

RECORD OF PROCEEDINGS

Minutes of

COUNCIL OF THE CITY OF NORTH CANTON

REGULAR

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, February 10, 20 03

CALL TO ORDER.

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

Mr. Snyder: Alright. 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.

5. Consideration

Minutes of the Public Hearing: 1/27/03

Minutes of Council Meeting: 1/27/03

Mr. Snyder: May I have a motion to consider the minutes of the public hearing of 1/27/03 and council meeting of 1/27/03 with - we have a change on page 049 there was a mistype saying that Member Magel, when in fact it should be changed to Member Kiesling. And the minutes have been duly changed. With that addendum may I have motion to accept both as presented.

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

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

No: 0

6. Committee Reports

Executive Session (Finance & Property Committee): Refer to the minutes on file in the Council Office of the Finance & Property executive session meeting held January 27, 2003.

Finance & Property Committee: Refer to the minutes on file in the Council Office of the Finance & Property Committee meeting held February 3, 2003.

Ordinance, Rules & Claims Committee: Refer to the minutes on file in the Council Office of the Ordinance, Rules & Claims Committee meeting held February 3, 2003.

Park & Recreation Committee: Refer to the minutes on file in the Council Office of the Park & Recreation Committee meeting held February 3, 2003.

Street & Alley Committee: Refer to the minutes on file in the Council Office of the Street & Alley Committee meeting held February 3, 2003.

Water, Sewer & Rubbish Committee: Refer to the minutes on file in the Council Office of the Water, Sewer & Rubbish Committee meeting held February 3, 2003.

Mr. McLaughlin moved and Mr. Osborne seconded to accept the executive session and 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 to the council this evening? If so step forward state your name and address for the record.

Victor Berardi: My name is Victor Berardi. And I live at 1355 Salway Avenue. I'd like to take a few minutes to update council on the efforts of myself and many others to communicate with citizens about the issues related to the sale of Arrowhead property, City Council's subsequent purchase inquiry and the real concerns related to parks - to the zoning of parks and institutions districts. Today I stopped by City Hall and counted the petition and letter signatures that have been received to date. I am pleased to report that nearly 250 people took action to let City Council know they supported your inquiry. These citizens wanted to have their voices heard and to let you know they valued this unique undeveloped parcel, not only for its water resources, but

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for it's green space and recreational potential too. Many wrote emotional statements expressing their life long love of this community or the community values they hope City Council would uphold. Others chose to communicate their special concern about the current parks dist - parks district zoning and to emphasize the need to revise this zoning ordinance as soon as possible and not to allow other zoning issues to delay this process. It is clear people want the loopholes in this statue closed and now. It is significant to note that none of these citizens expressed a desire to see homes developed on this property, by the city or anyone else. That is why the editorial in Friday's in Repository was troubling to me and confusing to those whom I have spoken. You see I got a call Friday evening asking if I had read the newspaper, to which I responded no. The person commented that from the editorial article it appeared the city was planning to develop some homes on the property if it was successful in its bid. In the editorial I refer to the sentence that says, "the city might be interested in selling some land for homes." In a cynical notion that fortunately lasted only a moment, I thought it's going to be the city that exploits its own loophole against us not the developer. Fortunately as I continued to read I noted other inconsistencies and errors in the editorial that enabled me to discount the newspaper's opinion. A few phone calls helped to further calm my fears and I do appreciate it. Please note though - oh excuse me, in my subsequent conversations with others though it is obvious that people are confused about the motivations in the city's bid process. I hope this can be cleared up once and for all as a Repository editorial has noted this one motivation in particular. Please note though that in what follows I'm not asking you to comment on future plans or uses for Arrowhead should the city acquire this asset. That is in no way my intent as I realize that no one can make those kinds of commitments or predictions and I do not seek this of you now. This is especially important considering the actual acquisition has - is not even assured. But looking specifically at the bid process already completed, it is important for all the people who made the effort to communicate their support to know what you their representatives were thinking. I hope that at the conclusion of my comments you will take the opportunity to express your prospective on this concern. Particularly whether during the bid process already completed you were interested in acquiring this asset with the idea of the city working with citizens to find the best way to preserve green space and to encourage residential uses or if the Repository assertion represents your prospective in principle. We can only hope that once you do this the media can then accurately convey your intent. In this final section I would like to turn my - to direct my comments towards the difficulty associated in turning principles into realities and to encourage you to consider not only the challenge ahead, but the benefits that North Canton could realize from this property. To that end please forgive my ignorance of your - concerning your processes. I'm going to offer some ideas here with the best possible intent even though they may be redundant to what you are already doing. Over the past 15 years I have dedicated my professional career, education and research to the practice of operations management and to decision making theory. And there are two concepts that are germane to maximizing the public benefit possible should the city acquire Arrowhead. The first concept is systems prospective. The second is the notion of a sunk cost. When an organization faces a significant change, as is represented by an Arrowhead acquisition, a reevaluation of all assets and capabilities are in order. This is necessary to prevent sub-optimizing only parts of the system and not the whole system, the true objective. For north of Canton this refers to water resources and projects, parks and recreation plans, other properties in inventory and expenditures in general. Decisions on how to use these assets are interdependent - interdependent and must be made in concert or as a whole. It does not mean that operations should grind to a halt, but that the ground work planning should commence and a conservative prospective implemented at this point. In addition to the systems prospective I'll speak next to the concept of a sunk cost. And here a sunk cost means that plans made before this asset was considered that may have been optimal then, may no longer be the best course of action going forward. Emotional ties to projects or regret that often comes with considering previous resource allocations are sunk and cannot be undone regardless. The best course of action is to maximize looking forward, not in looking back wondering what if. Luck is often being in a position to take advantage of opportunities that arise. If the city's bid is successful the opportunity is there. I can only hope the city will be conservative in this period of uncertainty so that maximum benefits can be accrued for both current and future generations and the city is not forced into a situation where it must parcel out portions of this asset simply to be sold to the highest current bidder. That truly would be a shame for the citizens of North Canton both present and future. Thank you.

Mr. Snyder: Mr. Berardi, I might comment and I will be brief. And I think I speak for both council and I hope I say this respectfully to the administration. It's not the intent here ...inaudible... we're in the service business, we're not in the development business. And it's not our intention to go out there and parcel land. Whether it'd be for what I assume - do you think that - if we would financially become burdened upon we have other ways of obtaining money to protect park land. But we are in the service business to provide parks, emergency services, police, fire, enjoyment, peace and tranquility to the citizens. That's our intention sir. It's not to be in the development business. There are two or three gentlemen here in the audience that do that quite well.

Mr. Berardi: Okay. Actually and I do - I do appreciate the phone calls that I received. And I - and I'm sincere in saying that I hope that this will be accurately communicated through the media after this meeting. Thank you very much.

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Mr. Snyder: Thank you for your input sir.
Mr. Osborne: Thank you Mr. Berardi.

Mr. Snyder: Is there anyone else in the audience wishing to speak to the council this evening?
Please step forward state your name and address for the record.

Norman George: My name's Norman George. And I live at 1352 Lorrell Avenue SW. Just a few remarks and to refer to the editorial that appeared in the Repository of North Canton's plans for Arrowhead Country Club should they prevail. For North Canton to entertain perimeter housing and I think you've covered this, for the area is contrary thinking into why we are here. Housing development is our objection for the area and North Canton should not be involved or considering such development. Any buffered zone for the park and its development would be to follow the natural marks of lineation and that would be the streets that border the area. Not the backyards of additional housing development which could bring additional objection, controversy, expense and public concern. I appreciate very much. Thank you.

Mr. Snyder: Thank you sir. I appreciate your input.
Mr. Osborne: Thank you sir.

Mr. Snyder: Anyone else wishing to speak? Mr. Bourlas.

Alex Bourlas: I'm going to leave that Arrowhead alone for a minute. My name is Alex Bourlas. I live on 860 7th Street NE, North Canton. And I've been a resident for 23 years. I attended a few of your meetings for the past couple months and I was here last Monday night. The council has spent a lot time talking about PRD's and green space and I don't know why. First of all the City of North Canton has no land available unlike Jackson to worry about PRD's and green space. Quit trying to compare North Canton to Jackson Township, they're two separate entities - communities with different needs. As far as green space I heard some - somebody saying at the last meeting that the CEDA received money from Monticello allotment. And I - it got me really confused. Do we want money or do we want green space? I understand that there are a couple parcels possibly coming up for rezoning. I personally do not think that there are any terrible problems with our current zoning book. But if the council wants to change the zoning book, please get some guidance from people that are well seasoned in this field. At the last meeting I also recall hearing someone saying that any developer that develops in North Canton has to upgrade the infrastructure. In other words you want the developer to pay to fix your roads, sanitary sewers and storm sewers. Absolutely ridiculous. Plus to give you a 30 percent green space. What is the objective here? Do we want to drive business and people away from this community or do we want to make it easy? I thought the city was - the city was focused in the right direction when Dave Johnson was on board. It seems to me the council should reevaluate the priorities and start focusing on bringing new business and people in general into our community. When I drive up and down Main Street I'm amazed at the number of vacancies. What are we going to do about it? I come to you not only as a concerned citizen but also as a North Canton concerned businessman. Thank you very much.

Mr. Snyder: Thank you Mr. Bourlas. Anyone else in the audience wishing to speak? Thank you...

OLD BUSINESS:

8. Mr. McLaughlin moved and Mrs. Magel seconded to **read by title only, third reading** of Ordinance No. 1-03. All members present voting:
Yes: Magel, McLaughlin, Osborne, Snyder, Foltz, Kiesling and Lindower.
No: 0

Ordinance No. 1-03 - Third Reading

An ordinance accepting City Out Lot No. 299 in the Washington Square Allotment, within the corporate limits of the City of North Canton, for public green space purposes.

Mr. Snyder: Chairman Foltz.

Mr. Foltz: Yea, as it reads third reading. I support this. It's been reviewed through committee. And what it does obviously is bring the retention, detention area there in McKinley development under the city's control. So I recommend and vote in favor of the third reading here.

Mr. Snyder: Is there a second to that?

Mr. McLaughlin: So moved.

Mrs. Magel: Second.

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Mr. Foltz moved and Mr. McLaughlin seconded to **adopt the third reading** of Ordinance No. 1-03. 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, third reading** of Ordinance No. 9-03. All members present voting:
Yes: Osborne, Snyder, Foltz, Kiesling, Lindower, Magel and McLaughlin.
No: 0

Ordinance No. 9-03 - Third Reading

Ordinance No. 9-03 amending TITLE THREE - Utilities, CHAPTER 921, Sewer Code, Section 921.04 SEWER CONNECTIONS; PERMIT; FEE. of the Codified Ordinance of the City of North Canton by the addition of paragraph(d).

Mr. McLaughlin: So moved.

Mr. Snyder: Chairman McLaughlin.

Mr. McLaughlin: This is the third and final reading of the update of our sewer connections. Jim did a little research and it spells out who pays what and kind a - it's more defined than what we ever had before. So I - since we had the first two readings and everything went so well and nobody objected to it, this is the third and final reading. I'd like to see it get done so we can spell out who pays for what.

Mr. Snyder: Okay. May I have a motion to adopt the third reading of Ordinance No...
Mr. Osborne: 9-03.
Mr. Snyder: Excuse me, 9-03, I lost my place. Pardon me.

Mr. McLaughlin moved and Mrs. Magel seconded to **adopt the third reading** of Ordinance No. 9-03.

Mr. Snyder: Thank you.

Mr. Osborne: Somebody coughed I don't know who you called.

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

Mr. Snyder: May I have a motion to remove from the table Ordinance No. 13-03?

Mr. McLaughlin moved and Mr. Foltz seconded to **remove from the table** Ordinance No. 13-03. All members present voting:
Yes: Foltz, Kiesling, Lindower, Magel, McLaughlin and Snyder.
No: Osborne.

Mr. Snyder: Chairman Magel, is your intention to remove the emergency from this next two pieces of legislation?

Mrs. Magel: I believe so. I have no indication of a emergency that has six votes.
Mr. Snyder: Well then I will ...inaudible...
Mrs. Magel: And I've received no indication. So...

Mr. Snyder: I'll entertain a motion to amend the ordinance as written 13-03 to remove the emergency.

Mr. Lindower moved and Mr. McLaughlin seconded to **amend Ordinance No. 13-03** to remove the emergency clause. All members present voting:
Yes: Kiesling, Lindower, Magel, McLaughlin, Snyder and Foltz.
No: Osborne.

10. Mr. McLaughlin moved and Mr. Foltz seconded to **read by title only, first reading, as amended**, Ordinance No. 13-03. All members present voting:
Yes: Lindower, Magel, McLaughlin, Snyder and Foltz.
No: Osborne and Kiesling.

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Ordinance No. 13-03 - 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 installation of a traffic signal at the intersection of North Main Street and Wilbur Drive NE.

Mr. Snyder: Chairman Magel.

Mrs. Magel: Yes, this was discussed and tabled because it was promised to be an emergency and then there was a switch in mind.

Mrs. Kiesling: I don't think there was ever promises.

Mrs. Magel: And a well an indication there would be six votes.

Mrs. Kiesling: Thank you.

Mrs. Magel: It's not in our package so I'd like to remind you that it comes from item 5151 \$110,000.00. And I think we've discussed this enough. This is the traffic signal on North Main and Wilbur. As there will be a companion piece coming up next which will allow a line up so that light will take care of both sides east and west of the street.

Mr. Osborne: Mr. President, I'd like to speak if I may.

Mr. Snyder: Sure.

Mr. Osborne: Okay, I have done a little homework here. And I have two letters I'd like to read. The first one is from the Ohio Department of Transportation. And I have copies I can pass out here to council. Dear Mr. Osborne. In regards to our previous conversations on signal warrants, please consult the Ohio Manual of Uniform Traffic Control Devices (OMUTCD), 1972 edition, revision 21, section 6A-4 which refers to the Ohio Revised Code, section 4511.11(A), which states: Local authorities in their respective jurisdictions shall place and maintain traffic control devices in accordance with the department of transportation manual and specifications for a uniform system of traffic control devices, adopted under section 4511.09 of the Revised Code upon highways under their jurisdiction as are necessary to indicate and to carry out sections 4511.01 to 4511.76 and 4511.99 of the Revised Code, local traffic ordinances or to regulate, warn or guide traffic. In general, if a signal is installed within 2000 feet of another signal, the timing of the two signals should be coordinated to provide better progression on the main street and lessen any likelihood of backups from one signal affecting the other signal. This coordination would cause the traffic to platoon and thus create gaps in traffic flow that would permit the side streets to access the main street easier. It should be noted that despite the public perception that traffic signals increase the safety of an intersection, installing a signal can increase the frequency of rear end collisions on the intersection approaches. In response to your questions regarding the proposed signalization of North Main Street and Wilbur Drive, the signal warrant information you faxed to me on February 2, 2003 has been reviewed and ODOT would consider a Swenson Restaurant to be an ITE Land Use 832, which is different than the land use that they are using, (high turnover sit down restaurant) instead of the ITE Land Use (fast food restaurant with drive through window and no indoor seating). This decision was based on Swensons preparing each meal as it is ordered versus preparing the portions before hand. The ITE Land Use 832 has an average rate of 19.38, which would create a total of only 22 trips during the peak hour thus the Peak Hour Warrant would not be met. However, if a traffic signal is installed at this location, the exiting volume on Wilbur could increase due to the residents using Wilbur instead of traveling to either Orion or Applegrove to exit onto North Main Street. Since the installation of this signal is within the North Canton corporation limits and 100 percent city funds will be used in this construction, these comments are only recommendations. If federal money is used to improve either the roadway in this area or this signal in the future, the signal will have to meet at least one signal warrant at that time or it will be removed under that project. And then she goes on to say, at this time ODOT does not require an engineer seal on signal warrants. The House Bill 337 that I referred to last week is to permit the use of electronic seals on engineering documents. What she is saying here is they've used a land use for their trip generator that generates the highest amount of traffic. So if ODOT was evaluating this situation, it would not meet any warrant.

Mr. Snyder: I don't think if I looked ODOT was a registered voter in the City of North Canton last time I checked. But that's alright, excuse me.

Mr. Osborne: I also have a letter here from the Stark County Engineer. Dear Mr. Osborne. It was a pleasure to meet you on Monday. The Stark County Engineer's Office has no jurisdiction over the above referenced traffic signal, and as such, has no involvement in the matter as far as whether a traffic signal is installed or not. However, I can offer you my opinions and suggestions about what I would do if I had to make a decision concerning this matter. I have reviewed the traffic data, warrants and trip generation material that you provided to me. Hammontree & Associates did a nice job in their calculations and I found no errors or omissions. However, I do offer the following suggestions: Verify that Hammontree & Associates used the proper land use category to develop the proposed trip generation. This is the same recommendation that ODOT had. They used Land Use 835 (Fast-Food Restaurant with Drive Thru Window and No Indoor Seating). As you suggested, Swensons does not have a drive thru, therefore a more appropriate land use may be available, which may or may not have a significant impact on the proposed traffic volumes. Well in the ODOT letter they did say it would have a significant impact. Hammontree & Associates assumed that 85 percent of the proposed additional traffic generated from

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the restaurant would head toward North Main Street Drive intersection. This percentage would seem to be purely speculation, unless they know from experience that this is a good figure to use in this situation. Obviously, the smaller the percentage the less projected traffic will be shown to head toward the intersection. This difference may or may not affect the results shown on the Peak Hour Volume Warrant chart, which is Figure TS-10 from the Ohio Manual of Uniform Traffic Control Devices. It appears to me that the intersection barely meets Warrant 11, Peak Hour Warrant based on projected traffic generated from Swensons Restaurant. A traffic signal is warranted if it meets just one warrant as specified in the OMUTCD. However, just because a traffic signal is warranted does not mean that it must be installed. The issue becomes one of engineering judgement, economics, priorities and yes, politics. I am of the opinion that if a signal - traffic signal barely meets a warrant based on proposed traffic volumes, in this case generated from Swensons Restaurant, the signal should not be installed until such time as actual traffic data shows that a warrant is solidly met. Also keep in mind that the City of North Canton will be responsible for a portion, if not all, of the construction costs and future maintenance costs of the signal. All of these items must be considered when deciding to assume the risk and responsibility of adding another traffic signal to the city's existing inventory of traffic signals. Once again I stress that this letter represents my personal opinions and not necessarily those of the Stark County Engineer's Office.

Mr. Snyder: Chuck, when did you obtain those letters sir?
Mr. Osborne: Well the one from the Stark County Engineer is February 3rd and the one from ODOT is February 10th.
Mr. Snyder: My question sir is why were they not given to the clerk and copied to members of council?
As ...
Mr. Osborne: I'm going to pass them out tonight.

Mr. Snyder: Well sir generally and it does appear in the council rules, anything received relative to a particular ordinance is to be sifted through the clerk's office and generated to the members of council so they have it prior to the meeting. I would admonish you sir. Next time that you do that would you please give it to the clerk so that it can be passed to the fellow members of council. Mr. Benekos, do we have a warrant that's signed on that particular light?

Mr. Benekos: Yes we do.

Mr. Snyder: And it does say that the traffic signal is warranted sir? Stamped by and reviewed by a traffic engineer?
Mr. Benekos: By a licensed engineer, correct.

Mr. Osborne: I would like to make a - ask the question I asked the mayor here a few weeks ago. Is this light a pre-condition for Swensons coming to North Canton?
Mayor Rice: No.
Mr. Lindower: Right.
Mr. Osborne: Well then why are we suddenly in an emergency need for a traffic signal there? It coincides with Swensons...
Mayor Rice: I think I explained this...
Mr. Osborne: which I understand they were going to be here last year...
Mrs. Magel: Proactive...

Mayor Rice: I think we've - I apologize if I didn't, but I believe I explained it very thoroughly in our - several weeks back. Certainly is in anticipation of the added traffic, added to an already dangerous intersection today, of the Swensons restaurant going on there. So certainly part of that - the anticipated increase growth of that area, of Swensons, the new White House Chicken that just went in across the street recently, the new building that Mr. Bourlas is actually building to the north. That's a lot of additional growth taking place in that area that is already, what we believe to be, a dangerous intersection. For safety reasons, believe it's important that a light is there so our residents can safely cross and enter the flow of traffic on Main Street in an area that is very very hazardous. We have a lot of traffic up there with all the - we've got - Taco Bell is up there, Arby's is there, you've got all the other buildings to the north and the - we've got the drug store, the Marc's, the ...inaudible... there's a lot of congestion up there. And you know it's simply for safety reasons and trying to be proactive and get it - because of the length of time it takes to get a traffic light up there, to try to get it up there so it's up there soon after the increased traffic that's going to occur later this year when Swensons goes on that corner. And all the traffic from Swensons - they are not going to have in their plans, I believe Mr. Engineer, correct me if I'm wrong, do not plan a driveway on and off of Main Street. Their driveway both in and out of their property is coming off Wilbur Avenue. Meaning all of that traffic in and out of there is going to be coming to that intersection at Wilbur. So we're just using not only the warrant, but also what we believe common sense and our concern for the safety of our residents to create a safe environment for people to go in and out of that street. It's as simple as that.

Mr. Osborne: Well I have two experts...

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Mayor Rice: Whether we put the light there or not, there's no precondition with Swensons. They are coming here regardless.

Mr. Osborne: Well I applaud them for coming. I'm glad they're coming to town. But as I said there's three totally independent - or two independent sources here in their expert opinion we should wait on this.

Mayor Rice: That's their opinion. I respect their opinion. But our opinion is that we need to get moving on it now because you know I don't know about everybody else, but as elected official of this community I'm - I believe a responsibility to protect the safety of our residents and that's simply what we're - what we're trying to do. If others don't see it that way, I respectfully disagree with you, but just vote on it. You know and we'll abide by council's wishes. It's as simple as that.

Mr. Osborne: Well there are other businesses up and down town, I'm sure they would of probably liked to had a light as well. I've done my homework on this and I would be glad to share it with the council. And - Mrs. Magel...

Mrs. Magel: Mr. President, I'd like to call for a motion...

Mr. Snyder: Sure.

Mr. Osborne: Mrs. Magel can you pass this down?

Mrs. Magel: No I can't. Inaudible...

Mrs. Kiesling: Kathy you could - you're so rude ...inaudible...

Mr. Foltz moved and Mr. McLaughlin seconded to **adopt the first reading, as amended**, of Ordinance No. 13-03. All members present voting:

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

No: Osborne and Kiesling.

Mr. Snyder: May I have a motion to removed from the table Ordinance 14-03?

Mr. McLaughlin moved and Mr. Foltz seconded to **remove from the table** Ordinance No. 14-03. All members present voting:

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

No: Osborne.

Mr. Snyder: May I have a motion to remove the emergency clause for Ordinance No. 14-03?

Mr. McLaughlin moved and Mr. Foltz seconded to **amend Ordinance No. 14-03**, to remove the emergency clause. All members present voting:

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

No: Osborne.

11. Mr. McLaughlin moved and Mr. Foltz seconded to **read by title only, first reading, as amended**, of Ordinance No. 14-03. All members present voting:

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

No: Osborne and Kiesling.

Ordinance No. 14-03 - First Reading

Ordinance No. 14-03 authorizing the Mayor of the City of North Canton, Ohio, to enter into an agreement by and between the City of North Canton and Roger L. DeVille to provide for reimbursement to the City of North Canton of cost involved with relocating the drive entrance of the shopping plaza in conjunction with the North Main/Wilbur Drive NE traffic signal project.

Mr. Snyder: Chairman Magel.

Mrs. Magel: Yes, this is the companion legislation to the light. What we thought was it - this way - as stands this would be Wilbur Drive and it would be very helpful to the east to relieve the traffic. But what we're doing now is we're going to align the west. Roger DeVille will reimburse us 100 percent? Okay. We're going to do the street work that it's going to be lined up straight across so that this light on North Main and Wilbur will actually relieve traffic both east and west.

Mr. McLaughlin moved and Mr. Lindower seconded to **adopt the first reading, as amended**, of Ordinance No. 14-03. All members present voting:

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

No: Kiesling and Osborne.

12. Mr. McLaughlin moved and Mr. Foltz seconded to **read by title only, second reading** of Ordinance No. 23-03. All members present voting:

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

No: Osborne.

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Ordinance No. 23-03 - Second Reading

An ordinance authorizing the vacation of a portion of Grassmere Street SE; a fifty (50') foot dedicated right of way located within the corporate limits of the City of North Canton, Ohio.

Mr. Osborne: Mr. President, I'd like to say one thing.

Mr. Snyder: Sure.

Mr. Osborne: And this will be short.

Mr. Snyder: Sure.

Mr. Osborne: My codified ordinances of North Canton subdivision regulations haven't changed since we voted last week. So I'm bound by this. And so I'm going to have to vote no.

Mr. Snyder: Alright. Any other comment? I think the opinion, if I'm not ... sure that you all know, the opinion of the Law Director is this council does make the ordinances and can change them...

Mr. Batista: Yea, it's effectively an amendment of the subdivision...

Mr. Snyder: Amendment to the cod - to the subdivision regulations. So they're not in violation of that ordinance sir.

Mr. Osborne: Is this going to be reprinted then?

Mr. Snyder: Oh yes. It will be reprinted with that in it.

Mr. Osborne: Mr. Benekos is ...inaudible...

Mr. Snyder: Mr. Benekos does not do that. Mr. Benekos is an engineer.

Mr. Osborne: Ah, huh.

Mr. Snyder: That's done - that's done through the council ...inaudible... Is there any other comments?

Mrs. Magel: Well I didn't - I didn't get a chance.

Mr. Snyder: Oh I beg your pardon.

Mrs. Magel: this is my committee and...

Mr. Snyder: Excuse me.

Mrs. Magel: That's okay.

Mr. Snyder: Go ahead.

Mrs. Magel: To read the minutes last week this is the ordinance putting a traffic light on Grassmere. I'm being facetious. This is a - the reason for this ordinance is to vacate Grassmere Street SE. And we had full discussion. I believe the builder on the other side even offered to put the turnaround around. Which in my case then would even say that all the ...inaudible...

Mr. Snyder: That does meet - at that point meets the...

Mrs. Magel: Almost - yes it does sir.

Mr. Snyder: It does meet at that point.

Mrs. Magel: Yes it does. So I recommend it.

Mr. Snyder: Thank you. Any other comment?

Mr. McLaughlin: Yea I got one comment. Inaudible... I thought it was a pretty good meeting for the people from that area coming up and giving their petitions and seeing 100 percent participation also on the other side. I think to me it's a no-brainer that this should be done. Especially with the cooperation you have from the builder on the other side and the people that are involved in this.

Mr. Snyder: Okay. Appreciate it. Any other comment? If not...

Mr. McLaughlin moved and Mr. Lindower seconded to **adopt the second reading** of Ordinance No. 23-03. All members present voting:

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

No: Osborne.

NEW BUSINESS:

13. Mr. McLaughlin moved and Mr. Foltz seconded to **read by title only, first reading** of Ordinance No. 24-03. All members present voting:

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

No: 0

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Ordinance No. 24-03 - First Reading

An ordinance authorizing the Mayor of the City of North Canton, through the Board of Control, to enter into a professional service contract for data processing software, training, conversion installation and related hardware for the finance department accounting systems and declaring the same to be an emergency.

Mr. Snyder: Thank you. As we spoke last week the 2003 capital budget does provide funds for this. This is the software and training that supports water collection and garbage - rubbish collection, it supports finance and the tax department - it's actually the heartbeat. And this company that she wants to do business with basically does mostly municipalities and includes all her hands on training for her and her department. And I would entertain - if there's no questions I would entertain a motion to adopt the first reading of 24-03.

Mr. Osborne moved and Mr. McLaughlin seconded to **adopt the first reading** of Ordinance No. 24-03. All members present voting:
Yes: McLaughlin, Osborne, Snyder, Foltz, Kiesling, Lindower and Magel.
No: 0

Mr. McLaughlin moved and Mrs. Kiesling seconded to **suspend the rules** for Ordinance No. 24-03. All members present voting:
Yes: Osborne, Snyder, Foltz, Kiesling, Lindower, Magel and McLaughlin.
No: 0

Mr. McLaughlin moved and Mrs. Kiesling seconded to **adopt under suspension of the rules** Ordinance No. 24-03. All members present voting:
Yes: Snyder, Foltz, Kiesling, Lindower, Magel, McLaughlin and Osborne.
No: 0

Mr. Snyder: As the finance chairman I appreciate your support on that as well as the Finance Director. Thank you very much.

14. Mr. McLaughlin moved and Mrs. Kiesling seconded to **read by title only, first reading** of Ordinance No. 25-03. All members present voting:
Yes: Foltz, Kiesling, Lindower, Magel, McLaughlin, Osborne and Snyder.
No: 0

Ordinance No. 25-03 - First Reading

An ordinance authorizing the Mayor of the City of North Canton, through the Board of Control, to enter into a contract with National Waterworks for the purchase of Invensys Hand-Held Meter Guns for use by the Water Distribution Department, without advertising and receiving bids as National Waterworks is the sole supplier of said hand-held meter guns, and declaring the same to be an emergency.

Mr. Snyder: As we talked, again this company is the ...inaudible... pointed out in the actual ordinance, the only provider of the meter that reads our electronic meters. We'll be buying four - three are being used and one is in storage or backup in case they need it and that's the reason. And if there are no questions on that...

Mr. McLaughlin moved and Mr. Foltz seconded to **adopt the first reading** of Ordinance No. 25-03. All members present voting:
Yes: Kiesling, Lindower, Magel, McLaughlin, Osborne, Snyder and Foltz.
No: 0

Mr. McLaughlin moved and Mrs. Kiesling seconded to **suspend the rules** for Ordinance No. 25-03. All members present voting:
Yes: Lindower, Magel, McLaughlin, Osborne, Snyder, Foltz and Kiesling.
No: 0

Mr. McLaughlin moved and Mrs. Kiesling seconded to **adopt under suspension of the rules** Ordinance No. 25-03. All members present voting:
Yes: Magel, McLaughlin, Osborne, Snyder, Foltz, Kiesling and Lindower.
No: 0

Mr. Snyder: Thank you.

15. Mr. McLaughlin moved and Mrs. Kiesling seconded to **read by title only, first reading** of Ordinance No. 26-03. All members present voting:
Yes: McLaughlin, Osborne, Snyder, Foltz, Kiesling, Lindower and Magel.
No: 0

Held Monday, February 10, 20 03**Ordinance No. 26-03 - First Reading**

An ordinance authorizing the Mayor of the City of North Canton, through the Board of Control, to enter into an agreement for the purchase of one (1) Model 4900 4x4 International Dump Truck and Gledhill body package, for use by the Street Department, within the purview of the Ohio Cooperative Purchase Act, or, in the alternative, authorizing the Board of Control, through the Director of Administration, to advertise and receive bids according to specifications now on file in the office of the Director of Administration and the Mayor to enter into a contract for the purchase of one (1) Model 4900 4x4 International Dump Truck and Gledhill body package, for use by the Street Department and declaring the same to be an emergency.

Mr. Snyder: Again that was budgeted in the 2003 budget. Inaudible...our equipment is pretty well beat up and it's getting extraordinary use this year due to the inclemency of the weather. So consequently we want to move on this as quickly as possible and that's the reason for the emergency to get that truck and get it built to our specs. If there are no questions I would entertain a motion to adopt Ordinance 26-03.

Mrs. Magel: Mr. President I have a...

Mr. Snyder: Mam...

Mrs. Magel: comment...

Mr. Snyder: Please.

Mrs. Magel: I'm being remiss here. Always on the first readings I go for the...

Mr. Snyder: For the amount.

Mrs. Magel: account number and the amount.

Mr. Snyder: I apologize. I believe...

Mrs. Magel: It's account no. 5950 for \$75,000.00.

Mr. Snyder: Yes.

Mrs. Magel: And to back up that software for those four different departments.

Mr. Snyder: Please.

Mrs. Magel: It's coming out of 2150 - 80,000, 3150 - 30,000, account no. 6550 - 18,000, 7850 18,000 for a total of \$146,000.00 for the record. Thank you.

Mr. Snyder: I appreciate that. Thank you ...inaudible... There being no other questions...

Mr. McLaughlin moved and Mr. Osborne seconded to **adopt the first reading** of Ordinance No. 26-03. All members present voting:

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

No: 0

Mr. McLaughlin moved and Mrs. Magel seconded to **suspend the rules** for Ordinance No. 26-03. All members present voting:

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

No: 0

Mr. McLaughlin moved and Mrs. Kiesling seconded to **adopt under suspension of the rules** Ordinance No. 26-03. All members present voting:

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

No: 0

16. Mr. McLaughlin moved and Mrs. Kiesling seconded to **read by title only, first reading** of Ordinance No. 27-03. All members present voting:

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

No: 0

Ordinance No. 27-03 - First Reading

An ordinance authorizing the Board of Control of the City of North Canton, Ohio, through the Director of Administration, to advertise and receive bids according to specifications now on file in the office of the Director of Administration for the collection of residential garbage, rubbish, recyclables and yard waste in the City of North Canton for a three (3) year period commencing July 1, 2003 and terminating June 30, 2006 and declaring the same to be an emergency.

Mr. Snyder: Chairman McLaughlin.

Mr. McLaughlin: Our garbage contract ends on June 30th this year. We're out to look at all the possibilities on our residential garbage, the recyclables and yard waste on all on a three year period. So we want to go out to see what we can do commencing June or July 1, 2003 and through June 30th of 2006.

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Mr. Snyder: Okay. Is there any comment?

Mr. Osborne: I have a question here. Are we going to chance - get a chance to look at all the different bids Mr. Held?

Mayor Rice: Yea, they'll come back to council.

Mr. Osborne: And we'll get a chance to see all the bids?

Mayor Rice: They'll come back to council

Mr. Osborne: Okay. Thank you.

Mr. McLaughlin moved and Mr. Foltz seconded to **adopt the first reading** of Ordinance No. 27-03. All members present voting:

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

No: 0

Mr. McLaughlin moved and Mr. Foltz seconded to **suspend the rules** for Ordinance No. 27-03.

All members present voting:

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

No: 0

Mr. McLaughlin moved and Mrs. Kiesling seconded to **adopt under suspension of the rules** Ordinance No. 27-03. All members present voting:

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

No: 0

17. Mr. McLaughlin moved and Mrs. Magel seconded to **read by title only, first reading** of Ordinance No. 28-03. All members present voting:

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

No: 0

Ordinance No. 28-03 - 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 purchase of fire hydrants for use by the City of North Canton and declaring the same to be an emergency.

Mr. Snyder: This one is on the hydrants...

Mr. McLaughlin: This was on my committee last week.

Mr. Snyder: It moved over to me?

Mrs. Kiesling: Yea, what happened?

Mr. McLaughlin: This is...

Mrs. Kiesling: I guess so.

Mr. McLaughlin: what we normally do is we go into so many fire hydrants per year and we ran out. So we needed to - we needed to have purchase order for a blank amount of...

Mr. Snyder: I requested a hydrant be replaced here and I thought maybe that's why they were doing this.

Mrs. Kiesling: That was funny.

Mr. McLaughlin: So we ran out of fire hydrants.

Mr. Snyder: Taking it out of the finance department funds.

Mrs. Magel: Watch what you ask for.

Mr. Snyder: I was getting - I will defer that to you Mr. McLaughlin.

Mr. McLaughlin: But this is - this is for a new round of fire hydrants that we need to get. Normally we go through anywhere from 15 to 25. So I just want to state that I have a dog and I need a fire hydrant in front of my house. So...

Mr. Foltz: You promise one of every corner Rick or what?

Mr. McLaughlin: Yea I just thought I'd mention that.

Mrs. Magel: I have two dogs that...

Mr. McLaughlin: My dog would love to have a fire hydrant in front of the house.

Mr. Foltz: Maybe we ought to rethink this.

Mr. McLaughlin: Just kidding. Just kidding.

Mr. Snyder: That's a chicken in every pot isn't it?

Mr. McLaughlin: Yea I know.

Mr. Snyder: I works better.

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Mr. McLaughlin: Anything to please my dog. But I just want to hopefully get this thing started. We're almost out of them and we need to do it. And again we have a blanket order for the year because we - as we repair streets we go around and check the fire hydrants to make sure that they're workable and usable. And then we also - if our developers - I think our developers get them off of us too or they buy them off of us ...inaudible... to extend the waterlines and things like that. So we need to get this done as quick as we can.

Mr. Lindower: Inaudible.

Mrs. Magel: On behalf of all dogs in North Canton.

Mr. Snyder: Is there any other comment? If not...

Mr. McLaughlin moved and Mr. Foltz seconded to **adopt the first reading** of Ordinance No. 28-03. All members present voting:

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

No: 0

Mr. McLaughlin moved and Mr. Foltz seconded to **suspend the rules** for Ordinance No. 28-03.

All members present voting:

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

No: 0

Mr. Snyder: May I have motion - oh, excuse me...

Mr. McLaughlin moved and Mr. Foltz seconded to **adopt under suspension of the rules** Ordinance No. 28-03. All members present voting:

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

No: 0

18. Mr. McLaughlin moved and Mr. Foltz seconded to **read by title only, first reading** of Ordinance No. 29-03. All members present voting:

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

No: Osborne.

Ordinance No. 29-03 - 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 raze the existing restrooms at Price Park and to construct new restroom facilities at Price Park and declaring the same to be an emergency.

Mr. Snyder: Member Foltz.

Mr. Foltz: Yea as it reads there's money through the appropriation ordinance of \$90,054.51. It's going to provide a first class facility for a first class park. It's a year round bathroom, it's going to be heated. We don't have to put Porta-Jons out there. It's going to be ADA handicapped accessible, which means it's going to be a lot easier for anybody that has a handicap unfortunately to use the facilities - wheelchair, so forth. I talked to Director Held earlier, I believe we're researching about locks that we might be able to put on that on timers so that we could secure that building a little better once the park closes. I'm very much in favor of this. I think it's justified with the amount of citizens that use that facility. It's our biggest park, has all the amenities that we want in a recreational area and I think it deserves a first class bathroom as I indicated earlier. So I'm very much in favor of this. Any other questions, concerns?

Mrs. Magel: I have comment. I should of brought it up and I don't know what I was thinking of when we discussed this. You said it - I heard you say ADA and I just was not...

Mr. Foltz: That was the abbreviation...

Mrs. Magel: Yes, the terminology...

Mr. Foltz: American Disabilities Act...

Mrs. Magel: Disability - right. And as a disabled person I would like to thank you and the Park Department for up - the upgrading. I don't think you have any idea how important that is and I hope you never do know or anyone else. But for the park to have - Price Park to be ADA, thank you and thank the Park Department.

Mr. Osborne: I'd like to make a comment. As I mentioned last week, when we set up our appropriations last year we had anticipated spending \$90,000.00 in our park system for infrastructure improvements. Since that time though the horizon has drastically changed for us. We're looking at a four plus million dollar acquisition to be added to our park system. I really

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think we need to table this - see how the acquisition goes for Arrowhead. You know we have all agreed thoroughly that we want to add that green space to our park system. I think to be prudent and budget wise we need to hold up and see how the financing is going to go. This \$90,000.00 would pay the short term interest rate for the first year on this loan if in fact we do acquire Arrowhead. And I think it's just we can't have it all at the same time. And I would go for this in a heartbeat if we weren't looking at that additional 4 million dollar expenditure. But our whole budgetary system is changed and I would just recommend that we would hold up on this. Thank you.

Mr. Foltz: Any other questions, concerns?

Mr. McLaughlin: The only question or concern I have is I think that's our premier park right now - it's our walking path. I've been down there at lunch time and the usage on weekends - the people - the families bringing their families down or kids down to feed the ducks, the rodeo that we have. It's our main event park that we have. And I see no reason not to put this in here. And I'm not worried about the Arrowhead right now. I'm more worried about taking care of the parks we have. And then we'll worry about Arrowhead when we get it.

Mr. Osborne: Well I use Price Park as well, it's a lovely park. But we have to have long term vision here. Look at the big picture instead of just immediate gratification here that we're going to upgrade these restrooms. And that's all fine and dandy but ...

Mr. Foltz: Inaudible...

Mr. Osborne: we were originally going to spend \$90,000.00 for park infrastructure. Now suddenly it's going to be 4,090,000 in infrastructure.

Mr. Lindower: No.

Mr. Osborne: I'm not saying I'm against it. I just think we should digest one of these at a time. And I really think Arrowhead would certainly turn out to be our premiere park if everybody's desires come true. And I just think financially it's prudent to table this.

Mr. Snyder: Mr. Foltz, if I may say again, not to be redundant, but it is the job of the City Council elected officials to provide services safely for the people in this city. To have the proper restroom facilities in one of the busiest parks, I think it's incumbent upon us. I am not one as with a finance background to take our finances lightly. The city has some 18 million dollars in the bank and I think it would be - serve our best interest to spend \$90,000.00 of appropriated money to take care of the restroom facilities. And if need be we have enough money to take care of the Arrowhead situation as well without the city realizing any immediate impact to budgetary constraints. We're very fortunate and very prudent with the administration and the council in developing those budgets when they were done. And I'm very comfortable and very confident in the Director of Finance, Mrs. Herr. And I've checked that with her and we feel very comfortably should we have to go into the open market and borrow ...inaudible... the money we have to borrow for the Arrowhead if in fact we have to borrow the money. So it'd be my recommendation that we do pass this and pass it on an emergency basis.

Mr. Foltz: Jon, just to follow up. Thank you for your comments everybody, pro and con. I think everybody knows me well enough through my terms on council I've been a proponent of all our parks. I've fought for upgrading play equipment, the pool upgrades and this is just one in the line of many things that we can do in our city for our constituents. And just to remind everybody this was in last year's budget that did not come to fruition because I think - believe we had 70,000 at that time - it was 65 or 70 and we just thought that just to go the extra mile and take care of this. You don't build bathrooms every year, especially of this nature. And I don't the age of the existing one but I'd have to guess it'd be 20 or 30 years old - probably closer to 30 and it's antiquated. This is a request that came from the administration as well as the park and rec committee through Kim Cooksey. I believe it's badly needed and I'd like to move forward with it. So with that I motion for the first reading here.

Mr. Osborne: Mr. Foltz, I'd like to just say that when we went through the appropriations budget in December and there were issues - areas I was concerned about the spending, I was reminded that we will be looking at each one of these expenditures individually in the new year and not to worry. Well now we're looking at these individual expenditures in the new year and now your reply is it was in the appropriation's budget so we can spend it. So we're kind of flip-flopping here...

Mr. Foltz: No...

Mr. Osborne: in our budgetary process. And I'm not arguing with everything you say. Yes, they're old. Yes, they're very nice. Yes, we all like to use the park. I just don't think it's financially prudent at this time.

Mr. Foltz: No, response was Member Osborne, was that we didn't bring it - we had it in the budget for last year, not just December of 2002 - December 2001 appropriation ordinance. We held off on it just to get the extra money and do it right this time. So like I said I appreciate your comments but at this time I'd like to move forward and - for a first reading.

Mr. Snyder: Is there a second?

Mr. McLaughlin: Second.

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Mr. Foltz moved and Mr. McLaughlin seconded to **adopt the first reading** of Ordinance No. 29-03. All members present voting:
Yes: Lindower, Magel, McLaughlin, Snyder, Foltz and Kiesling.
No: Osborne.

Mr. Foltz moved and Mr. McLaughlin seconded to **suspend the rules** for Ordinance No. 29-03. All members present voting:
Yes: Magel, McLaughlin, Snyder, Foltz, Kiesling and Lindower.
No: Osborne.

Mr. McLaughlin moved and Mr. Foltz seconded to **adopt under suspension of the rules** Ordinance No. 29-03. All members present voting:
Yes: McLaughlin, Snyder, Foltz, Kiesling, Lindower and Magel.
No: Osborne.

REPORTS:

Mr. Snyder: Director of Law.

Mr. Batista: The deed on the Washington Square green space is in my office. It has been signed by the developer and as soon the Mayor signs the legislation I'll take care of getting it recorded.

Mr. Snyder: Appreciate that. Director of Administration.

Mr. Held: Yes, I just wanted to give council an update on the amount of salt that we've used so far this year. As of today we have went through 5,480 ton of salt.

Mayor Rice: Inaudible... you got on hand.

Mr. Held: Sir.

Mayor Rice: You haven't spread that all. Some of it's on hand.

Mr. Held: Right. Yea, that's how much we've purchased so far and that we have in storage, but we go through that fairly quickly. As a matter of fact what we have on hand now we'll probably use a large percentage of that today and tomorrow. But just to give you an idea of where we're at -- you know we purchased 5,480 tons so far this year. Last year we used 4,500 ton the entire year. So we are a little bit ahead of what we've used last year already. We still have the remainder of the year. And a - but that's common throughout the state right now. And again our troops are out there doing a great job. You can hear them back there now keeping the streets nice and clean and doing a real nice job.

Mr. Snyder: Director Held do you anticipate any problem in obtaining additional salt should we need it for ice control or ...

Mr. Held: They did have - Morton Salt where we have the contract at had to - they went through the supply that they had and now they're barging it in from other locations. And a - but so far we've been okay.

Mr. Snyder: Have we exceeded the appropriation ...inaudible...?

Mayor Rice: If we haven't, according to Julie the other day, she's getting close. So she may have to put additional funds in that line item. Because it's been an exceedingly heavy year for snow. As you know we've have been getting pretty consistent snow going back into like November. So which we normally don't start really getting snow a lot times till after the first of the year. So we've gotten a lot of not necessarily all real heavy ones but even ones like today require the guys to go out and salt the streets to keep them from getting slick. So our salt usage as well as everybody else's is way up this year. So just so you're aware of that.

Mr. Snyder: I appreciate those comments. Mr. Mayor do have anything else?

Mayor Rice: Just two other things. Dave - I already cut him off, but he'll pass around to you. You got the Fire Department's annual report is done. We'll have those for everybody tonight you can get. Other than that since we're getting ready to go out for the garbage bid, the solid waste district took their first go round at awarding recycling grants on Friday. And the Board of Directors has so far in our first request, granted the City of North Canton \$60,000.00 for this year. As we did last year we're going to go back for more and some more after that and get as much as we can. Last year we got well over a \$100,000.00 total. So - but again that was with about 3 or 4 different applications. So we'll keep going back pushing for more. But as of Friday we were awarded \$60,000.00 so far.

Mr. Snyder: Inaudible...

Mayor Rice: That's all.

Mr. Snyder: Thank you. Mr. Engineer.

Mr. Benekos: I just have a question. Mr. Osborne the letter you indicated from the County Engineer, who signed that?

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Mr. Osborne: Inaudible...
Mr. Snyder: The traffic engineer.
Mr. Osborne: Scott a - just a minute here.
Mr. Snyder: Ganyard.
Mr. Osborne: Ganyard, yea.
Mr. Benekos: Did he put that on county letterhead?
Mr. Snyder: Yes he did.
Mr. Osborne: Yes he did.
Mr. Benekos: And he indicated in there that was not the opinion of the County Engineer's Office?
Mr. Osborne: Yes I read that very last sentence.
Mr. Snyder: Cause it represents his personal opinion not ...
Mr. Osborne: I read that. Once again I...
Mr. Snyder: necessarily the county engineer.
Mr. Osborne: Once again I stress that this letter represents my personal opinions and necessarily those of the Stark County Engineer's Office.
Mr. Snyder: You need a copy ... ?
Mr. Benekos: If I could please.
Mr. Osborne: I made sure I read that.
Mr. Benekos: Okay. That's all I have. Thank you.

Mr. Snyder: Thank you very much. Madam Clerk.
Mrs. Bittle: No report.

REPORTS - COUNCIL:

Mr. Snyder: Member Foltz.

Mr. Foltz: Just to follow up with the administration. Dave, I don't know we had a water break I believe it was 7th and Werstler. Is that happening out - throughout the city? Are we having any situations with the freeze thaws, you know with the weather? Just something to be expected. I guess for all our constituents...
Mr. Lindower: Never had a thaw.
Mr. Foltz: just be patient. These are untimely events that happen and they did a great job. The water - the water was only down a few hours for what they probably had to take care of. So I appreciate the quick response and service through our Water Department and personnel in the city.
Mr. Held: Thank you.

Mr. Snyder: Member Lindower.
Mr. Lindower: I have nothing. Thank you.

Mr. Snyder: Member McLaughlin.
Mr. McLaughlin: I have no comment.

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

Mr. Snyder: Member Magel.

Mrs. Magel: Yea. There's something in our package that has South Main Street office building from Planning. I don't - what is this?
Mr. Snyder: I believe they're applying for a preliminary plat on that property that is next to Tarzan the chiropractor. It's owned by Roger DeVille and he's applying - obviously the other piece of it wasn't attached.
Mrs. Kiesling: I have the map.
Mr. Snyder: Oh, do you?
Mrs. Kiesling: Yea, because...
Mr. Snyder: Oh yea because of the committee.
Mrs. Kiesling: I'm part of planning...
Mr. Snyder: But that's - that's what that's about.
Mrs. Magel: Do we always get this or...?
Mr. Snyder: That's new I believe. I think that's in some new forms that you've generated from your office.
Mr. Benekos: Right.
Mrs. Magel: Okay. It's just an FYI?
Mr. Snyder: It - well they've only given us certain - probably it went to her committee.
Mrs. Kiesling: My committee yea
Mr. Snyder: Okay.
Mrs. Kiesling: Okay. We'll talk about it at the Planning Commission. I don't know if it's on this week's agenda though...
Mr. Snyder: Next week.

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Mrs. Kiesling: Next month probably.
Mrs. Magel: I see.
Mrs. Kiesling: Is it this month? Is it? Okay then it is this month's agenda.
Mr. Osborne: Yes, Wednesday.

Mrs. Magel: No report.

Mrs. Kiesling: Inaudible...

Mr. Snyder: Mr. Osborne.

Mr. Osborne: Yes, I have a ...inaudible... a little presentation here. Just a minute. This is a map that I presented to council back late last fall in conjunction with the Oster property showing that it's in a - located in an area of the highest best ground water area in Stark County. And there were promises made last fall that we were going to explore that and I have yet to hear anything as far as any kind of exploration and to determine you know what it - value it has to the city. And to go beyond that you know we're talking about Arrowhead here. I'll get back. So Arrowhead sits right on the edge of this yellow area. I think we're estimating - overestimating the water potential. My concern with Arrowhead is we just want to acquire it for the green space. I don't want to oversell the fact that there's a million, two million gallons a day of water. According to this chart here a well could produce a 100 gallons a minute. And that's, if you do your math, that's going to be far much much more lower than a million gallons a day. Whereas if you compare it to Oster you're talking 2,000 gallons per minute. I'd like to go on here because I just acquired this information and this is a public document I don't want everybody to get upset. These are the plans that Canton Christian Fellowship had for that Oster property and if you look at this plan it covers the entire property. During that discussion we were told that we would retain our water rights and that sounds good. I made the comment that I thought it was window dressing and I think this backs me up. This area right here is not the city property, it's additional property that the church had anticipated acquiring. This little section up here and down here is the city property. Now where would you put a well and comply with EPA regulations of 300 foot radius from the nearest infrastructure, which equates to about four and a half acres? You couldn't do it. Now I continue to see expenditures week after week up here. And now we're looking at Arrowhead and I'm - I know where this is going. We're going to see a sudden knee jerk reaction here that we need funding and let's just sell off this asset to generate and pay for all these additional expenditures. Given that happens and we retain our water rights, again where would we put our wells? There's a design here for 2,200 parking spaces. This is a 25 million dollar facility. There is - it's going to cover that entire acreage and there will be no room for wells so it's useless to retain any water rights that is - supposedly was written into it. So I just want to bring this out and I have a smaller drawing for all of council. I got this from Regional Planning Commission. It's a public document. And it just confirms my fears that I had last fall that the retaining of water rights was window dressing. The only place you could conceivably put a well is down here. This is flood plain down here and there's some acreage up here near homes, which again may not be very palatable to the Avondale residents. But again I'd just like see where is the city in regard to water exploration. Granted there may be some water at Arrowhead - it's not the million, two million gallons a day well that we're talking about in the press. I really would like to see us fully explore into property for water. And as I said back in a - I guess that was September, October time frame, this well field here would supply all of North Canton's needs, instead of nickel dimeing us with a well here and another well there. Granted the well at Arrowhead may be of some benefit, but I don't want to oversell the acquisition of that property that's it's also going to give us a bountiful supply of water. So that's all I have. Thank you.

Mr. Snyder: Inaudible... Thank you. Couple things. Next week Monday will be President's Day. In keeping with the rules of council when the building is closed we do not meet. We will be meeting on the 17 - excuse me the 18, which is Tuesday, 7:00 p.m., it will be council of the whole. One comment I have, I was a little disturbed as I read the paper on weekend - one of the local papers. And I did read something as Mr. Osborne always doesn't have the facts. Make sure you know what you're talking about ...inaudible... quote. However, first all I want to tell everybody I take this job as president very humbly and I also take it very judiciously that I do follow the letter of the law. He did point out in the paper that there were two meetings held relative to the purchase of the property on Harmon Street. Unfortunately Mr. Osborne we held no meetings on the purchase of the property at Harmon Street in executive session. The Mayor talked to me, I talked to individual councilmen - I talked to them on telephone, I talked to them in person. There was a council of the whole meeting held under the finance and property which I chair. It came out of committee 3-0 to be placed on as Ordinance 104-02. It was read that evening. It was passed 7-0 on emergency. There was no - there was contrary to your statement sir we do take roll call previous to and after executive sessions. The Clerk of the Council and as well the Assistant Clerk of the Council do an exemplary job of keeping me straight and in compliance with the Sunshine Law. And they do type very contemporaneous and very accurate records on what meetings were held. So in the future sir please do not speak to the press things that are not true about me or this council. I will hold you accountable to that every time. We held no executive sessions relative to Harmon Street. Inaudible...

Mr. Osborne: That's true. That's true.

RECORD OF PROCEEDINGS

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, February 10, 20 03

Mr. Snyder: Well sir you said in the paper we held two of them.
Mr. Osborne: But we talked about that in addition...
Mr. Snyder: Sir we held two. I have the floor, I'm speaking. Thank you. Please do not speak for me. Thank you. That's all.

Mr. Osborne: Okay I'd like to say one thing. We talked about Harmon in addition to another item we were talking about in executive session is my memory.
Mr. Snyder: Well you have a select memory. But that's fine.
Mr. Osborne: The meeting wasn't specifically for Harmon.
Mr. Snyder: Well sir you stated in the paper it was and I didn't appreciate it.
Mr. Osborne: That isn't what I said.

FINAL CALL FOR NEW BUSINESS:

Mr. Snyder: Fine. Thank you. Is there anything else? Anybody in the audience wishing to speak to the council before - sir.

Tom Irwin: My name is Tom Irwin. I live at 716 Briar Avenue NE. I'm here about the signal at Wilbur and North Main. When I originally decided to come and speak I had several goals that I wanted to try to obtain. One was to get the intersection warranted. To bring to your attention how those warrants protect the safety of our citizens. I wanted to make you aware of the Ohio Manual of Uniform Traffic Control Devices and what's inside that manual. And maybe have the possibility of our city seeking federal funds to interconnect our signals. I feel that I've accomplished these goals thanks to our fine Mayor, our Engineer and City Council. Especially want to thank Miss Kiesling and Mr. Osborne for not only listening to my concerns, but researching them and then acting upon them. I tried after the meetings to talk to each one of you individually. I feel I get a better feel of what type of a person you are. And I'm here to say that I am proud to say that I live in North Canton and I am represented by the finest group of legislators ever. Thank you.

Mrs. Magel: Thank you.

Mr. Snyder: Thank you sir. Anyone else wishing to speak to the council? Nobody. Any other business to come before the council? If not 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: Snyder, Foltz, Kiesling, Lindower, Magel, McLaughlin and Osborne.
No: 0

The meeting ended at 8:15 p.m.

PRESIDENT OF COUNCIL

ATTEST:

CLERK OF COUNCIL