Well 1 and Monitoring Well 4. And correct me if I'm wrong Rich, I think one of those is our well - monitoring well, one of them is at the end of the parking lot, the other one is on Mr. Crowder's property. Correct? The two monitoring wells, 1 and 4 right?

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Mr. Steinhebel (speaking from the audience): The first...inaudible...

Mayor Rice: No, no, no, I'm talking the existing monitoring wells. One's on Crowder's...

Mr. Steinhebel (speaking from the audience): Inaudible...between the parking lot...No. 1 and Well 8. Okay, we'll be in that area.

Mayor Rice: I don't - I don't think you're following my question. Just Monitoring Well 1 and Monitoring Well 4 - forget the aquifer.

Mr. Steinhebel: Okay.

Mayor Rice: Those two wells are the one is at the end of our parking lot.

Mr. Steinhebel: Inaudible...

Mayor Rice: The other monitoring well is on Mr. Crowder's property.

Mr. Steinhebel: Yes.

Mayor Rice: Correct? So those are the two monitoring wells we're talking about that they're going to do the geoprobes around as we understand it and then if there's to be a vertical aquifer, roto-sonic drill activity to take place, it will most likely take place as we understand it, between Monitoring Well 1 and Monitoring Well 4. If that is required, to forewarn council, EPA has indicated they do not have the funds to be able to pay for that. So we may be coming back to City Council within the next couple weeks asking for council to fund that test. Probably for one of those - Rich got some preliminary numbers, it'd be under \$15,000.00. But to get some answers out there I think it's well worth it. Everybody knows what we're spending on Dressler to get answers, so that's pretty cheap to get answers out there if that's going to help them get us conclusively to what - what is the situation on East Maple. So that may be coming down the road. They're not going to be doing this roto-sonic, vertical aquifer in the next two days. That's - the next two days they're going to be testing all the monitoring wells two ways and they're going to be doing the geoprobes. Okay.

Mr. Osborne: Mr. Mayor.

Mayor Rice: The vertical aquifer will come a little later down the road as I understand it.

Mr. Osborne: Mr. Mayor.

Mayor Rice: They anticipate when they are all done with this testing activity - and our intention along this line is that they will be able to conclusively determine what's out there, what happened out there or whatever. And we're hopeful and supportive of their activities to try to get us some definitive answers for that site. So again, in my layman terms, the best I can describe it and best I understand it that's what they're doing. Certainly for the news media - I know they've spoke - if you want specifics I'd really encourage you to talk to Larry Antonelli, cause he can do a lot better job of giving you the details than we can here. But Larry's the one that's in charge out there and he'll be running it. But I wanted to let council know that's what's going to be happening. Because it's going to start in - be carrying on here for the next couple days. So if you get calls, people ask - there's liable to be a lot of activity out there. I'm sure there'll be some visitors from the news media and otherwise covering it. But again, the ultimate objective out here is to get answers and that's what we're committed to trying to do is get some definitive answers.

Mr. Osborne: Mr. Mayor, will there be any preliminary test reports prior to possibly having to expend more funds?

Mayor Rice: Like I said I don't know. Because this is in EPA's hands. So I don't know exactly what they're schedule - I would expect we'll probably have some results here in the next few weeks. What do you think Rich?

Mr. Steinhebel: Two to three weeks.

Mayor Rice: We're speculating a few weeks. So I would - I - again, depends on what they do. It's their show, it's not ours. So we'll have to see what - cross that bridge when we come to it at this point in time.

Mr. Osborne: Inaudible...this...

Mayor Rice: We're not asking council at this time to appropriate any funds or do anything. I'm just telling you that something may come down the road to ask to do another test well out there. If the EPA feels that's necessary and if they feel it's necessary to get the answers I think - I'm telling you right now I would be in favor of doing that. But that would be up to council.

Mr. Osborne: Do you anticipate though that there would be some preliminary information that would be encouraging to expend some more funds there?

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Mayor Rice: I'm sorry, I'm not sure I followed that. Would you repeat the question?

Mr. Osborne: Do you anticipate there'd be some positive signs that it would be worth continuing to do further research and expend some funds?

Mayor Rice: At this point it's speculation. And I don't want to speculate on what may or may not happen. I'm sure we'll find that out.

Mr. Lindower: There's apparently some past figures that those can be compared with. And in past testing there's probably an analysis that's going to be compared to that to determine probably whether that water quality is improving or staying the same or whatever. Is that basically what they're doing Mayor?

Mayor Rice: I really don't know Dave. What they're - you know, I'm not a hydro geologist and I don't work for the EPA. I'm just simply trying to let council know that they're out there doing some testing. They're the professionals and it's right now, it's their activity, it's on their dime. All we've done is given them access to our property to go out and conduct the tests. And for that I'm letting council know that, that's what they're doing. When they have information we'll all get it at the same time. And if they feel there's more testing needs to be done and they need the city's cooperation in that, we'll know that at the time and we'll bring that at that point in time. I think it's not really useful to speculate at this point in time. I'd rather wait, let them do their work, let them bring us some results or their suggested next steps and move forward. We're just ultimately trying to get some answers out there.

Mr. Osborne: Thank you Mr. Mayor.

Mr. Snyder: Thank you. Inaudible...

Mayor Rice: That's all I got Jon.

Mr. Snyder: Thank you Mayor.

Mr. Benekos: Do you want to...inaudible...East Maple or I mean Dressler?

Mayor Rice: No...inaudible...now.

Mr. Benekos: Okay. No report.

Mayor Rice: Well you can if you want to. You mean update on the work plan - you can.

Mrs. Kiesling: Ah, come on.

Mr. Snyder: What you want to tell us they're not going to begin for a little while?

Mrs. Kiesling: Come on Jim.

Mr. Snyder: Thank you. Madam Clerk?

Mrs. Bittle: No report.

REPORTS - COUNCIL:

Mr. Snyder: Member Foltz.

Mr. Foltz: Yea, just one thing here. I was going, just briefly paging through the work plan by Engineering Department - thank you Jim. And I see in bold type, South Main Street, Everhard intersection. I guess you say - if you follow back through the report, this is funded by SCATS for 80% funding, which is excellent, that's exciting for us. Because I know a turn lane is very sorely needed there. And you might be coming back to council just on what the engineering costs at this point?

Mr. Benekos: For this year there'll be - the engineering will be broken into two phases. One will be preliminary engineering to do some environmental studies, some hydraulic studies and traffic studies. And - so that's what I'll need money for this year. And then I anticipate in 2003 the final design will be done and I'll have a better handle on those costs to go into 2003 budget. And then for 2004 it will actually be right of way acquisition and construction. There will be a joint project with Stark County at Stark County's bridge just south of the intersection. They've agreed to fund that portion and the engineer portions of that. So when I get a better handle on all of that we'll need legislation to enter into an agreement with ODOT for that project. I'll come back and hopefully be able to present to you numbers and so forth.

Mr. Foltz: Well I think it's excellent that you made the funding, the federal funding list. And I know it's sorely needed here in the city. It's one of our busiest intersections as you know. And that's great. It's something to look forward to for everybody who travels through Main Street and Everhard. Okay, thanks. That's all I have Jon.

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Mr. Snyder: Thank you Mr. Foltz. Mr. Lindower.

Mr. Lindower: No report.

Mr. Snyder: Member McLaughlin.

Mr. McLaughlin: The other one I'm interested in is the Whipple, Portage intersection. I'm glad they're finally going to do something this summer and hopefully widen that. Have we also looked Glenwood - have we looked at Glenwood making that a no turning lane or no turning to the left on 4 to 6? Are we getting more traffic counts?

Mayor Rice: Main Street you mean?

Mr. Snyder: At Main and Glenwood.

Mr. McLaughlin: Yes.

Mayor Rice: I'm not sure if that's been completed. I don't think its been completely finished looking at Rick.

Mr. McLaughlin: Okay. I just - I didn't think it was, but I just want it brought, you know, I'm - I'm the one that uses that religiously. I'd love to see something happen there quick.

Unidentified: Running out of time.

Mr. McLaughlin: Yea, that's true thanks.

Mr. Snyder: Member Kiesling.

Mrs. Kiesling: No report.

Mr. Snyder: Member Magel.

Mr. Magel: I would just like to also thank Jim for the work and updating us and letting council know. This helps tremendously if we can keep track of things. And second thing - I would like to thank the Mayor for allowing - for telling us what was going on ahead time with East Maple. I was going to make a joke before and I do mean it to be funny. But if there's a different location I'd like it to be on Fairview. It's just it's just a joke.

Mr. Snyder: Is that for - is that for the skate park?

Mrs. Magel: Right.

Mr. Snyder: Or the water?

Mrs. Magel: No, it's just a joke. East Maple's been used how many times, so. But thank you for letting us ahead of time know what was going on and what is going on, on East Maple. Inaudible...and David congratulations.

Mr. Held: Thank you.

Mrs. Magel: And I also thank you for helping me out earlier this week. Inaudible...thanks.

Mr. Held: You're welcome.

Mrs. Magel: That's all.

Mr. Snyder: Thank you. Member Osborne.

Mr. Osborne: I'd like to report that Superintendent of Permits & Inspection, Mr. Hemminger, is completed a tabulation of his issues or changes that he wants to make to the proposed new zoning ordinance. And he will be meeting D.B. Hartt here in the next 30 days I believe it is. Is that correct Jim?

Mr. Benekos: Hopefully.

Mr. Osborne: And we expect to or hope to have the proposed zoning ordinance presented to Council the latter part of March. At least that's our target date right now. That's all I have.

Mr. Snyder: Thank you. Next Monday is President's Day and historically when the building is closed we do not conduct business. So I'm setting the council meeting next week for Tuesday, 7:00 p.m. We will not meet next Monday evening due to the fact that the staff is off and so forth. And I believe next week that Chairman McLaughlin wants to talk about the water.

Mr. McLaughlin: We will have something in everybody's packets by Friday. And you'll have a plan. One key - one thing I do have everybody keep in mind is be open minded. And second of all is you've got to remember one thing - we have a great finance director, she's full of brains, she knows what she's doing. I'm very proud that we've hired her.

Mayor Rice: Inaudible...full of brains.

Mr. McLaughlin: I mean...

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Mr. Snyder: Is that an adjective or a noun?

Mr. McLaughlin: And I think that - I think that - right now the one thing I am going to say is I wish people would quit floating around different facts and figures because you're confusing everybody. The only facts and figures I want to see is out of Julie. And Julie is doing an excellent job and she's rolling with the punches and everything else. She's - I think that you're getting a little and confused and some people are getting a little ahead of themselves. That's the only thing I'm going to say. I think Julie's done an excellent job so far. I think that we're - she's putting the finishing touches on a few other things. And I just, again, we'll have something in your packet by Friday. But again, I just want to say that, you know, I think Julie is our main person, that's why we pay her in our Finance Department. And that's what I want everybody to keep in mind as you're looking this over.

Mr. Snyder: Did somebody pass me this Alzheimer's Community for a particular reason or?

Mr. McLaughlin: 7 or 8 of them Jon.

Mr. Treadon: He wants you to have more than one in case you forget one.

Mr. Snyder: Inaudible...read it though, in case I forget the first one. I appreciate that.

FINAL CALL FOR NEW BUSINESS:

Mr. Snyder: Final call for business. Anyone in the audience wishing to speak before the Council this evening? Seeing none I'll entertain a motion to adjourn.

ADJOURN:

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

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

No: 0

The meeting ended at 8:00 p.m.

PRESIDENT OF COUNCIL

ATTEST:

CLERK OF COUNCIL