

# RECORD OF PROCEEDINGS

Minutes of COUNCIL OF THE CITY OF NORTH CANTON

REGULAR

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, September 23, 7:00 p.m., 2002  
(YEAR)

### CALL TO ORDER:

1. The meeting was called to order at 7:00 p.m. by President of Council Jon Snyder.
2. The opening prayer was delivered by Rev. Richard Scherpenisse, Northminster Presbyterian Church.
3. All present recited the Pledge of Allegiance.

Mr. Held: Inaudible...students picked the right night.  
Mayor Rice: Yea.

Mr. Snyder: Madam Clerk, please call the roll.

### ROLL CALL:

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

Mr. Snyder: Prior to approval of the minutes of 8/26 and 9/9, I'd like to give Member Osborne an opportunity to - he did infer that City Engineer Benekos was not truthful in his proffer relative to any maps or files that were held in his possession relative to the Oster property. Mr. Osborne, you did infer that the Engineer was not truthful and forthright with you sir. The only thing he had in there was that map. I think you're referring to the appraisal, which was in the possession of Administration. And as you've been told on numerous occasions, Section 2.6 of the City of North Canton Charter requires any requests for documents or things to go through the Mayor's Office, not directly to a person in the employ of the Administration. So I will give you the opportunity to apologize to Mr. Benekos for inferring that his veracity and impugning his integrity, if you so choose sir. And if you do not, let the record show that he chose not to.

Mr. Osborne: Well the only thing I can say here is that when I went to the Engineer, the appraisal that has finally been released just in the last week or so, was requested by the City Engineer and delivered to the City Engineer December 20<sup>th</sup> of last year. I would think it would of been incumbent on the Engineer at that point to say that he was aware of additional information and that if he did not have it in his possession he could of suggested I go see the city administration.

Mr. Snyder: Well sir, as you - as I noted the charter is very clear. In the future should you request any documents or have any communication with anybody in the employ of the Administration, City of North Canton, please make your request pursuant to 2-06 of the Charter. And you did request from Mr. Benekos any maps showing easements or utilities, nothing relating to either appraisal or any other things. Thank you. And as again,

Mr. Osborne: I...

Mr. Snyder: if you want to offer your apology sir, offer it. Otherwise I'll let the record note and we'll continue on.

Mr. Osborne: I asked the City Engineer for any information he had on the property. He explained to me all he had was the map that he showed us at the executive session. So I can only conclude that he was not forthright with me.

Mr. Snyder: Thank you sir, appreciate it. May I have a...

Mrs. Magel: Mr. President..

Mr. Snyder: a motion...

Mrs. Magel: Mr. President, I'd like to...

Mr. Snyder: Mrs. Magel.

Mrs. Magel: make a statement. I worked on a weekly basis with the City Engineer and also with the Zoning Inspector. I find that - I find the Engineer to be nothing but forthright and honest. I was in a predicament this afternoon - I didn't know if there was three parcels, two parcels. And anytime I have asked the City Engineer for - as I am on Street and Alley, he has been forthright and come through with the proper - to help me anytime he could. I find him to be an honorable man.

Mr. Snyder: Appreciate your comments. Thank you.

5. Consideration

Consideration of Minutes of Council Meetings - 8/26/02 and 9/9/02

Consideration of Financial Statement: August, 2002

Consideration of Mayor's Court Receipts: August, 2002

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Mr. McLaughlin moved and Mrs. Kiesling seconded to approve the minutes of the council meetings, financial statement and mayor's court receipts as presented.

Mr. Osborne: May I make a comment here? I had some corrections I had passed on to Mary Louise. Were you able just to make the corrections or...

Mrs. Bittle: I have not made them yet, but you were correct and those three words will be corrected in the minutes and it will be noted in the minutes that the corrections were made.

Mr. Osborne: Okay, thank you.

Mr. Snyder: The roll please.

Mrs. Bittle: Sorry...

All members present voting:

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

No: Magel.

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 September 16, 2002.

**Finance & Property Committee:** Refer to the minutes on file in the Council Office of the Finance & Property Committee meeting held September 16, 2002.

**Street & Alley Committee:** Refer to the minutes on file in the Council Office of the Street & Alley Committee meeting held September 16, 2002.

**Water, Sewer & Rubbish Committee:** Refer to the minutes on file in the Council Office of the Water, Sewer & Rubbish Committee meetings held September 9 and September 16, 2002.

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

David Miner: 4806 Darlington NW, Canton, Ohio.

Mr. Snyder: Do you want to speak Mr. Miner - do you have something say? Please step forward sir, right now's your time.

Mr. Foltz: Go ahead - go ahead and speak, yea.

Mr. Miner: I was waiting for number 9 on here.

Mr. Snyder: Well we'll get to that. This is time you get to speak.

Mr. Miner: Oh good.

Mr. Snyder: Then we'll - then we'll remember what you said.

Mr. Miner: I'll send you a copy if you forget.

Mr. Snyder: That's fair enough - that's fair enough.

Mr. Miner: Okay. I'm president of North Avondale Heights Home Owners Association. And as you might be aware, a couple rows of officers and trustees came along this evening. As an allotment of over 50 single family homes, we have seen a lot of development over the past 35, 40 years. The vast majority of our homes were built prior to the Belden Village Mall being in existence, let alone all the development around the - the surrounding businesses around the mall. North Avondale Heights Home Owners Association has attempted to work in cooperation with the business development that has existed to our west and south of our allotment. This would include such businesses as BP ProCare, the S.H. Kim property, Toy R Us and the recently developed condo development on 46<sup>th</sup> Street. As an allotment we have several legal agreements with the local businesses on Whipple concerning issues such as them asking for variations to the size of their advertising sign and a lot of egress issues with our allotment. As an allotment we have wondered for many years as to the fate of what's been come to known as the Oster property. We have been concerned over the years for several reasons. The first is that we as homeowners have water wells rather than city water. The Oster property showed low

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levels of contamination in test wells within the past couple of years. The second reason for concern on our part is basically to ask for what purpose will the property be used. Currently it is our understanding that a major church is making a bid for the property. Our allotment is generally in favor of this property being developed either as church property or as a quality high value single family home allotment. Let me make that real clear. A church property would be okay and if it was a very high quality single family residence that would be okay too. A church offers some specific concerns and some specific advantages. That I believe that the concerns can be easily resolved if proper planning and decisions can be made prior to being - to beginning development of the Oster property. Advantages of church development are: Normally churches are very good quality neighbors. Churches generally maintain a very high level of landscaping and overall appearance and we would welcome that. Several concerns over church development are: Would be the volume of people utilizing the property could be very high. Especially if the church develops ministries such as sports ministries, indoor gymnasiums, evening revivals, invites speakers in for special events, those sort of things. Traffic and its management is a major concern of both North Avondale Heights Home Owners Association and the Warstler Brothers Landscaping. Therefore, we recommend that North Canton City Council consider implementing the following points prior to the sale of this property: That prior to the sale of the property known as the Oster property, North Canton add a deed restriction to the property prohibiting any egress through the existing streets of North Avondale Heights, i.e. Raymar, Edgemount and 47<sup>th</sup> Street N.W. It is our desire to work with whoever purchases this property. We have, as I stated before, worked with businesses along Whipple Avenue. If it is sold to the church we would highly want to enter into discussion and interaction with the church. But we feel that egress is probably one of our most serious concerns. Especially since we have 50 homes, a number of small children and if a ball game lets out at 10:00 at night under the lights, it could be a lot of high traffic moving at relatively high speeds to restaurants and things like that. We would also enter into any discussion and be willing to work with North Canton on any of the ideas that we have related to the property. So I want to thank you.

Mr. Snyder: Mr. Miner, I might point out a couple things here if I may. Again as you know it's number 9 on our agenda. We're only in the second reading of three, which an additional 30 days after that before the Mayor could even sign the legislation. However, I don't think I'm speaking out of school. I cannot speak for the church, I can only speak for the Council and I do know it to be a fact that they do have a private sale with some people for land for ingress and egress just for that particular reason. That was one of their first concerns that the purchase of our property would be contingent on that fact. So that they would not become invasive to your neighborhood - that's their intention. Their intention is not to disrupt the - either the tranquility or the ambiance of your neighborhood. Secondly, it would go from the sale of this property to our Planning Commission. No - no I'm sorry, that's Plain Township, so we don't - we do lose control at the point once we sell it. However, I'm sure, through the Office of the Mayor or Administrator, they - as you've worked with both Tom and Dave, they'll gladly work with you and probably broker some type of relationship with the church for you. But we'll do from a council I'm sure, anything we can do for you to make that as - the transition as easy as possible. It's not our intention to come in there and disrupt your lifestyle. As you know when we - two, three years ago - two years we had the problem with the wells, we immediately responded as good a neighbor as we could and took care of it. And I assure you we'll do the same sir.

Mr. Miner: And we appreciate that - several years ago on our water issues. As we over the years have dealt with egress issues, once property is sold the owner of the deed has lots of rights under the law and if restrictions are not placed prior to the sale, you can have a 100 good intentions, but if it's not done in black and white, and it's just - and I've had no direct conversations with the church, so you're intent to have us as a good neighbor or a resolution to the issue, does not necessarily mean that anything plays out in the long term. And we're looking for things to be placed - to be put in place now that can be carried forward. And right now you're the deed owner of the property.

Unidentified: Right.

Mr. Snyder: Sir, I would - my suggestion would be is if you would be kind enough to contact the Mayor, I'm sure he'll take you and work with you with the proper people that you need to work with on that. And he'd be - probably could address some of those concerns and I'm sure they would too. Not that we're not concerned, but we are kind of limited to what our power...

Mr. Miner: Sure.

Mr. Snyder: basically...inaudible... address with the Mayor.

Mr. Miner: I will gladly do that.

Mr. Snyder: Thank you sir. Anybody else in the audience wish to speak to the council this evening? Okay, thank you. Seeing none...

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## OLD BUSINESS:

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

### Ordinance No. 86-02 - Third 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.

Mr. Snyder: Chairman Kiesling.

Mrs. Kiesling: Yes, this is the third and final reading zoning our new annexation that extends our borders north up to Orion. And we've had no complaints so far - looks like everything is going fine.

Mr. Snyder: Okay.

Mrs. Kiesling: Any questions? Okay.

Mr. McLaughlin moved and Mrs. Kiesling seconded to **adopt the third reading of Ordinance No. 86-02**. All members present voting:  
 Yes: McLaughlin, Osborne, Snyder, Foltz, Kiesling, Lindower and Magel.  
 No: 0

9. Mr. McLaughlin moved and Mr. Foltz seconded to **read by title only, second reading of Ordinance No. 99-02**. All members present voting:  
 Yes: Snyder, Foltz, Kiesling, Lindower, Magel and McLaughlin.  
 No: Osborne.

### Ordinance No. 99-02 - Second Reading

An ordinance declaring certain real property located in Plain Township and owned by the City of North Canton to be no longer needed for municipal purposes and authorizing the sale of that property to Canton Christian Fellowship.

Mr. Snyder: As we discussed two weeks ago, we feel that the church brings the highest and best use to the property. It is zoned R1, single family, in Plain Township. And again it's the opinion of several developers that the property - it - the way the topography of the land does not indicate or justify housing to the level of the housing surrounding the neighborhood. The church does bring its best value. The bidding value has been established by an actual offer. The offer is in excess of \$21,000.00 an acre. And it's the least invasive that we can do as stewards of the land there in Plain Township. Is there any other comments?

Mrs. Kiesling: Yes, I would like to say I - we got some information today HCW Consulting through Rich and they don't think they're going to have their testing done 10 to 14 - 15 days. Hopefully it's going to be sooner than that because we're - the final reading is two weeks from tonight. So they don't have any - any final reporting to give to us. So go ahead.

Mr. McLaughlin: Excuse - one correction. The - it will be three weeks from tonight because next Monday night we are off - it's the fifth Monday night.

Mrs. Kiesling: Oh, you're right.

Mr. McLaughlin: So it will be..

Mrs. Kiesling: Good.

Mr. McLaughlin: it will be at least October the 14<sup>th</sup> or 15<sup>th</sup>, that Monday there before we have the third and final vote on this.

Mrs. Kiesling: Well then we should...

Mr. McLaughlin: Yea. From talking to Rich today that he talked to those people, they did the test, but they're still - it takes 10 days in order for the test to come back. And they did four - I think Rich told me there was four wells they did out - they tested out there.

Mr. Snyder: Okay.

Mr. Osborne: I'd also like to add that the appraisal by the county initially is at \$42,000.00 an acre, given that someone has access off of Whipple. Due to this isolation, with only one access presently from Salway, they have discounted the appraisal to 21,000. But anyone that's able to gain access off of Whipple, it greatly increases the value of that property.

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Mrs. Magel: Rick, will we be getting those test results or the church?

Mr. McLaughlin: We're not doing the - the church is getting the test results.

Mrs. Magel: Right.

Mr. McLaughlin: They're the ones paying for it and everything else like that.

Mrs. Magel: That's what I thought.

Mr. McLaughlin: If they - and Rich thinks that they will share with us what happened...

Mrs. Kiesling: Oh I'm sure they will...

Mr. McLaughlin: but that's up to them. They're paying for it, that's something that was part of the deal that was going through with the property.

Mr. Snyder: Okay...

Mr. McLaughlin moved and Mr. Foltz seconded to **adopt the second reading** of Ordinance No. 99-02. All members present voting:

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

No: Kiesling and Osborne.

#### NEW BUSINESS:

10. Mr. McLaughlin moved and Mr. Foltz seconded to **read by title only, first reading** of Ordinance No. 100-02. All members present voting:

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

No: 0

#### Ordinance No. 100-02 - First Reading

An ordinance approving, confirming and accepting the dedication of additional right of way on Castlewood Avenue S.W., being part of City Lots 3689 and 3681 in the City of North Canton, Stark County, Ohio.

Mr. Snyder: Mrs. Magel.

Mrs. Magel: Yes. I sat in the audience for approximately five years before I sat on council and there was always this statement it's a house cleaning. And I would sit there and go...

Mr. Foltz: Are you going to - are you going to use that one tonight?

Mr. Snyder: They...inaudible...East Maple - right?

Mrs. Magel: In saying that...

Unidentified: Inaudible...house cleaning...inaudible...

Mrs. Magel: this is a house cleaning item. There's Castlewood Avenue, now last week I had discussed three parcels. And yet - and there was a map of three parcels.

Mrs. Kiesling: Right.

Mrs. Magel: And you'll look in this particular ordinance and it's a little bit different wording where it says "City Lots" and it gives two lots. What happened is there's two lots - two - but three parcels. One of the lots was - is split. So basically I'm saying the same thing two different ways. It's better at this point to say we want two separate lots on Castlewood to be dedicated for the right of way. It's just an overlook and something that needs housekeeping. Jim, is that correct?

Mr. Benekos: Close enough.

Mrs. Magel: Close enough. But it's three parcels, two lots.

Mr. Benekos: Three parcels coming from two lots.

Mrs. Magel: And the wording of this ordinance will be two city lots. Any questions?

Mr. McLaughlin moved and Mrs. Magel seconded to **adopt the first reading** of Ordinance No. 100-02. All members present voting:

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

No: 0

11. Mr. McLaughlin moved and Mrs. Kiesling seconded to **read by title only, first reading** of Ordinance No. 101-02. All members present voting:

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

No: 0

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## Ordinance No. 101-02 - 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 cleaning five sludge lagoons and one wash water lagoon at the North Canton Water Treatment Plant and declaring the same to be an emergency.

Mr. Snyder: Chairman McLaughlin.

Mr. McLaughlin: This is one of those house cleaning items we have to do. So I thought it would be...

Unidentified: Literally.

Mr. McLaughlin: Literally - so we have to put it on. So if you like to read - you know advertise and receive bids according to specifications.

Mr. McLaughlin moved and Mrs. Kiesling seconded to **adopt the first reading** of Ordinance No. 101-02. All members present voting:

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

No: 0

Mr. McLaughlin moved and Mrs. Magel seconded to **suspend the rules** for Ordinance No. 101-02. All members present voting:

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

No: 0

Mr. McLaughlin moved and Mrs. Magel seconded to **adopt under suspension of the rules** Ordinance No. 101-02. All members present voting:

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

No: 0

12. Mr. McLaughlin moved and Mr. Foltz seconded to **read by title only, first reading** of Ordinance No. 102-02. All members present voting:

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

No: 0

## Ordinance No. 102-02 - 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 rock salt for ice control and declaring the same to be an emergency.

Mr. Snyder: After we put it on the street you will need house cleaning. But we do bid that because last year we were very fortunate that we had a mayor that got us the salt at a very good price. And we're going out a little early so that we can secure a good price for salt. Any questions on that? If not...

Mr. McLaughlin moved and Mrs. Kiesling seconded to **adopt the first reading** of Ordinance No. 102-02. All members present voting:

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

No: 0

Mr. McLaughlin moved and Mrs. Magel seconded to **suspend the rules** for Ordinance No. 102-02. 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. 102-02. All members present voting:

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

No: 0

13. Mr. McLaughlin moved and Mr. Lindower seconded to **read by title only, first reading** of Ordinance No. 103-02. All members present voting:

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

No: 0

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### Ordinance No. 103-02 - 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 chemicals for the Water Treatment Plant and declaring the same to be an emergency.

Mr. Snyder: Again, this is normally a companion piece, we bid it about the same time for water treatment chemicals. Is there any questions on that? If not...

Mr. McLaughlin moved and Mr. Lindower seconded to **adopt the first reading** of Ordinance No. 103-02. All members present voting:

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

No: 0

Mr. McLaughlin moved and Mr. Lindower seconded to **suspend the rules** for Ordinance No. 103-02. All members present voting:

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

No: 0

Mr. McLaughlin moved and Mrs. Kiesling seconded to **adopt under suspension of the rules** Ordinance No. 103-02. All members present voting:

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

No: 0

14. Mr. McLaughlin moved and Mrs. Kiesling seconded to **read by title only, first reading** of Ordinance No. 104-02. All members present voting:

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

No: 0

### Ordinance No. 104-02 - First Reading

Ordinance No. 104-02 authorizing the Mayor of the City of North Canton, through the Board of Control, to enter into an agreement for the purchase of the premises known as 225 Harmon Street S.W. (Permanent Parcel No. 56-02556) in the City of North Canton, Stark County, Ohio, at a cost not to exceed \$92,000.00, and declaring the same to be an emergency.

Mr. Snyder: We fondly refer to this as the blue house behind the engineering. As you know we talked about - we feel that banking land and property is in the best interest of the city. And the Mayor has negotiated what we believe is a fair price for that property. And if there is no questions...

Mr. McLaughlin moved and Mrs. Magel seconded to **adopt the first reading** of Ordinance No. 104-02. All members present voting:

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

No: 0

Mr. McLaughlin moved and Mrs. Kiesling seconded to **suspend the rules** for Ordinance No. 104-02. All members present voting:

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

No: 0

Mr. McLaughlin moved and Mrs. Magel seconded to **adopt under suspension of the rules** Ordinance No. 104-02. All members present voting:

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

No: 0

### REPORTS:

Mr. Snyder: Director of Law, any report?

Mr. Batista: No report.

Mr. Snyder: Director of Administration, have you any report?

Mr. Held: No report.

Mr. Snyder: Mr. Mayor.

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Mayor Rice: Just real quickly. As council's aware we did have an annexation petition filed for the Bob O Link Sanctuary area. It was filed Friday, I think somewhere around midday - between maybe 11:00 and noon. We got a copy of that petition delivered to us Friday afternoon, late in the day, and as I understand it was also delivered to the Township Trustees. Probably next week because of that it will be on - ask it to be on the agenda an ordinance conveying what city services the city wishes to offer to them, which is standard procedure. Council has to pass an ordinance outlining what services the city will provide. So we'll need that on - if council wishes to do that, we'll need that on the agenda for next week Mr. President.

Mr. Snyder: Inaudible...

Mayor Rice: And we'll get you some information on that.

Mr. Batista: Mr. Engineer, Consumers Ohio Water, we do not do water up there?

Mr. Benekos: That is my understanding.

Mr. Batista: Sanitary sewer is the county sewer now or...

Mr. Benekos: Right now there is no sewer that services that area.

Mr. Batista: Okay.

Mayor Rice: They're putting it in.

Mr. Batista: Okay.

Mr. Snyder: Mayor, may I ask a question if I could sir? Is there any possibility due to you know the nature of that area - we had problems with the closing of those roads which we did seal and so forth - is there any possibility sir that we could have a informal meeting with the residents of that area within the next couple weeks maybe to just bring them to speed what your plans are and that of the developers?

Mayor Rice: We do have - that's a good question Jon, because I know a lot of people - well we've had some calls today and some residents come up to the city to see what plans are being proposed for that area. I do have, in my office, a preliminary, what I would call a preliminary plan, that's the last thing I've seen, that does show what they propose to do from a developmental standpoint and we're talking just on the south side of Applegrove - there's like a 105 acres there I believe. We do have that map in the Administrative Offices for anybody that wants to stop in and see it, it's hanging on the wall. So come in or if anybody from the public wants to view it just simply...

Mr. Lindower: Inaudible...have a board?

Mayor Rice: Oh, Jim brought a board a matter of fact tonight. And as we understand it at this point in time, there is going to be no request that we're aware of forthcoming to open any streets, that's not an issue on the table. There's no request for any PUD or special zoning. It appears that it's going to be strictly a - primarily a residential, single family residential allotment is what I think they're going to propose. I...

Mr. McLaughlin: R50, R70?

Mr. Snyder: Yea.

Mayor Rice: All R50 and R70 is as I understand it you take to the value...inaudible... Is that one that has the...

Mr. Benekos: Right. There's six acres.

Mayor Rice: Kind of that green space area that goes through the center of it. My understanding is that south of that line basically is going to be requested for R70, which is our best single family housing that we - zoning that we have in the city. The northern portion is going to be asked to be R50, which is our other zoning for single family residential. And their one in the northwest corner, up where I, in the general vicinity of where the barn and parking lot is now on Applegrove Road, there will be a multi family zoning requested for that corner, which I believe is somewhere in the vicinity about 10 - 10, 11 acres. Again, these are rough estimates guys. I don't know - the developer will bring that and give you exact - I'm trying to tell you what I understand at this point in time. So these aren't firm commitments from me. I'm telling you what little - what little bit I know about it at this point in time. So if you look at the overall acreage, again in rough estimates, you've got roughly 10 percent of the acreage as being - is going to be requested for about - for multi family. There's 20 percent of the acreage there that's going to be set aside for green space, a common area, waters, grass, club house, pool, walking trail, that type of stuff. And 70 percent of it, again roughly, is going to be requested to be single family housing. There is no request for any commercial development on the property at all as I understand it as of now and I don't anticipate any.

Mr. Snyder: There's...inaudible...what 200 homes - 205 homes?

Mayor Rice: I think the estimate is right around 200 single family homes. I do not know how many units they're - they're even proposing in the multi family. At this point in time I've got - I've seen no specifics on the multi family. But in a rough estimate - you got that big map?

Mr. Benekos: Yea.



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Held Monday, September 23,

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(YEAR)

Mayor Rice: Oh, okay. Yea, Jim's got one that folks can take a look at or we've got a color - we've got a colored one in my office that's - we put crayons on. Yea, here's the southern part here, this is Applegrove Road across the top, this southern area is supposed to be R70, this area here R50 and this corner right up here a multi family. I think there's a combination of condos and I don't know if it's assisted living or exactly what they're calling that up on Applegrove. But I believe that to be their basic proposed development for the south side. I think they're going to be making a general presentation, Jim, to the Planning Commission, when is that?

Mr. Benekos: October 9<sup>th</sup> they've asked for an informal preliminary plat review from the Planning Commission so they can get an idea of what the Planning Commission's feelings are on this preliminary plat. And then from that then they can go back and revise and plan accordingly while the annexation process is going on.

Mayor Rice: So October 9<sup>th</sup> - the key thing is October 9<sup>th</sup> at what 7:00?

Mr. Benekos: 7:00 p.m.

Mayor Rice: 7:00 p.m. in the evening if anyone on council or any residents are interested in seeing that. There's no schedule of any action to be taken that evening. It's just simply an informational meeting that they're planning on having before the Planning Commission to review what - you can hear it right from the developer then, what they're vision is for that southern part of the property. On the north side at the golf course there are no developmental plans for the north side. The new golf course, the sanctuary golf course, that is going to remain a golf course. And then you've got the apartments are also part of this annexation that are in the middle of that northern golf course. It's roughly 268 acres total acreage, which we think, at least from what we've been able to locate at this point, could be acreage wise the largest annexation ever in the City of North Canton. So it's a pretty significant annexation. But that did happen Friday as you know and we'll be asking council to consider. If you - if you want to move forward on this annexation the ordinance will probably - you need to - you need to move on that quickly; there is a time line on that if you want to do that.

Mr. McLaughlin: Tom, quick question. I didn't hear it. You said there's no - there's no connecting street, everything will come back out onto Applegrove?

Mayor Rice: Yes, that's my understanding.

Mr. McLaughlin: On...inaudible...

Mayor Rice: And I think there's going to be three points of coming in - on and off of Applegrove.

Mr. McLaughlin: Can I ask you, I know you probably won't

Mayor Rice: Yea.

Mr. McLaughlin: you probably can't answer it but...

Mayor Rice: I'll try again. I can't - I'm not speaking for the developer...

Mr. McLaughlin: I know - I know you're not.

Mayor Rice: cause I don't know.

Mr. McLaughlin: But the county is going have to come in and address that Applegrove issue into - are they going to come back?

Mayor Rice: Well Applegrove is already on the...

Mr. McLaughlin: It's on the - it's on the list?

Mr. Snyder: Inaudible...we've already...

Mayor Rice: That's going to be widened regardless. That project, as you know the city's a partner in that with the county now.

Mr. McLaughlin: Right, but I - what's the scheduling any idea what the schedule was? I'm just asking. If you don't know that's fine.

Mr. Benekos: My understanding, the last I talked with the county it was going to be done in two phases. First phase would be - boy, to 2003 - maybe 2003 and 2004 - 2004, 2005.

Mr. Snyder: We will make a consorted effort to notify you and the Plain Township residents that are contiguous to that. I know there was a snafu when Plain did ours, but...

Mayor Rice: We can do that if that's what...inaudible...wishes.

Mr. Snyder: I think I - especially to the ward councilman I think and to Mrs. Magel who lives there, I believe those people would appreciate being notified.

Unidentified: Right.

Mayor Rice: That's one question we're going to direct to the ward councilman here when notification goes out. They may want extended notification to people beyond just the adjoining property owners. But we're going to defer to council's wishes on that, especially with the ward councilman on that.

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Mr. McLaughlin: Can I make a suggestion?

Mayor Rice: So we'll talk to Dave.

Mr. McLaughlin: on that meeting there. Is it possible to have it at the Civic Center? Because I have a hunch you're pack - you're going to pack it in where this might not be enough room. I'm just asking the question. Where the Civic Center has a lot more...

Mayor Rice: Well the question is this, do you want to - do you want to do it there or do you want to have - well...

Mr. McLaughlin: I'm just asking the question, cause I got a hunch the last - you know when we had the Washington Square we were squeezed in here - they were squeezed in.

Mayor Rice: Yea.

Mr. McLaughlin: I'm just asking the question - make everybody a little bit more comfortable and everything else like that; would the Civic Center be a little bit - I'm just asking the question.

Mayor Rice: If it's not - if it's not rented that evening that might be - that is a good idea Rick if it's not - if it is available that night...

Mr. McLaughlin: Okay.

Mayor Rice: and we'll check into that for you.

Mr. McLaughlin: I just thought I'd bring that up. Thank you.

Mayor Rice: That's true because there is a lot of interest of...

Mr. McLaughlin: Yea.

Mayor Rice: whenever you have development of that much acreage.

Mr. Snyder: You going to have the pop concession out front there?

Mr. McLaughlin: What's that?

Mr. Snyder: You going to put the pop concession out?

Mr. McLaughlin: The popcorn, the pops and everything out there.

Mr. Lindower: Inaudible...to make coffee.

Mayor Rice: Are you buying pizza?

Mr. McLaughlin: Peanuts, popcorn...

Mr. Snyder: Yea, pizza.

Mr. McLaughlin: Pizza.

Mr. Osborne: I would like to say it's a very fine development. I've been privy to some of this for several months. It's a great addition to the city. It's very upscale housing. The only issue I have and I've discussed it with the developer is they intend to put in - and Jim you'll have to update me on this, lift stations for the sewage is it still - is that the plan?

Mr. Benekos: That's still the developer's wishes. And that's one thing that's going to have to be put into the services ordinance, as what participation, if any, the city wishes to assist in the sewage of the development. They have re...

Mr. Osborne: Well Mr. Lemmon's assured me that - and he said he'd even put it in the contract, that this is a - these lift stations could be easily converted over to gravity feed when Canton brings their sewer lines farther north.

Mr. Benekos: That'd be the county...inaudible...

Mayor Rice: County.

Mr. Osborne: The county, yes.

Mr. Benekos: Right.

Mr. Osborne: So he's assured me. So if that's - can easily be done I think this would be a great addition to this city.

Unidentified: How many people you getting the phone calls from?

Mr. Lindower: Inaudible...over the weekend to today probably ten. Several - there's several people and I keep telling each one ...inaudible...Road is.

Mr. Snyder: Mr. Engineer any comment, any further comment?

Mayor Rice: Anything else?

Mr. Benekos: Nothing further.

Mr. Snyder: Madam Clerk, any comment?

Mrs. Bittle: No report.

Unidentified: That's why I suggested that down there cause I...inaudible...

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## REPORTS - COUNCIL:

Mr. Snyder: Member Foltz.  
Mr. Foltz: No report.

Mr. Snyder: Member Lindower.  
Mr. Lindower: No, no report.

Mr. Snyder: Member McLaughlin.  
Mr. McLaughlin: No report.

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

Mr. Snyder: Member Magel.  
Mrs. Magel: No such luck.  
Mr. Snyder: Here I thought we were moving along pretty good here.  
Mr. Lindower: We're going to clean house...  
Mr. Foltz: I don't think we ever get by Kathy.  
Mr. Snyder: Should I take my coat off?  
Mr. Lindower: We're going to clean house again.  
Mr. McLaughlin: Yea, it's a clean house thing.  
Mayor Rice: Get snacks.

Mrs. Magel: Jim, of the 20 percent green space and I know we spoke about this whenever we were doing the zoning book, how much of that is water?  
Mr. Benekos: Inaudible...  
Mrs. Magel: Of the 20 percent - 10 percent, you know, 50 percent?  
Mr. Benekos: You'd have to look at it, but it looks roughly 10 percent.  
Mrs. Magel: We'll take a look at that.  
Mr. Benekos: Yea.  
Mrs. Magel: I'd like a better assessment on that.  
Mr. Benekos: Sure.

Mrs. Magel: Okay. And Mr. Mayor the north is going to remain a golf course - forever?  
Mayor Rice: Oh I certainly would never say that. I don't - I don't know. All I know is there's no plans...  
Mr. Snyder: For 20 years.  
Mayor Rice: or even a suggestion been brought...  
Mrs. Magel: Okay.  
Mayor Rice: to the administration of any development on the north side. I certainly would never say never.

Mr. Snyder: There's a 20 year deed restriction on that golf course. When they purchased it to girls he did a contingency for 20 years it will remain a golf course. It cannot be changed or at least for the first 20 anyway. At that point it's a not big factor.

Mrs. Magel: I'll show you that Jon.  
Mr. Snyder: Oh maybe you ought to...  
Mrs. Magel: We'll talk later.  
Mr. Snyder: Okay, fine.

Mrs. Magel: Alright. I have not - this particular council person has not been privy for several months to this plan and has not spoke to the developer. So I would like to you know come in, take a look at what's...  
Mayor Rice: You're welcome anytime.

Mrs. Magel: Inaudible...inform me since I'm not privy. Speaking of that, and I think this comes into the a - with the annexation; Chuck, where's the new zoning code? Is this going to take affect with this or...inaudible...where are we?

Mr. Osborne: Well I've thought about that myself for the last month. I'm wondering myself. I've had no contact with the city. I feel the city is trying to make me look bad in my chairmanship of this position. As we all know I was left out of a meeting back in April - asked actually not to attend. And a - so the only guidance I'm getting is the feedback...  
Unidentified: Inaudible...poor baby.  
Mr. Osborne: I'm getting from Mr. Benekos when he makes reports here in council. And I gathered from a report back before our summer break it would probably be easily September or October before it would be ready to be presented to council. And I've had no contact or no information, so I honestly don't think we're going to see it this year.

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Mrs. Magel: Okay...inaudible...

Mr. Osborne: Mr. Benekos maybe can update me. I...

Mrs. Magel: Well I'd like to, as an FYI, it's in council's hands. It went from Planning to council's hands.

Mr. Osborne: Mr. Hemminger and Mr. Benekos are controlling this. So I have no contact.

Mrs. Magel: Inaudible...

Mrs. Kiesling: Jim, you look like you're going to say something.

Mr. Benekos: If asked.

Mrs. Kiesling: If asked, okay.

Mr. Osborne: I know the city desperately needs it. I was told when I came on board last December we needed it six month - a year - a year and a half ago. But a...

Mrs. Kiesling: When are you meeting again with the consultant?

Mr. Benekos: Gene has been looking over the comments we gave to the consultant and he hasn't...finished that. The past couple months I have been busy and have neglected that, I have not looked at it for awhile. I will check with Gene tomorrow to see where he's at on that. I know he's been busy. He had it out and was downstairs in the dungeon he was working on it. And I don't know if he's finished that and given his review comments back to the consultant or not. I don't know where it is right now, but I will check that out and let you know at the next council meeting.

Mr. Osborne: I generally see Gene at least every couple weeks on other issues and he's never brought it up. And considering how I was kept out earlier I just sitting back and waiting to see what's going to happen.

Mrs. Magel: Well this sitting back has to stop.

Mr. Benekos: Inaudible...

Mr. Osborne: Well you know I...

Mrs. Magel: Do something.

Mr. Osborne: Obviously I have no control here.

Mrs. Magel: You're the chairman.

Mr. Snyder: Please, let's not engage in back and forth if you - let - Mrs. Magel has the floor. Mrs. Magel you want to finish please? Anything else?

Mrs. Magel: No, thanks.

Mr. Snyder: Thank you. Mr. Osborne.

Mr. Osborne: As I just said, I spend almost 40 hours a week on this job and I have to do a lot of end runs to gather information. And I've left - been left out of the loop. And I'm getting no support from the rest of the council on how I'm being treated so I can only do so much. And if the city deems to leave me out of the loop, it makes it pretty tough. And it's hurting the city really. That's all I have.

Mr. Snyder: Thank you. The only comment I have, I choose to use the council floor to comment. I did receive a notice from Member Osborne requesting a trip to Columbus and wanted to know why I refused it. Sir, if you read the rules of council, the president of council has the sole authority to authorize or not to authorize - I choose not to authorize. That is my answer to you. Thank you.

Mr. Osborne: You have no other...

Mr. Snyder: That is it sir. I have the sole discretion. I have the right to refuse or to grant; I refused. And the reason I refused sir is if you continue to malign me in the public, the people, whether they be in the employ of the administration or somebody else, I'll deal with that problem when I come to it. That's all I have to say. I don't engage in any conversation...

Mr. Osborne: How have I maligned you?

Mr. Snyder: That's all I have to say sir. Thank you. You also proffered a request a couple weeks back of the Engineer for reports on South Main water storage tank. Also received the notes today that they did not cooperate fully with you issuing the reports. I think the Director of Administration Benekos or Director of Administration Held you have something that you ...inaudible...

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Mr. Held: Well yea, the request that Mr. Osborne put forth in a letter, I'll just read it quickly here, it says, "Dear Mr. Benekos. I am writing to request copies of all documents including design plans, specifications and EPA approvals of the water storage tank that is located on South Main Street." And there is the documentation on Mary Louise's desk.

Mr. Snyder: I'd like to note for the record that the total man hours to correlate and assemble those are 11.5, there's 3108 copies that you wanted to request. There they are sir, fulfillment of your request. So if you'd like to take those with you.

Mr. Osborne: I thank you. And if you're talking about...

Mr. Snyder: Sir...

Mr. Osborne: my comments about maligning you...

Mr. Snyder: you're out of order sir. You're out of order sir. You've not been recognized by the chair, you're out of order.

Mr. Osborne: May I say something now?

Mr. Snyder: No sir.

#### FINAL CALL FOR NEW BUSINESS:

Mr. Snyder: Final call for business.

Mrs. Bittle: Excuse me Mr. President, next week is the fifth Monday, we will not be meeting. Is that correct?

Mr. Snyder: No mam we won't. We don't meet on the fifth. Thank you for that. I don't think we need a resolution for that...inaudible...

Mrs. Bittle: No.

Mr. Snyder: Final call for business. Anybody in the council chambers wishing to speak before the council? Please step forward, state your name and address for the record. Inaudible...mam.

Catherine Garcia: My name is Catherine Garcia. I live on Park. And I have to say that I'm less than impressed with the way that you people are handling this council meeting. You have children here from the high school watching a bunch of big boys act like little children. And I'm ashamed to say that I live in North Canton.

Mr. Snyder: Thank you mam.

Ms. Garcia: Yes mam...

Mrs. Magel: I didn't hear where you lived. I...

Ms. Garcia: I live on Park Avenue.

Mrs. Magel: Oh, okay. I know where that is.

Mr. Snyder: Anyone else wishing to speak before the council. Seeing none I'll entertain a motion to adjourn.

#### ADJOURN:

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

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

No: 0

The meeting ended at 7:50 p.m.

\_\_\_\_\_  
PRESIDENT OF COUNCIL

ATTEST

\_\_\_\_\_  
CLERK OF COUNCIL