

Held Monday, February 24, 7:00 p.m. 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: 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, Assistant Director of Law Treadon, Director of Finance Herr, City Engineer Benekos and Clerk of Council Bittle.

Mr. Snyder: Thank you.

5. Consideration

Consideration of Council Minutes of February 10, 2003  
Consideration of Finance Statement: January, 2003  
Consideration of Mayor's Court Receipts: January, 2003

Mr. McLaughlin moved and Mr. Osborne seconded to approve the minutes of the council meeting, financial statement and mayor's court receipts as presented. All members present voting:

Yes: Kiesling, Lindower, Magel, McLaughlin, Osborne, Snyder and Foltz.  
No: 0

6. Committee Reports

**Finance & Property Committee:** Refer to the minutes on file in the Council Office of the Finance & Property Committee meeting held February 18, 2003.

**Ordinance, Rules & Claims Committee:** Refer to the minutes on file in the Council Office of the Ordinance, Rules & Claims Committee meetings held February 10 and 18, 2003.

**Park & Recreation Committee:** Refer to the minutes on file in the Council Office of the Park & Recreation Committee meeting held February 18, 2003.

**Street & Alley Committee:** Refer to the minutes on file in the Council Office of the Street & Alley Committee meeting held February 18, 2003.

**Water, Sewer & Rubbish Committee:** Refer to the minutes on file in the Council Office of the Water, Sewer & Rubbish Committee meeting held February 18, 2003.

Mr. McLaughlin moved and Mrs. Kiesling 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: And before I open the public speaks I'd just like to thank the young students here with us in the audience. Member Kiesling spoke at the school and since that we've had these young children joining us and we very much appreciate it and please come back again. At this time we'll recognize any visit - anybody in the audience wishing to speak to the council. If you step forward please state your name and address for the record.

Tom Irwin: My name is Tom Irwin. And I live at 716 Briar Avenue NE. At the February 10<sup>th</sup> council meeting I spoke of the number of goals that I wished to attain at - by coming here and speaking about the signal at Wilbur and North Main. After - one of those goals was the warranting of that signal. After the meeting one of the people that I worked with brought it to my attention that the signal is not warranted. From the letters from ODOT and in the opinion of the Stark County Traffic Engineer, the wrong traffic generator was used. Using the correct generator, it's still not warranted and this came from Lisa Jaynes, this is from ODOT. To give you a little background about Lisa, she's a highly respected traffic engineer. To put it real

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simply, when Lisa speaks traffic engineers listen. So basically by ODOT they would reject this warrant. The mayor described the intersection at the last council meeting as being dangerous. And I thought maybe the mayor knows something I don't, so maybe I should investigate this further. So I asked Mr. Osborne if he could obtain the accident records for the last three years from the Ohio Department of Public Safety. And what the Ohio Department of Public Safety does is they collect the accident reports from our local law enforcement agency, the Sheriff's Department and the State Highway Patrol. So therefore we have all of the accidents. For the year 2000, at the intersection of Wilbur and North Main, we had 3 accidents out of a total of 491 for the entire city. For the year 2001, we had 2 accidents out of 448 total accidents for the city. And for last year we had 1 accident out of 415 total. As you can see the accidents for the entire city are coming down. I personally attribute that to our law enforcement. I like it when they hide behind dumpsters. All these accidents were property damage, there were no injuries involved at all. With only 1 accident last year I personally cannot consider this to be a dangerous intersection. The mayor also informed us that Swensons - Swensons basically whether we put the light there or not there's no preconditions with Swensons, they're coming regardless. So it doesn't make any difference if we put the signal up or not they're coming. We're not going to lose a business, I don't consider this to be a dangerous intersection, especially with only 1 accident last year and it's not warranted. So with that in mind I ask you to ask yourself this question, when the citizens I represent ask me how I can justify spending \$110,000.00 of their tax monies on a signal that is not warranted, is not at a dangerous intersection and won't mean the loss of a business in our community, what will be your reply? Thank you.

Mr. Snyder: Thank you sir. Anyone else in the audience wishing to speak to the council this evening?  
Mr. DeHoff.

Bob DeHoff: I'm Bob DeHoff. I have a business at 821 South Main Street in North Canton. I live at 7700 Mudbrook in Massillon, Ohio. Tonight I'd like to address the city on a partnership that we have been working with between Plain Township and the City called a Cooperative Economic Development Agreement, henceforth the word CEDA. Believe it or not we've been working on this for over three and a half years. This project started with Mr. Lemmon and myself back in the Fall of 1999. In the first part, I think January or February of 2000, we talked at that time with the city on annexing this piece of property into the city. It's been a long process from where we began to where we are here today. In the past few months as you know we have been working collectively with Plain Township officials, the City, concerned citizens within the community, on important negotiating points for this CEDA agreement. I believe council has been - has received a copy of this draft. One of the issues very important and frankly something that I think should hold great merit is the question how will the revenue of the sanctuary compare to the cost? Certainly in today's budget cutting realm that all political subdivisions find themselves in, that is an important question. In the late of last year we asked the Director of Finance, Julie Herr, to prepare a chart - to prepare numbers showing the revenue generated from this development. Once we received those we needed to put a cost together and we asked again Julie Herr to calculate the estimated cost in terms of fire, EMS, police and certainly roadway improvements. And I'm here tonight to tell you that we've made some changes to our plan. Three years ago we had an independent/assisted living type of a building. Today we have eliminated that and we're proposing condos/apartments. So the mix changes rather dramatically where before right on where the barn kind of sits we had a 100 assisted living units, now we have 95 condos/apartments. I think where we had 85 condos, Julie we now have 60 in the lower level overlooking the pond. And we're hoping that your numbers I believe will soon be disbursed to council. I think you will find that it is a significant revenue generator for the city. But in doing this process the last couple of years and kind of going back to the drawing board, as you know we've changed our land plan several times. I was reminded that 11 years ago what we're doing - what we're proposing to do was really spelled out in the infamous North Canton Enhancement Plan done about 11 years ago, published in the Fall of 1992. I'd briefly like to read that plan regarding annexation. And this was something that certainly other council members back in '92 were sitting where you're sitting - but frankly several things in this enhancement plan have come to fruition in this city. We've talked about improving Main Street and that certainly - you've had a wonderful start and hopefully that will continue. Putting signs up at the entrances of important entering points to the city. That was one of our plans that NBBJ had suggested and that's recently been done and I might add very handsomely. With the city it says this, future annexations to the City of North Canton will more than likely require a strong competitive posture on behalf of the city to aggressively seek annexation and to aggressively entice property owners and/or potential developers to join the city using incentives. The City of North Canton should in any case pursue annexations that square up the service boundaries, help complete logical neighborhoods within North Canton for favorable economic reasons and the last priority should be given to areas that are within the North Canton City School system, which this property is. So things take time, but 11 years later I think this is still a good plan. And last I need to be straight forward with you this evening, we have heard some talk on the street that we, McKinley Development, should be concerned that political agendas may take priority over this CEDA. I know that will not be the case. McKinley Development is confident that this council and this city will have the city's best interest in mind and put political agendas to the side. Thank you. I have several of these reports and Mr. President I'll leave them right here, anyone that would like to take a copy they're welcome to do so.

Mr. Snyder: Thank you Mr. DeHoff.  
Mr. Osborne: Thank you Mr. DeHoff.

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Mr. Snyder: Is there anyone else in the audience wishing to speak to the council this evening?  
Seeing none...

**OLD BUSINESS:**

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

**Ordinance No. 13-03 - Second 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. Osborne: Mr. President, just before we vote I'd like to make some comments.  
Mr. Snyder: Alright sir. Well as soon as I - I'll turn it to the chairman of the committee...  
Mr. Osborne: Okay.  
Mr. Snyder: and then I'll allow you to speak. Mrs. Magel.

Mrs. Magel: I'll turn it over to Council Member Osborne.  
Mr. Snyder: Member Osborne you have some comments?

Mr. Osborne: Oh, okay. Thank you. I have some information I've collected in the last week and I'd like to share it with council and the media and the public. I'll be right - If you haven't noticed in the last year since I've been on council I like to dig in and gather information and gather a lot of facts when I'm voting to spend tax payer funds. In voting for this traffic signal there's been a lot of misinformation put out. As Mr. Irwin pointed out, I received the accident reports for the city for 2000, 2001 and as yet incomplete, but I'm sure it's fairly well complete, for 2002 and there's a lot of very interesting information that has come from looking at these figures. What I've done is taking all the accidents that occurred at every intersection from Orion all the way down to Greenway, South Main and I've charted them in a chart. I have one for North Main accident history and one for South Main accident history. And as Mr. Irwin pointed out and I want to chart on the board here for you, some very interesting trends are emerging. For 2000 on Main Street the total number of accidents that occurred on Main Street were 229, for 2001 we have 209 and for 2002 and again this is, I forget the exact terminology she used, preliminary - they're still open the files we have 189. As you can see the accident history for North Main is trending downward, which is good for North Canton. And I too would have to attribute that to efficient law enforcement. Now city wide the total number of accidents in 2000 was 491, in 2001, 448 and in 2002, 415. So this trend is trending downward as well for city wide accidents. Now I just did some quick calculations, Main Street accidents are 47 percent of all the city's accidents as well as 2001. So half - almost of half of our accidents and I should go on here 46 percent in 2002. So half the city's accidents occur in the confines of North Main from the southern boundary to the northern boundary. Now if you go ahead and do some additional analysis and looking at the changes, city wide accidents starting with year 2000, 2001 they went down by 8.8 percent, 2002 over 2000 we're looking at a 15½ percent reduction. Now just Main Street accidents 2001 over 2000, they're down 8.7 percent and in 2002, just Main Street accidents are down 17½ percent. Now all this information comes from the Ohio Department of Public Safety, their trash - I'm sorry, their Traffic Crash Record System, crash listing by crash location and I have the files up there at my desk. These are very good trends and I - state records document a very good trend here and I think it does not backup statements that you know we have very dangerous intersections, especially at Wilbur. Now Wilbur at 2002, and that's the only year I'll look at this last year, again I concur with Mr. Irwin, there were five reported accidents in or in the vicinity of Wilbur. First one here occurred on a Thursday and it was a failure to yield - that was - occurred at the intersection. The other four - here's one that was anywhere from 372 to 424 feet away from the intersection. Here's another one as far as 53 feet away - two of them 53 feet away and a fifth one here somebody leaving a driveway, which is anywhere from 266 to 318 feet from Wilbur. I didn't have time to closely analyze the other two years, but Mr. Irwin has done that for me. So we have one intersection accident at Wilbur. Now we have the former chief describing how it's such a dangerous intersection, the mayor describing how just - I was scared to drive up there it sound so disturbing. So I think it's important that we all be dealing with cold hard facts instead of opinions. And hopefully seeing these trends that Main Street accidents are trending downward, city wide accidents are trending downward, I would seriously like to think that council would logically rethink this position.

Mr. Snyder: Mr. Osborne I notice you list no detail - those accidents that occurred between Applegate and Orion which are 73 of the 131 accidents that happened, happened in that quarter. Do you have documentation of how many people were transported or maimed or ...inaudible...

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Mr. Osborne: I haven't detailed it that closely.

Mr. Snyder: Well if you notice sir I think that the reason why more people are using Applegrove since we went to a four lane to avoid that particular area because it's impassable due to the fact they can't make a turn a left hand turn onto Main Street. And that's, if you notice an increase in the accidents from one year to the next on Applegrove, it being a four lane limited access high - road, there's more traffic dumped onto that street now than should be. It wasn't - not designed and I think the engineer will hold out to that, it wasn't designed for the amount of traffic that it does have on it today. Inaudible...

Mr. Osborne: Well I'm glad you brought that up Mr. President. I'll give you a personal example. I was headed north on Main Street just the other day, I was in the left lane crossing Applegrove and immediately past Applegrove, I had to suddenly stop because somebody was turning in McDonald's. So I clear the right lane, I pull into the right lane and immediately I have to stop because somebody's turning into the BP. I really think the city should be analyzing some of these areas. And I was noticing yesterday there are two entrances into BP just north of Applegrove. I would highly suggest that we eliminate the one closest to Applegrove, which was in probably 25, 30 feet of Applegrove and have the one entrance probably another 30, 40 feet. That way you will not have traffic turning left and right right there at the same location.

Mr. Lindower: It has nothing to do with that intersection.

Mr. Osborne: I would also suggest that the city maybe do some long term planning and I had mentioned maybe speed reduction through town. In the area from Applegrove to Orion I would highly suggest some long term plans to widen that area on Main Street and put a left turn lane down through that entire area - much like you see over on Whipple or something like that. I just - as Mr. Irwin has pointed out, as I pointed out two weeks ago from the ODOT engineers and the Stark County engineers, I believe the warrant the methodology is defective. And I believe if you just sit here and look at some of these numbers it will show you where the high action areas are and I believe you can better make legislative decisions if you have more facts at hand.

Mr. Snyder: Thank you Mr. Osborne.

Mr. Lindower: I'd like to...

Mr. Snyder: Is anybody else wishing to speak?

Mr. Lindower: I'd like to say something if I could.

Mr. Snyder: Member Lindower.

Mr. Lindower: Chuck has done a good job as cover - as far as covering accidents at Wilbur and North Main. I think while he's blowing smoke over accidents we ought to be addressing the problem of traffic flow and efficient flow of traffic up in that area. I think - I feel that there probably have been fewer accidents at that particular intersection in view of the fact that people are deliberately avoiding that intersection because of the inconvenience of getting in and out of that area. There are businesses on Wilbur Drive, soon to be more businesses on the west side of North Main Street and I think if Chuck wants to really get into this thing, into the nitty gritty, he ought to be talking about traffic counts north and south on Main Street as far as improving the efficiency of being able to get out on to that street. We've talked about accidents. I don't think anybody said that that's the highest that accident - highest accident intersection in the city. It happens to be one of them though that's a very inconvenient type of an intersection as far as efficient traffic flow. So I think there needs to be other issues addressed other than the fact that whether the accident rate is exceedingly high there or not. I think the reason it isn't any higher than it is is because people deliberately try to avoid that intersection. That's all I have to say on it.

Mr. Osborne: I'd also like to say there's some other improvements I would suggest up in that area to get into...

Mrs. Magel: Could we stay on point?

Mr. Lindower: We're talking about Wilbur and North Main.

Mr. Snyder: Yea, we're talking about the traffic light. We can...

Mr. Osborne: We're talking about the traffic...

Mr. Snyder: traffic light...

Mr. Treadon: We're talking about this ordinance.

Mr. Osborne: accident history in that area.

Mr. Snyder: Yea well we've allowed you sir sufficient time and I have to move this along. Is there anybody else wishing to speak? Inaudible...one question. Is we do - it is my understanding we do have a warrant - signed warrant and it does have a seal by a certified traffic engineer. Is that correct?

Mr. Benekos: By a licensed engineer, correct.

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Mr. Snyder: And that - and it does justify the traffic signal.  
Mr. Benekos: Correct.

Mr. Osborne: I do have one other item that's on point here. There was a lot of discussion as to whether the manual applied to the city as a charter city. The case in Fairlawn that was heard - let's see, I don't see a date off hand, in the City of Fairlawn, but the court ruling was the Ohio Manual of Uniform Control Devices does apply to all cities including charter city and there it is if you want to read it.

Mr. Lindower: With home rule, right?

Mr. Osborne: With home rule. And if you're interested in seeing the accident reports, here's 2000, 2001 and 2002. If you'd like I'd be glad to email them to you - that's the way I received them from Columbus from the Ohio Department of Public Safety. And they have about a 20 page key because it's all in kind of coded here in numbers, I can email you that as well. But I think we ought to ... you know document what we're saying here instead of opinion and I think we'd all spend our monies better if we did it that way.

Mr. Snyder: Any other comment?

Mrs. Magel: Well I'd like to get it back into committee here.

Mr. Snyder: Go ahead.

Mrs. Magel: What I'd really like to do is spend the next half hour discussing the traffic on East Maple and the speed. However that's not a case on point. So let's stick to the issue that we are discussing a traffic light on Wilbur and it will be having a companion ordinance where we can take advantage of this traffic light on both the east and the west. And my comment was Member Osborne already or Lindower, you won't catch me on an accident on Wilbur because I am afraid to go out on it as I had discussed. I will avoid that intersection because it is dangerous. Alright now I would...

Mrs. Kiesling: I'd like to say something.

Mrs. Magel: Alright.

Mrs. Kiesling: But there's documentation that there are better ways to control traffic other than putting up traffic signals. That is the most restrictive form of traffic control, which we've been told. It increases rear end accidents, it increases people going through neighborhoods. Which I realize they're taking Wilbur to - I don't know what that street is up to Orion to get out to the light already. What's to say that's going to - I mean there's just condos and a few businesses.

Mr. Lindower: Those rear end accidents are caused by people with cell phones against their ear.

Mrs. Kiesling: Now Dave, that's pretty funny...

Mrs. Magel: Inaudible...

Mr. Lindower: I stop at signal light everyday and never been hit in the rear end yet, because of the signal light. It's inattention of the person approaching that stopped car.

Mrs. Kiesling: But we don't...

Mr. Lindower: It's got nothing to do with the intersection or the light.

Mrs. Kiesling: But what it has to do with is traffic flow and providing gaps in the traffic for people to turn safely. And Mr. Irwin and I've and Chuck's done so much research, there are other ways to control flow and that's all we're saying here.

Mr. Lindower: You could put a stop sign on Main Street and maybe that would take care of it.

Mr. Snyder: Is there any other comments?

Mrs. Kiesling: I thought you said the other night you said were open to listening to everybody's opinion.

Mr. Lindower: I listened to it.

Mrs. Magel: Over and over.

Mrs. Kiesling: But you're openly criticizing.

Mr. Lindower: I'm ready to vote.

Mr. Snyder: Alright. Mr. Foltz, you have comments?

Mr. Foltz: Yea I'd like to follow up if I may. I don't know about the rest of the council and I think Kathy you alluded to it and Dave, I'm in that area at least five times a week. Mr. Bourlas has built his building there a very nice structure in the City of North Canton. I think that's the first building he's putting up there might be a second phase, I'm not quite sure on that. That's going to generate more traffic. DeVille Development there has some vacant store fronts that they've just recently filled. That's where we're going to realign the curb to meet this traffic signal. That's additional traffic. Obviously the drive in restaurant is going to be a huge success here in North Canton as Maxie's was, that's going to generate

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more traffic. For those reasons alone I'm proactive and very much for this light. I've traveled it, it is impossible to turn left out of Marc's or any of those other stores - Arby's, any of those other stores up there mostly anytime of day.

Mrs. Kiesling: But you can't put a light everywhere.

Mr. Foltz: If we looked at everything that need warranted in this city other than our home rule ability to do so, this would be Daytona 500 in this city. The best decision I ever had as far as input and I'll use this as an analogy, was a stop sign, it was a two-way, at the corner of Pierce and 7<sup>th</sup>. Because there were so many missed accidents there it did not make - it did not justify the stop sign according to the state statues. But when I seen city residents almost get killed on that street and also our EMS people, there was no doubt in my mind we made the right decision. There was also input from the schools, which we had school buses traveling there. I have never second guessed that decision, I won't on this one either. I know we have different views on this. I appreciate the research Mr. Osborne. But I'd like to be proactive here and head something off before it could get real serious at that intersection.

Mr. Osborne: I'd like to say if you look at Holl Road on that chart or either one of those charts, it has as many accidents or more than Wilbur. So I - logically then I could assume that we're going to be putting a light at Holl Road here sometime in the near future.

Mr. Snyder: Chuck...

Mr. Osborne: Would that be that true Mr. Mayor?

Mr. Snyder: Please reserve your sarcasm ...inaudible...

Mayor Rice: It's a possibility...

Mr. Osborne: I'm not trying to be sarcastic.

Mr. Snyder: Well that sir I've given you time to speak...

Mr. Osborne: Holl Road...

Mr. Snyder: and if you have nothing...

Mr. Osborne: Holl Road has 13 in 2000 as opposed to Wilbur's 9, Wilbur has 10 in 2001 as opposed to Holl Road's 9 and then Holl Road had 6 as opposed to Wilbur's 5. So it has a higher accident rate than Wilbur. So...

Mr. Snyder: Well I would like - the only that I would like to say and I'll call the vote. If I would be responsible for not fending off at least one accident, whether it'd be a party being hurt or a car being crushed and I voted no for the light and I could of saved it, I don't think I'm doing my duty. As well as I am not a traffic engineer - I don't profess to be one. I believe in the administration to have the warrant that justifies it. So with that I'd like to call the vote.

Mr. Osborne: Well that's why I've consulted traffic engineers.

Mr. Snyder: I've called the vote sir. I've called the vote sir.

Mr. Osborne: And I've also consulted the state...

Mr. Snyder: You're out of order. I've called the vote. May I have a motion on that...

Mr. Osborne: Well I'd like to thoroughly explore the ...inaudible...

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

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

No: Osborne and Kiesling.

9.
- Mr. McLaughlin moved and Mr. Foltz seconded to **read by title only, second reading** of Ordinance No. 14-03. All members present voting:  
Yes: Snyder, Foltz, Lindower, Magel and McLaughlin.  
No: Osborne and Kiesling.

**Ordinance No. 14-03 - Second 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 traffic light. What we're going to do as a city is we're going to line up on the west side the driveway so that the light at Wilbur will take care of the intersection on both east and west. As Councilman Foltz has discussed, there will be businesses there. It's a - it was an empty lot for awhile, it used to be where the miniature golf

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Mr. Snyder: Sure...

Mrs. Magel: course is - that's on east and as you know there's the shopping plazas on the left now. We're going to line up the driveways, which even would make sense even if there weren't any light - it would make sense to line the driveways so that we're not playing chicken across the street. But now that the light went on a vote from 5-0 on a second reading I very much would recommend that if the light is going in let's please line up the intersection.

Mr. Snyder: Chairman Magel, one privileged question if I may.

Mrs. Magel: Yes sir.

Mr. Snyder: That 110,000 does that include this portion of the construction of that ... it does not?

Mrs. Magel: I do not believe so sir.

Mr. Snyder: This is...

Mrs. Magel: The 110,000 strictly for the light?

Mr. Snyder: Was for the signal light itself. But that also includes synchronizing that's the reason for the cost?

Mr. Benekos: Correct.

Mr. Snyder: Okay, I apologize. Thank you for that question.

Mrs. Magel: That - that's fine. Whatever cost there is on the line up Mr. DeVille will be reimbursing the city 100 percent.

Mr. Osborne: I have a question. Mr. Benekos, I understand the cost is due to the fact that we're using mast arms to suspend the lights.

Mr. Benekos: It's part of the cost.

Mr. Osborne: Well we're just going to have trips there to trip the light when you're coming off of Wilbur - is that correct - and or the shopping area to the west?

Mr. Benekos: Correct.

Mr. Osborne: We're not actually coordinating or creating a loop between Orion and Wilbur?

Mr. Benekos: We're interconnecting all the signals from Applegrove to Orion.

Mr. Osborne: That's not included in this 110?

Mr. Benekos: Yes it is.

Mr. Osborne: Well that's never been made clear from day one.

Mr. Lindower: Yes it has.

Mr. Snyder: Yes it has.

Mr. Osborne: I beg to differ.

Mr. Snyder: Is there any other comment on this? If not I'll call the motion...

Mr. McLaughlin moved and Mr. Foltz seconded to **adopt the second reading** of Ordinance No. 14-03. All members present voting:

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

No: Kiesling and Osborne.

Mr. Snyder: I don't vote?

Mr. Treadon: 5 to 2.

Mrs. Bittle: I called you first.

Mr. Snyder: Oh I beg - did I say yes?

Mrs. Bittle: I thought you did.

Mr. Snyder: No, I mean I probably did. I ...inaudible... this campaign rhetoric I got a little lost. I...

Mr. Osborne: It's automatic up here.

10. Mr. McLaughlin moved and Mr. Foltz seconded to **read by title only, third reading** of Ordinance No. 23-03. All members present voting:
- Yes: Foltz, Kiesling, Lindower, Magel, McLaughlin and Snyder.
- No: Osborne

**Ordinance No. 23-03 - Third 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. Snyder: Chairman Magel.

Mrs. Magel: Yes, why are mine controversial?

Mr. Snyder: Well somebody's...

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Mrs. Magel: I want finance. Okay, this is the third and final reading then we will have 30 days after this before it will come in. The citizens of Grassmere, 100 percent, signed a request and all their neighbors signed that they would like their road vacated to become a dead end. Graciously the builder on the other side said he would put in the turnaround so that now eliminated a lot of the controversy. It's just about within the 600 feet and you will have the turnaround for safety forces. So I recommend we pass this on a third reading.

Mr. Osborne: I'd like to make a comment. Again as in the previous two occasions, my subdivision regulations still say this is illegal. And until the actual print changes, I can't go against the city's subdivision regulations. So my vote will be no.

Mr. McLaughlin: One comment I would like to make sir, if I could. I would like to thank the people on council that have supported me in this. To me it's a no-brainer, I've said that from day one. That you've got the residents that want it that professionally got the petition together, got the signatures. The builder came in had no problem with it. I think that's the way government works. The people asked that something be done and both sides met and agreed upon it and I just want to thank everybody for their participation and ...

Mr. Osborne: I'd just like to say as legislators we need to look at the big picture. It's very easy just to focus in on and say sure, we'll give you this. Yea, we'll give you this. But what is the impact five years down the line, ten years down the line or over the next year?

Mr. Snyder: Mr. Osborne, may I suggest sir...

Mr. Osborne: And we need to look at the big picture.

Mr. Snyder: When you do some research would you kindly pick a copy of Robert's Rules of Order? I run the meeting. I either recognize you or not recognize you. You keep blurting out when you've not been recognized by the chair sir, you're out of order.

Mr. Osborne: I thought this was opened up to the entire council.

Mr. Snyder: This not a - I'm running the meeting sir. Please address me and I will give you permission to speak.

Mr. Osborne: Okay.

Mr. Snyder: I want to keep the meeting orderly and moving along. If you do not have a book on Robert's Rules of Order sir I'll give you one. Is there any other comment on that?

Mr. McLaughlin: No.

Mr. Snyder: Mr. Foltz.

Mr. Foltz: Yea thank you Councilman Snyder. I beg to differ with Councilman Osborne's statement that this is illegal. Obviously we're a legislative body and if we have enough votes to overturn anything that's legislative it is not illegal, it is our right and our duty to do so. That's what the voters elected us to do. So I'll leave that statement as it is. Thank you.

Mr. Snyder: Thank you sir. Anybody else wishing to speak?

Mr. Lindower: I'd just like...

Mr. Osborne: Mr. President, may I...

Mr. Snyder: Just a moment sir.

Mr. Lindower: I'd like to mention, along with Councilman Foltz, Mr. Osborne indicated the word legislators and we were bound by what's in the book. In view of the fact that we represent the majority of the people I think this particular issue is 100 percent supported by the people in that area down there. He talks about problems five or ten years from now, if there are problems five or ten years from now I think we'll address those then. That's all I have to say.

Mr. Snyder: Thank you. Mr. Osborne.

Mr. Osborne: Thank you sir. I think it's incumbent on this council to change the law before we implement the law. And that subdivision regulation should be reviewed and voted on and enacted prior to making these kinds of decisions.

Mr. Snyder: Thank you sir. A question of the Law Director. Is it not true under the subdivision that is an actual ordinance of council and the council by affirmative 4 votes can change ...inaudible...

Mr. Treadon: Well I don't know - I'm not familiar what the illegality Mr. Osborne's claiming. So I really - I'm not going to comment on it. I don't know what he's talking about and I don't know if he's got an opinion from Mr. Batista...



# RECORD OF PROCEEDINGS

Minutes of

COUNCIL OF THE CITY OF NORTH CANTON

REGULAR

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held

Monday, February 24,

20

03

Mr. Snyder: Well Mr...

Mr. Treadon: or if Mr. Osborne somehow miraculously has completed his law school studies while he's been on council. That may be possible because apparently he has a lot of time to work on this. But ...

Mr. Snyder: Well Mr. Batista...

Mr. Treadon: I don't know of illegality.

Mr. Snyder: ...inaudible... he gave the opinion that the subdivision regulations are an ordinance of council and if council so chooses to amend those ordinances...

Unidentified: Right...

Mr. Snyder: by an affirmative 4 votes, they have that right. However that particular vacation of that street and at the end of that does meet the subdivision regulations. It does have a turnaround...

Mr. McLaughlin: Right.

Mr. Snyder: it meets all subdivision regulations. It's not in violation ...inaudible...

Mr. Treadon: Well I don't know that we've been asked to render an opinion of the legality of this ordinance and if Mr. Batista has said that I have no way to dispute that. And a...

Mr. Snyder: I'll a...

Mr. Treadon: I thought that that's what we were for to comment on the legality or non-legality of council's actions. As far as I know no one has made that determination.

Mr. Snyder: I would ask that Madam Clerk, will you ask Mr. Batista to write a letter to me when he comes in on Thursday as an opinion if we're following the a - our statutory duty as well as our - on that? I would appreciate it and then copy it to all of council.

Mr. Treadon: Well I think if there's a question, the question should be whether or not this ordinance complies with our subdivision regulations and if it does then that's the end of the question. I don't think you're doing anything to change anything.

Mr. Snyder: Okay.

Mrs. Magel: Well once that the...

Mr. Treadon: So unless I'm not aware of opinion that Mr. Batista has issued, then...

Mr. Osborne: Mr. President.

Mr. Snyder: Sir.

Mr. Osborne: Mr. Batista did say that I was correct in my statements and the mayor as well agreed. I don't have the minutes here with me, but they both agreed that what I was stating was in fact true.

Mr. Treadon: Was that with or without a turnaround?

Mrs. Magel: That was without a turnaround.

Mr. McLaughlin: Without a turnaround.

Mrs. Magel: And all of a sudden the builder stood up...

Mr. Treadon: And that's...

Mrs. Magel: out of the blue and said if there's a problem...

Mr. Treadon: That was the issue?

Mrs. Magel: Yes sir.

Mr. McLaughlin: Right.

Mr. Treadon: Well then apparently that...

Mr. McLaughlin: That he would do it.

Mrs. Magel: That he would do it and pay for it.

Mr. McLaughlin: Yea, that was...

Mr. Treadon: And apparently that's now moot. So I guess it doesn't apply.

Mr. Osborne: But we're not connecting to it.

Mr. Snyder: Inaudible...yes we are. We are connected to it. He doesn't want an access to it.

Mr. McLaughlin: No.

Mr. Snyder: He doesn't want people coming into his allotment that way. He stated that in the public hearing.

Mr. McLaughlin: Go ahead. Inaudible...

Mr. Snyder: Okay, may I call the question?

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

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

No: Osborne.

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Mr. Snyder: May I have a motion to read by title only, first reading of Ordinance No. 33-03?

Mr. McLaughlin: So moved.  
Mrs. Kiesling: Second.

Mr. Osborne: I think that's 30-03 isn't it Mr. President?  
Mr. Snyder: I beg your - thank you. 30-03, I beg your pardon.  
Mr. McLaughlin: 30...

NEW BUSINESS:

11. Mr. McLaughlin moved and Mrs. Kiesling seconded to **read by title only, first reading of Ordinance No. 30-03. All members present voting:**  
Yes: Lindower, Magel, McLaughlin, Osborne, Snyder, Foltz and Kiesling.  
No: 0

**Ordinance No. 30-03 - First Reading**

An ordinance establishing the rates to be charged for season membership and daily admission for the City of North Canton Municipal Swimming Pool and the rate for swimming lessons and repealing any and all legislation inconsistent herewith, and declaring the same to be an emergency.

Mr. Snyder: Chairman Foltz.

Mr. Foltz: Yea as discussed, we had a nice discussion our last committee meeting on this. The highlights are the city resident rates will stay the same - another benefit to living in the City of North Canton, obviously it's a city owned pool. We've done some nice capital improvements through the years and been very supportive of. And talking this over with Kim Cooksey, the park and rec director, I too agreed with his recommendation that the outside city rates would be increased. The last time we did increase those was 1989. The daily was last increased I believe in 1999 and those are our two changes that was included in your packet. I think the media did a nice job of printing those, I read that somewhere. So swimming lessons will stay the same, city resident rates stay the same, the outside city rates do go up and the daily admission will go up slightly. So that's it in a nut shell. I'm very supportive of this. I think everyone else was that night also. So if there aren't any other questions or concerns, I'll motion to vote this out.

Mr. Osborne: Mr. President.  
Mr. Snyder: Sir.  
Mr. Osborne: I unfortunately had to miss that meeting and I thank everybody for excusing me. I have no problem with this - I will defer to Mr. Cooksey on what he's worked out. I do have a concern that you're passing this on emergency. There's a long time between now and the swimming season. I would think it'd be a good opportunity to get input from the public - at least a couple readings. So I will vote...

Mrs. Herr: Chuck, excuse me. The passes go on sale April 16<sup>th</sup>. So that's...  
Mr. Osborne: Well again...  
Mrs. Herr: not enough time to have three readings plus a 30 day waiting period.  
Mr. Osborne: Well then we should of - then we should of thought about this you know a few months back. Again, I don't think it's vital to the health and welfare of the city. And I wouldn't put this on par with some of the true emergencies that a municipality could normally see in it's ...inaudible... So I will vote for the legislation, but not on emergency.

Mr. Snyder: Thank you sir. Any other comments?

Mrs. Magel: Councilman Foltz, did you say 1989?  
Mr. Foltz: For the outside city rates, correct.  
Mrs. Magel: Okay. For now for the inside city rates not one thing has changed?  
Mr. Foltz: No.  
Mrs. Magel: So for the represent - people we are representing...  
Mr. Foltz: That is correct.  
Mrs. Kiesling: It's not changing.  
Mrs. Magel: That it's not changed.  
Mr. Foltz: For the city tax payers' dollars that pay for that pool, yes their rates stay the same.  
Mrs. Magel: Thank you.

Mr. Snyder: Okay. Is there a second on his motion?

Mr. McLaughlin: Second.

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Unidentified: Good job Jon.  
Unidentified: I'm glad she said something because I was going to say something.

All members present voting:  
Yes: Magel, McLaughlin...

Mr. Osborne: No - I'm sorry we're voting yes - this is for the legislation?  
Mr. Snyder: Yes.  
Mr. Osborne: Yes.  
Mr. Treadon: Well the legislation is emergency legislation Mr. Osborne.  
Mr. Osborne: Well we're going to vote on emergency following this right?  
Mr. Treadon: No, it is an emergency legislation the way it's been read and the way it's printed and the way it's on the ordinance before you.  
Mr. Osborne: We're not going to read suspension of the rules.  
Mr. Snyder: Yes yes.  
Mr. Osborne: and...  
Mr. Treadon: Suspension of the rules is a different issue.  
Mr. Osborne: I understand that.  
Mr. Treadon: Well but you don't understand. Emergency means it becomes effective upon signature by the mayor. Suspension means it does away with the necessity of reading it at three separate meetings. Those are different issues.  
Mr. Osborne: Well the emergency the mayor can sign it and it's effective immediately.  
Mr. Treadon: That's right.  
Mr. Osborne: But we always have three roll call votes.  
Mr. Treadon: That's right.  
Mr. Osborne: Okay. So I'll - yes for the legislation.

Yes: Osborne, Snyder, Foltz, Kiesling and Lindower.  
No: 0

Mr. Foltz moved and Mr. McLaughlin seconded to **suspend the rules** for Ordinance No. 30-03.  
All members present voting:  
Yes: McLaughlin, Snyder, Foltz, Kiesling, Lindower and Magel.  
No: Osborne.

Mr. McLaughlin moved and Mr. Foltz seconded to **adopt under suspension of the rules** Ordinance No. 30-03. All members present voting:  
Yes: Snyder, Foltz, Kiesling, Lindower, Magel and McLaughlin.  
No: Osborne.

- Mr. McLaughlin moved and Mr. Foltz seconded to **read by title only, first reading** of Ordinance No. 31-03. All members present voting:  
Yes: Snyder, Foltz, Kiesling, Lindower, Magel, McLaughlin and Osborne.  
No: 0

**Ordinance No. 31-03 - 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, through the Board of Control, to enter into a three year contract for the restriping of various city streets and declaring the same to be an emergency.

Mr. Snyder: Chairman Magel.

Mrs. Magel: Yes, this is a necessity, especially after a winter like we've had this year. We need to restripe the roads. The only thing different here is we usually had a one year contract and now we'll be entering into a three year contract. And I think our citizens would want our roads restriped.

Mr. Osborne: Mr. President...  
Mr. Snyder: Mr. Osborne.  
Mr. Osborne: I was behind you there, I'd like to vote yes on the restriping. I thought we were still on the 30-03.  
Mr. Snyder: We'll change your vote. Thank you.  
Mr. Osborne: Thank you.

Mrs. Magel: Thank you.

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Mr. McLaughlin moved and Mr. Foltz seconded to **adopt the first reading** of Ordinance No. 31-03. All members present voting:  
Yes: Foltz, Kiesling, Lindower, Magel, McLaughlin, Osborne and Snyder.  
No: 0

Mr. McLaughlin moved and Mrs. Magel seconded to **suspend the rules** for Ordinance No. 31-03. All members present voting:  
Yes: Kiesling, Lindower, Magel, McLaughlin, Osborne, Snyder and Foltz.  
No: 0

Mr. Osborne: Given that the public would not have much input on this, cause I don't think they'd be against this, I'm going to go yes on this one.

Mr. McLaughlin moved and Mrs. Magel seconded to **adopt under suspension of the rules** Ordinance No. 31-03. All members present voting:  
Yes: Lindower, Magel, McLaughlin, Osborne, Snyder, Foltz and Kiesling.  
No: 0

13.
- Mr. McLaughlin moved and Mrs. Kiesling seconded to **read by title only, first reading** of Ordinance No. 32-03. All members present voting:  
Yes: McLaughlin, Osborne, Snyder, Foltz, Kiesling, Lindower and Magel.  
No: 0

**Ordinance No. 32-03 - 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, through the Board of Control, to enter into a contract for the Royer/Fairoaks/Hillcrest Waterline Replacement Project (Viking to 5<sup>th</sup> Street) and declaring the same to be an emergency.

Mr. Snyder: Mr. McLaughlin.

Mr. McLaughlin: Yea, we need to get this thing started. And \$150,000.00 of it comes out of 7552, which is for the waterlines, 90,000 comes out of the paving, curb and gutter out of 5929 and 25,000 for the storm sewer and maintenance department at 4529, making a total \$255,000.00 for this project.

Mr. Snyder: Any comments?

Mr. McLaughlin moved and Mr. Foltz seconded to **adopt the first reading** of Ordinance No. 32-03. 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. 32-03. All members present voting:  
Yes: Snyder, Foltz, Kiesling, Lindower, Magel, McLaughlin and Osborne.  
No: 0

Mr. Osborne: Yes, I don't think the public would argue over this either.

Mr. McLaughlin moved and Mrs. Kiesling seconded to **adopt under suspension of the rules** Ordinance No. 32-03. All members present voting:  
Yes: Foltz, Kiesling, Lindower, Magel, McLaughlin, Osborne and Snyder.  
No: 0

Mr. Snyder: May I have a motion to read by title only, first reading of Ordinance No. 33-03?  
Mr. McLaughlin: Excuse me, Mr. President...  
Mr. Snyder: Sir.

Mr. McLaughlin: I have a last minute note from the Engineer. I'd like to make a correction to Ordinance No. 33-03. When we talked about it originally last week out of budget no. 7551, we included \$25,000.00 of that. That project has been upped to 35,000. The Engineer estimates to be - revised the ordinance to \$35,000.00. So I would like to revise this Ordinance No. 33-03 to show \$35,000.00 for the Water Tower #2 Rehab project.

Mr. Snyder: I need a motion to...

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Mr. Treadon: I assume that's in the form of a motion to amend...  
Mr. McLaughlin: Form of a motion, yes.

Mr. Snyder: Is there a second?

Mr. Foltz: Second.

Mr. Snyder: Roll please.

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

14. Mr. McLaughlin moved and Mr. Osborne seconded to **read by title only, first reading, as amended**, Ordinance No. 33-03. All members present voting:  
Yes: Lindower, Magel, McLaughlin, Osborne, Snyder, Foltz and Kiesling.  
No: 0

**Ordinance No. 33-03 - First Reading**

An ordinance authorizing the Mayor of the City of North Canton, through the Board of Control, to enter into a professional service agreement for Inspection Services associated with the Water Tower #2 Rehab project and declaring the same to be an emergency.

Mr. Snyder: Chairman McLaughlin.

Mr. McLaughlin: I'd like to turn this over to Mr. Benekos.

Mr. Benekos: I appreciate your blind trust in me to raise that amount without questioning me, but I would like to explain that. That's for the inspection services and there's two routes we can go. One's a critical point inspection and one's full time inspection where we have an inspector on the job full time. Initially we thought we could go with a critical point inspection. After talking with the contractor and the inspection firm we would like the option of having somebody there full time. Hopefully we will not need them there full time, but we'd rather have that in the contract then we can pare down from there rather than to have to come back to council at a subsequent time for a change order on this. So I appreciate your consideration.

Mr. McLaughlin: So it's in other words that we might use the money and then again we might not use the money?

Mr. Benekos: That's correct.

Mr. McLaughlin: It's just there in case we need it.

Mr. Benekos: Correct.

Mr. McLaughlin: Okay.

Mr. Snyder: Any other comments?

Mr. Osborne: Inaudible.. you expect - I'm sorry, Mr. President.

Mr. Snyder: Go ahead sir.

Mr. Osborne: Mr. Benekos, are you kind of leaving yourself open for bigger problems as you do the inspection or...

Mr. Benekos: No. We hire an inspection firm for these cause it's a specialized process. The metallizing is something we don't deal with and it's a - there's not too many firms that do this type of work inspection or the construction, the metallizing process or even painting the tanks. So what we're looking at is trying to avoid problems if we have an inspector there full time. So we have the option of having them there all the time. Hopefully we won't need them if the project proceeds well.

Mr. Osborne: But you don't know now until you learn some more information or ...

Mr. Benekos: No, it's just keeping an eye on the contractor. The inspector is to inspect the work that's being done. Sometimes he needs to be there throughout the day, sometimes he can only - needs to come on a four period for a day, sometimes he can skip a day if there's not any critical work being done. It just depends on how the progress of the contractor is going.

Mr. Osborne: Okay.

Mr. Benekos: That we want the option that we can an inspector there full time or on a part time basis.

Mr. Osborne: Okay. Thank you.

Mr. Snyder: Okay. Any other comment?

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held

Monday, February 24,

2003

Mr. McLaughlin moved and Mr. Foltz seconded to **adopt the first reading** of Ordinance No. 33-03. All members present voting:  
Yes: Magel, McLaughlin, Osborne, Snyder, Foltz, Kiesling and Lindower.  
No: 0

Mr. McLaughlin moved and Mr. Foltz seconded to **suspend the rules** for Ordinance No. 33-03. All members present voting:  
Yes: McLaughlin, Osborne, Snyder, Foltz, Kiesling, Lindower and Magel.  
No: 0

Mr. McLaughlin moved and Mr. Foltz seconded to **adopt under suspension of the rules** Ordinance No. 33-03. All members present voting:  
Yes: Osborne, Snyder, Foltz, Kiesling, Lindower, Magel and McLaughlin.  
No: 0

15. Mr. McLaughlin moved and Mr. Foltz seconded to **read by title only, first reading** of Ordinance No. 34-03. All members present voting:  
Yes: Snyder, Foltz, Kiesling, Lindower, Magel, McLaughlin and Osborne.  
No: 0

**Ordinance No. 34-03 - 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, through the Board of Control, to enter into a contract for the purchase of gasoline and diesel fuel for use by all city departments, for a one year period commencing June 1, 2003 and terminating May 31, 2004 and declaring the same to be an emergency.

Mr. Snyder: Yes, we talked about this last week. The reason for the emergency clause is time is of the essence. We begin - already it's the first of March, by the time we complete these it will probably be mid to late April and we want to be ready to go by June 1. Is there any questions or comments to that ordinance?

Mr. Osborne: Mr. President.  
Mr. Snyder: Yes sir.

Mr. Osborne: I guess I'd like to ask the administration, could these kind of contracts be started sooner so we wouldn't have to rush through it? Granted the public is not going to have much problem with this. Is there only a certain window when we can start these kinds of bid processes?

Mr. Held: I mean...  
Mrs. Herr: Can I answer that?  
Mr. Held: Yea, go ahead.

Mrs. Herr: I think what it is is that typically you've always had these contracts on an emergency basis and it's just you know in the calendar as far as you know plotting where things come up, this is where it's end up coming up. So if you wanted to have the readings in the 30 day waiting period then we would just maybe for next year have to make a note to you know start this process sooner. But again it's just because in the past its always been this way and so it's you know when administration goes through and picks out what you know what contracts are coming up it's just that's where it's slotted because that's the way it's always been. So I think if you're you know looking at changing anything in the future it will have to be next year.

Mr. Osborne: Well again I don't think the public is really interested in coming up debating this. But I just seem to see so many emergencies we've got to rush this through. It makes you wonder you know is the state of city affairs in a constant emergency. I know it's the budgeting process, but it's just a question.

Mr. Snyder: Any other comments? If not...

Mr. McLaughlin moved and Mr. Foltz seconded to **adopt the first reading** of Ordinance No. 34-03. All members present voting:  
Yes: Foltz, Kiesling, Lindower, Magel, McLaughlin, Osborne and Snyder.  
No: 0

Mr. McLaughlin moved and Mr. Lindower seconded to **suspend the rules** for Ordinance No. 34-03. All members present voting:  
Yes: Kiesling, Lindower, Magel, McLaughlin, Osborne, Snyder and Foltz.  
No: 0

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Mr. McLaughlin moved and Mrs. Magel seconded to **adopt under suspension of the rules** Ordinance No. 34-03. All members present voting:  
Yes: Lindower, Magel, McLaughlin, Osborne, Snyder, Foltz and Kiesling.  
No: 0

16. Mr. McLaughlin moved and Mrs. Kiesling seconded to **read by title only, first reading of** Ordinance No. 35-03. All members present voting:  
Yes: Magel, McLaughlin, Osborne, Snyder, Foltz, Kiesling and Lindower.  
No: 0

**Ordinance No. 35-03 - 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, through the Board of Control, to enter into a contract for Asphalt Mixes for use by the Street Department and declaring the same to be an emergency.

Mr. Snyder: We talked about that last week. And if I may say Mr. Osborne, the reason there's an emergency on this is not it's contractual, but the best bid prices come this time of the year before the plants open and they want our business and we save significant money by bidding it prior to the season when they're busy. Am I right, did I phrase ... Mr. Held ...inaudible...  
Mr. Held: Yea, that's correct.

Mr. Snyder: May I...  
Mr. Osborne: Well I...  
Mr. Snyder: Go ahead sir. Excuse me.

Mr. Osborne: Oh I understand. I just didn't know if maybe - again it's these kind of items the public would not have any great concern. They're looking to us for to handle these kinds of processes. But again I just thought you know if we just did this a month ago we wouldn't have to do it on emergency.

Mr. Snyder: That's a good point. Any other questions?

Mayor Rice: Mr. President can I...  
Mr. Snyder: Sure.  
Mayor Rice: Add to that?  
Mr. Snyder: Mr. Mayor.

Mayor Rice: Couple things, number one it's been said before, why does the city, in regard to our budget appropriation, why was that done on an emergency. Well if you look at your charter folks, number one, everybody in this chamber that's an elected official is up for reelection and we seat a new eight elected officials every other year. On what date, December the 1<sup>st</sup>. Okay. Now to go through the regular three reading process you need what, at least six weeks for the three readings because it's read times every other week - that's a six week time frame. Then the mayor has ten days to sign the legislation and then it doesn't go into effect for 30 days beyond that. Due the math. Would it be impossible to pass an appropriation budget with a council being seated on December 1<sup>st</sup> and get it done and place before the end of the year? Because it takes a lot more than a month to get the budget appropriation passed through regular channels. That has nothing to do - unless you want the previous council to set the budget for the following year, it's impossible by law to pass your budget appropriation in any other fashion than an emergency. Does everybody understand that? Okay, you're talking 10, 11 weeks you need to go through the normal channels roughly. Is that right Mr. Treadon?

Mr. Treadon: Sounds about right.  
Mayor Rice: You're looking at least about a 11 week period of time you'd have to start to get that done to go through a non-emergency process. So this attempt by people to criticize the way the city does business. Especially in regards to the budget appropriation having to be how it's so terrible that we do that on emergency, please tell me how else you want to do it. You seat a council every other year on December the 1<sup>st</sup>, that's by your charter folks. You don't have 11 weeks in the month of December to pass the budget appropriation. That is why they normally waited over the years it's been presented to council in late November that council gets it and whoever is in office starting December 1<sup>st</sup> reviews the budget appropriation and passes it on emergency prior to the end of the year so the city can operate. Okay. Some of other contracts folks, because you don't establish your budget until the end of year, we cannot start asking to do these contracts and jobs until after the first of the year until a budget is in place. Now if you want to in future years we can put everything for the whole year on the very first council meeting in January and start to do it. We generally try to spread these things out because it's pretty routine business of buying gasoline, contracting to stripe streets - this is pretty routine business.

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Now if council would prefer, certainly the administration would be glad, we can sit here for hours on the first meeting in January and we could put every contract out right then and there and you can do it the regular time frame and take your 11 weeks to do it. But you know let's quit playing political games and grandstanding for the press when it's just not the facts. That's all I have to say.

Mr. Snyder: Thank you Mr. Mayor.

Mr. Osborne: May I say something Mr. President?

Mr. Snyder: Please.

Mr. Osborne: I wouldn't have a problem with the previous sitting council passing the next year's budget or doing like you say waiting till the January - but you're spending the city's funds for the entire next year and I think the public should have time to listen to all the budget items, make comment. And I'm not trying to grandstand I just don't think you should pass a, in this case a 44 million dollar budget, discuss it at one council meeting and pass it the next on emergency. And I really think that should be moved forward earlier in the year or wait until a new council is in - seated and discuss it. But...

Mr. Treadon: Mr. President, may I say something?

Mr. Snyder: Yes sir, please.

Mr. Treadon: I really not - I'm not a member of council, but I've been here for a long long time and Mr. Osborne I have never in all the 20 plus years that I've been here have ever heard one question from one citizen with regard to one item on any budget in the last 20 some years.

Mr. Lindower: That's right.

Mr. Osborne: They haven't had an opportunity. I mean it's read one week and passed the next.

Mr. Treadon: Alright. I'm not a politician so I can't possibly debate you on this issue. That's the only comment I have.

Mr. Snyder: I appreciate ...

Mr. Osborne: Granted there's a lot of routine business and the public depends on the city to operate its housekeeping. But there are a lot of items that I think the public would like to speak to and I just think they should have an opportunity to a...

Mr. Treadon: Mr. Osborne you ought to arrange for having a private speech session maybe at 6:45 before council meeting so we can accomplish some business during the council meetings.

Mr. Osborne: Is that an official opinion from the Law Department?

Mr. Treadon: No it's just an observation because it's really aggravating for me. I don't know about anybody else but...

Mr. Osborne: Well we're here to debate all sides of the issues and...

Mr. Treadon: You clearly are here to debate everything.

Mr. Osborne: Thank you sir.

Mr. Snyder: Mrs. Magel...

Mrs. Magel: Yes, for the record I'd like to tell the administration, please don't ever change it that another council would appropriate the budget and then the new council comes in - you're handcuffing the new council. Please don't take that into consideration what he had suggested. Please let the new council address the new budget so that they have the fairness that the - to vote on the things that they appropriated.

Mr. Snyder: I may say Mrs. Magel that's well taken. However, by charter the council is the only person that can appropriate funds in the city. So unless you would want to do that and I say that respectfully, I didn't mean that facetiously, it wouldn't happen - we wouldn't allow that to happen. So...

Mrs. Magel: I certainly hope not.

Mr. Snyder: Madam Clerk, will you help me here? Have I been through two readings on that?

Mrs. Bittle: No, all we've done is had the motion to read by title only.

Mr. Snyder: I'm sorry they're moving that thing I might need a room up there by the time - I'll be old enough to retire when I get out of this council meeting. So we're now...inaudible...

Mrs. Bittle: The next step is to adopt the first reading.

Mr. Snyder: Thank you very much...

Mr. McLaughlin moved and Mrs. Magel seconded to **adopt the first reading** of Ordinance No. 35-03.

All members present voting:

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

No: 0



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Mr. McLaughlin moved and Mrs. Magel seconded to **suspend the rules** for Ordinance No. 35-03. All members present voting:  
 Yes: McLaughlin, Osborne, Snyder, Foltz, Kiesling, Lindower and Magel.  
 No: 0

Mr. McLaughlin moved and Mr. Foltz seconded to **adopt under suspension of the rules** Ordinance No. 35-03. All members present voting:  
 Yes: Osborne, Snyder, Foltz, Kiesling, Lindower, Magel and McLaughlin.  
 No: 0

17. Mr. McLaughlin moved and Mrs. Magel seconded to **read by title only, first reading** of Ordinance No. 36-03. All members present voting:  
 Yes: Snyder, Foltz, Kiesling, Lindower, Magel, McLaughlin and Osborne.  
 No: 0

**Ordinance No. 36-03 - 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) new 2003 Ford F250 3/4 Ton Pickup Truck, for use by the Water Distribution 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) new 2003 Ford F250 3/4 Ton Pickup Truck, for use by the Water Distribution Department and declaring the same to be an emergency.

Mr. Snyder: Again, we spoke of this last year - last week. It was on the appropriation's ordinance for 2003 under line item 6750 for \$35,000.00. It will be used by Water Distribution to transport a meter turner - a valve turner ...inaudible...

Mr. Lindower: A valve turner.

Mr. Snyder: A valve turner and it will also be equipped with appropriate equipment to plow snow because we'll be doing a lot of that it looks like for awhile. But ...

Mrs. Magel: Inaudible...you...

Mr. Snyder: unfortunately... But it is a request as an emergency again because it is sorely needed ...inaudible... companion piece of equipment to the valve turner when it comes in. Is there any questions on that? If not...

Mr. McLaughlin moved and Mr. Foltz seconded to **adopt the first reading** of Ordinance No. 36-03. All members present voting:  
 Yes: Foltz, Kiesling, Lindower, Magel, McLaughlin, Osborne and Snyder.  
 No: 0

Mr. McLaughlin moved and Mrs. Kiesling seconded to **suspend the rules** for Ordinance No. 36-03. All members present voting:  
 Yes: Kiesling, Lindower, Magel, McLaughlin, Osborne, Snyder and Foltz.  
 No: 0

Mr. McLaughlin moved and Mrs. Kiesling seconded to **adopt under suspension of the rules** Ordinance No. 36-03. All members present voting:  
 Yes: Lindower, Magel, McLaughlin, Osborne, Snyder, Foltz and Kiesling.  
 No: 0

18. Mr. McLaughlin moved and Mr. Foltz seconded to **read by title only, first reading** of Ordinance No. 37-03. All members present voting:  
 Yes: Magel, McLaughlin, Osborne, Snyder, Foltz, Kiesling and Lindower.  
 No: 0

**Ordinance No. 37-03 - First Reading**

An ordinance authorizing the Mayor of the City of North Canton, through the Board of Control, to enter into a 2003 Recycling Program Grant Agreement by and between the City of North Canton and the Stark-Tuscarawas-Wayne Joint Solid Waste Management District for the purpose of accepting and utilizing a Grant in an amount not exceeding \$60,000.00 to provide funding for portions of the recycling program and declaring the same to be an emergency.

Mr. Snyder: This is a grant that was sought by the administration from the Stark Tuscarawas joint district. They gave us \$60,000.00 based on our previous participation with curbside recycling, which I understand is in the high 20's almost 30 percentile today. And the reason for the emergency is to sweep the funds back in as we do pay that on a monthly basis to the particular hauler. Any questions on that? If not...

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Mr. McLaughlin moved and Mr. Foltz seconded to **adopt the first reading** of Ordinance No. 37-03. All members present voting:  
Yes: McLaughlin, Osborne, Snyder, Foltz, Kiesling, Lindower and Magel.  
No: 0

Mr. McLaughlin moved and Mrs. Magel seconded to **suspend the rules** for Ordinance No. 37-03. All members present voting:  
Yes: Osborne, Snyder, Foltz, Kiesling, Lindower, Magel and McLaughlin.  
No: 0

Mr. McLaughlin moved and Mrs. Magel seconded to **adopt under suspension of the rules** Ordinance No. 37-03. All members present voting:  
Yes: Snyder, Foltz, Kiesling, Lindower, Magel, McLaughlin and Osborne.  
No: 0

19. Mr. McLaughlin moved and Mr. Lindower seconded to **read by title only, first reading** of Ordinance No. 38-03. All members present voting:  
Yes: Foltz, Kiesling, Lindower, Magel, McLaughlin, Osborne and Snyder.  
No: 0

**Ordinance No. 38-03 - First Reading**

Ordinance No. 38-03 authorizing the Mayor of the City of North Canton, to apply for, accept and utilize grant monies, in an amount not exceeding \$12,500.00, from the Stark Solid Waste District for the purpose of offsetting expenditure incurred during the Leaf Recycling program of 2002 and declaring the same to be an emergency.

Mr. Snyder: Again this is for monies that they've promised us, the administration sought as a grant, for our curbside leaf recycling program. It was the first year last year they had moderate participation. However, a lion's share of it has been recouped and will be bid when we bid our contract this year - we'll put that in there and this will pay back better than 50 percent of our total cost. And again the emergency is to facilitate the funds being returned to the city as quickly as possible. Any questions on that?

Mr. Osborne: Mr. President.  
Mr. Snyder: Mr. Osborne.

Mr. Osborne: I have a question for the administration. Is this mostly to accept and utilize the grants? Because I believe I specifically asked you when we were appropriating the funds for this that you had applied for the grant. So you already applied for the grant last fall? Okay.  
Mayor Rice: It's already been awarded to us. I think you were at the meeting when it was granted to us.  
Mr. Osborne: Right. So it's just a formality that it says to apply for ...  
Mayor Rice: Evidently. I didn't write the legislation.

Mr. Snyder: I think that we're required to have legislation in place...  
Mr. Treadon: To accept.  
Mr. Snyder: to accept the money.  
Mr. Treadon: To accept it and spend it.  
Mr. Snyder: And it's the application and the acceptance are hand and glove and that's how it's worded. I think that the application is done by the Mayor and we have to authorize the acceptance of the money. I think ... the council has to receive all monies. It's - I believe - am I correct in my statement?

Mr. Osborne: But the application has been completed and accepted and that was last fall.  
Mr. Treadon: That's probably a gross error on the part of the Law Department in drafting that ordinance by putting that word in there.  
Mr. Osborne: Okay. I just wanted to make sure my mind wasn't playing tricks on me.  
Unidentified: No comment.  
Mr. Snyder: That's what Cuba Gooding said, show me the money.

Mr. Treadon: I would also suggest it will have no effect on the effect of the ordinance.

Mr. Snyder: Okay...

Mr. McLaughlin moved and Mr. Foltz seconded to **adopt the first reading** of Ordinance No. 38-03. All members present voting:  
Yes: Kiesling, Lindower, Magel, McLaughlin, Osborne, Snyder and Foltz.  
No: 0

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Mr. McLaughlin moved and Mrs. Magel seconded to **suspend the rules** for Ordinance No. 38-03. All members present voting:  
 Yes: Lindower, Magel, McLaughlin, Osborne, Snyder, Foltz and Kiesling.  
 No: 0

Mr. Snyder: May I have a motion to - did I adopt that ordinance there? I forgot.  
 Mr. McLaughlin: Yea, you...  
 Mrs. Bittle: Adopt under suspension of rules is next.  
 Mr. Snyder: Suspend the rules - adopt it now. We ...  
 Mrs. Bittle: We suspended the rules.  
 Mr. Snyder: Yea, now I want to have a motion to adopt under suspension of the rules Ordinance No. 38-03. Inaudible...myself...

Mr. McLaughlin moved and Mr. Foltz seconded to **adopt under suspension of the rules** Ordinance No. 38-03. All members present voting:  
 Yes: Magel, McLaughlin, Osborne, Snyder, Foltz, Kiesling and Lindower.  
 No: 0

20. Mr. McLaughlin moved and Mr. Osborne seconded to **read by title only, first reading** of Ordinance No. 39-03. All members present voting:  
 Yes: McLaughlin, Osborne, Snyder, Foltz, Kiesling, Lindower and Magel.  
 No: 0

**Ordinance No. 39-03 - First Reading**

Ordinance No. 39-03 amending Appendix "A" of Ordinance No. 124-02 by the addition of an Incubator for use by the Water Treatment Plant and declaring the same to be an emergency.

Mr. Snyder: Mr. Steinhebel, the Superintendent of the Water Treatment Plant, was here last week. As he told you that incubator that we had stopped there are no parts for it, it's in excess of 20 years old. It's a necessity to take the water samples and incubate them prior to the testing. And this week he has done it and they've - they send them out to the lab so it's a very costly process. With our own incubator ...inaudible... hence that's the reason for the emergency of it.

Mr. Osborne: Mr. President.  
 Mr. Snyder: Mr. Osborne.  
 Mr. Osborne: Thank you for...  
 Mr. Snyder: That's alright.  
 Mr. Osborne: indulging me here.  
 Mr. Snyder: No problem.  
 Mr. Osborne: I missed last week and I've read your committee minutes. I'd just like to commend you. This is a true emergency.  
 Mr. Snyder: Well I appreciate that.  
 Mr. Osborne: So I'm onboard with this. You need the equipment in order to do the tests.  
 Mr. Lindower: Thanks for that info.  
 Mr. Snyder: Was you buying the pizza when we're going to be singing...  
 Mr. Osborne: Yes sir.  
 Mr. Lindower: Thanks for that info...  
 Mr. Snyder: Kum-Bi-Ya here before...  
 Mr. McLaughlin: No way.  
 Mr. Snyder: Part of the...inaudible...  
 Mrs. Magel: One out of 13 ain't bad here.  
 Mr. Osborne: One true emergency out of 13, that's pretty good batting average huh?  
 Mr. Snyder: At least we're getting along.

Mr. McLaughlin moved and Mr. Osborne seconded to **adopt the first reading** of Ordinance No. 39-03. All members present voting:  
 Yes: Osborne, Snyder, Foltz, Kiesling, Lindower, Magel and McLaughlin.  
 No: 0

Mr. McLaughlin moved and Mr. Osborne seconded to **suspend the rules** for Ordinance No. 39-03. All members present voting:  
 Yes: Snyder, Foltz, Kiesling, Lindower, Magel, McLaughlin and Osborne.  
 No: 0

Mr. McLaughlin moved and Mr. Osborne seconded to **adopt under suspension of the rules** Ordinance No. 39-03. All members present voting:  
 Yes: Snyder, Foltz, Kiesling, Lindower, Magel, McLaughlin and Osborne.  
 No: 0

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held

Monday, February 24,

2003

REPORTS:

Mr. Snyder: Director of Law, any reports?  
Mr. Treadon: No report.

Mr. Snyder: Director of Finance.

Mrs. Herr: Yes, I just wanted to make mention, actually refer to what Mr. DeHoff had said earlier. I did revise the cost analysis for the Sanctuary development based upon the changes he talked about. And I was going to distribute it tonight but I've noticed a change that I'd like to make so I would ask that I can just wait and distribute it tomorrow.

Mr. McLaughlin: Is it - can I ask a question on that? Is it just a projection of what you think...  
Mrs. Herr: Oh yea, projections...  
Mr. McLaughlin: I mean we're just talking - this is one of those hypothetic little situations that it could it, it could not...  
Mrs. Herr: Oh yea I mean it's you know based upon projections and estimates and you know...  
Mrs. Magel: Wishing and hoping and thinking and praying.  
Mrs. Herr: Exactly I mean and what I've used is actually a projection of nine years from now when the development is you know projected to be complete.  
Mr. Foltz: Okay.  
Mrs. Herr: Just for simplification purposes otherwise you know obviously there can be a billed out scheduled as to when you know all these homes and condos and apartments are going to be constructed. So...  
Mr. McLaughlin: Did you take - did you take into consideration on - since he took the senior access living complex out and he put the condos and apartments and you take into consideration you know the hypothetically what property or what city income tax and every...  
Mrs. Herr: Oh yea, yes. A lot of those revenue projections I had already done earlier, but I did make some adjustments for these changes. But where it really effects it is in the expense side of the analysis.  
Mr. Snyder: And that's predicated on the south side being annexed to the city. Is that correct?  
Mrs. Herr: Yes.

Mr. McLaughlin: Can I ask one other question before you do - before you - when you say it's a hypothetical, is there a situation where you can do one where you give us the worst scenario?  
Mrs. Herr: Well I think in my projections I think I've been conservative.  
Mr. McLaughlin. Okay okay.  
Mrs. Herr: So you know...  
Mr. McLaughlin: I'm just asking that question you know I just want to...  
Mrs. Herr: I'm not saying that things are going to be you know any worse than this or better than this, but you know I think I have - I think I was conservative in my estimates on you know on both sides revenues and expenses. So...

Mr. Foltz: Okay. And I ... follow up if I may, are we looking at what 30 percent using some figure as far as - say the subdivision's finished, you're looking at what - what percentage are you looking at possible for income tax revenue as a ballpark ...  
Mrs. Herr: Well the projections that I used I basically took into effect that 30 percent of the actual number of units we would receive income tax from.  
Mr. Foltz: Okay.  
Mrs. Herr: So basically you look at the reverse saying that 70 percent we would not be collecting additional income...  
Mr. Foltz: Right.  
Mrs. Herr: tax from because they already you know work in North Canton or they work in a city where they already are paying income tax.

Mr. Foltz: Right. And as one more follow up. Say like the subdivision like Monticello, is there any way you can get a figure on who pays income tax through returns or however else you would do it?  
Mrs. Herr: Yea it's possible. We have to...  
Mr. Foltz: And I'm not asking you to spend a week on it I'm just you know - that would be curious from that prospective it would give us kind of a...  
Mr. McLaughlin: A rule of thumb.  
Mr. Foltz: yea a rule of thumb or analogy or something else.

Mr. Snyder: Historically though - historically 27 percent of the people in the city pay income tax - city wide. That's basically where we're at right now - 27 percent of the residents pay income tax. The others pay either outside the city or have un-ordinary income and they're not subject to our tax.  
Mr. McLaughlin: And did you...  
Mr. Snyder: But Monticello is the closest mirror to that.

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Mr. McLaughlin: Right right. That's why I wanted the rule of thumb...

Mr. Foltz: Yea, I'm just curious on that.

Mr. McLaughlin: to see what Monticello pays and see what happens. I guess my other question - one last question and I'll get off this kick. But ... do you take into consideration of all the improvements - the lift stations and everything else and the sewers and stuff like that that we might have to pay? I mean is that taken into consideration?

Mrs. Herr: Well as far as the lift stations go, it is my understanding that if we have to put in another lift station that there would be one or two that would be taken off. So I basically considered that as a wash and did not factor that in.

Mr. McLaughlin: Okay.

Mrs. Herr: Because there would be an additional - it would be one additional and then maybe two coming off. So that's why I didn't factor any lift station maintenance into my projections.

Mr. Snyder: None of that has been determined has it?

Mrs. Herr: No. I mean it's still you know - but again you know I tried to make this as simple as possible - if it is possible and I kept that out of the equation because again I felt that it would you know chances are likely that it would be a wash if that's the way it goes.

Mr. McLaughlin: And the water is definitely out of the question?

Mrs. Herr: Yea, there's nothing in here regarding water or even as far as you know storm sewer lines and things like that. All of that is projected to be paid for by McKinley.

Mr. Osborne: Mr. President, may I...

Mr. Snyder: Yes sir, you may.

Mr. Osborne: Julie, do you show any kind of an impact, positive or negative, toward the North Canton City School systems with the influx of new residents in that projection?

Mrs. Herr: Well whether it's annexed or not it's going to be North Canton City schools.

Mr. Osborne: Okay.

Mrs. Herr: So it doesn't have any impact.

Mr. Osborne: No bearing - okay.

Mr. Snyder: Any other questions ...inaudible... Director of Administration Held.

Mr. Held: Yes, all of you should have a copy of the annual report for the Police Department. Do you have that?

Mr. Lindower: Inaudible...got one.

Mr. Held: Okay. And the Chief of Police, Mike Grimes, put that together with his police officials down there did a real nice job and if you have any questions on it don't hesitate to give us a call.

Mr. Snyder: Mr. Mayor.

Mayor Rice: No report.

Mr. Snyder: Mr. Engineer.

Mr. Benekos: Just one item. I wanted to prep council. In a week or three weeks I may be bringing legislation to enter an agreement with the county for cooperation ... purchase of some GPS surveying equipment. This is for the county's CORS System - it's a Continuous Operating Reference System. It ties into the satellite so we can do some surveying based on the satellite system. It was not in the budget specifically to enter into an agreement with the county but I did have some money in the budget under the sewer collection system analysis to purchase these units so that we could go out and do some surveying. It'd be more prudent to enter into an agreement with the county and join forces with them than for us to do it all on our own. So I just wanted to prep you on that so when you see it in a couple weeks it doesn't surprise you.

Mr. Lindower: Is that basically for mapping Jim, is that what that's for?

Mr. Benekos: Correct.

Mr. Osborne: What funding level are you talking about?

Mr. Benekos: In - about 25,000.

Mrs. Magel: If I may interject. I think you've been asking for this for at least three years. We've been discussing this and...

Mr. Benekos: Well we've been discussing GIS...

Mrs. Magel: Oh.

Mr. Benekos: and this would support that in the future. It's the equipment we would need to assist us in a GIS in the future. That's correct.

Mr. Snyder: Madam Clerk, do you have any comments?

Mrs. Bittle: No report.

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REPORTS - COUNCIL:

Mr. Snyder: Member Foltz.

Mr. Foltz: Yea just a few follow up comments. I totally agree with Mayor Rice and excuse my English here but if it ain't broke don't fix it. That doesn't get any simpler than that with how we run council up here. We're a very efficient city. I've seen other entities that don't even get the vehicles or the projects underway in the same year that they supposedly are going to approve it. I hear from a lot of contractors, developers, people in business that they're just amazed that a city of our size, the amount of infrastructure work, the amount of efficiency that comes out of our city as far as the government all encompassing. And I think that speaks well from us. When there is a difference of opinion, obviously as this street light at Wilbur, this is how the system works. We have two council members that aren't supportive of it. We've had discussion on it, debate on it and allowed for public input. I think that's the way it should work. But as Mayor Rice indicated a lot of this is business as usual. And I like to see us get the trucks out there, get the projects started and completed within the same fiscal year if at all possible. I think we owe that to our constituents here. And just to follow up on the appropriation ordinance, I researched with Gail in the Council Office and it's been done that way the last 22 years and probably it's been approved that way ever since the inception council here through the charter. I don't say that for sure but I've never had a problem with it. If we have to appropriate 30 million dollars we always come back to it in a committee in a legislative form - that's the bottom line and there's room for input there whether it's on emergency or three readings. So the wool is not being pulled over anybody's eyes. The public is always welcome for their input. People can call or write me or just you know call our council office. And rarely do I have people that are concerned with the decisions we're making up here - rarely do I get a call about it. So I think overall we're doing a very good job and I'm giving us all a pat on the back and I think rightfully so. Thank you.

Mr. Snyder: Thank you. Member Lindower.

Mr. Lindower: Well I'd just like to reiterate what Doug said, I agree 100 percent. I have never had any complaints from any of my constituents on the way we're doing business. Also I'd like to say I spent a lot of time today running around all over Stark County for different errands I had to run and I'd like to commend the Street Department again on the job they did today for clearing the snow. They had mess to start with this morning at 8:00 and they did a great job on it. That's all.

Mr. Snyder: Thank you. Member McLaughlin.

Mr. McLaughlin: I was going to say the same thing. I think our Street Department is definitely tops in this - in Stark County. I again I just can't believe the job they've done. They've got around, they've salted the streets, they get out in time and everything else like that. That's one thing. Second of all is I have to agree with my other colleagues here. We've doing this on council - I've been on 12 years and I think we've never had a problem with the appropriations. And if we did we always had - that's why we pass the budget we always have it on as a separate item the people come up and that's why people - so that the public can speak every second and fourth Monday night to come in and put their input in there or they can pass it on or call their council person at large or their ward person and ... their comments which is no problem. Third of is again, I want to say as we were saying last week, when council people have facts and figures it would be nice not to hand them out that night, it would be nice to come up and give little time to look over stuff. Just like last week when he starts - and Chuck I'm you know I saw your charts and everything else, but it would have been better had you done it in a - give the people give us a little heads up and said here's what I have for you. It gives you a chance to look it over, comments, whatever. You know you want the public to speak on it, but you don't want council to because you throw ...inaudible... down and you don't have us - time to have us digest it and everything else like that. So if you have stuff in the future I really would like to have some time to look it over and see it rather than have it been read to me or whatever. Thank you.

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

Mr. Snyder: Thank you. Member Magel.  
Mrs. Magel: No report.

Mr. Snyder: Mr. Osborne.

Mr. Osborne: I didn't bring my documents with me tonight for this. This has been on mind for two months. We had a situation presented to council before I actually became on - came on council concerning the renaming of Easton Street. This came from the County Emergency

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Preparedness. They cannot locate certain residences on East Maple and Easton because there's a problem with the addressing. And I sat in the audience and listened to the presentation and the gentleman made it clear that there would be no problem as far as using up letterhead that the post office recognizes dual addresses for up to a year. And a good example of that is the people in Oakshire right now, they just had all their addresses changed and they can use up their literature and - or whatever. So I don't know why this is languishing before council. I really would like to see it. I know we've talked about no-brainers, I don't know why it's been made into a traumatic situation. The post office can handle the dual addresses, letterheads can be used up so there's no expense to residents. And if we're truly interested in safety like I keep hearing, this should of been passed a year and a half ago. So I would hope that this is introduced soon and moved through. And I would certainly go on an emergency on this because this has dragged out for a considerable length of time for absolutely no reason. That's all I had.

Mr. Snyder: The only thing I would say, since we've all commented on our budget, I for one as chairman of the finance committee and having the distinct honor to serve as your president of this council, that I'm very proud and very pleased that we are one of the few cities in the Stark County area that have the ability to pass a budget and still have additional funds. And I credit both the Finance Department, the present administration, the former administration, for that privilege that we have to pass the budget whether it be on an emergency or regular without asking the citizens - the great citizens of the City of North Canton who support us and we're able to do that. And I hope that we are - continue to do that. And I thank the administration and Director of Finance for the privilege.

FINAL CALL FOR NEW BUSINESS:

Mr. Snyder: Is there anyone in the audience wishing to speak at final call for business tonight? If so please step forward state your name. If not if the young ladies that are our guests in audience would like to come up we'll sign those papers. You're more than welcome to sit in this chair, I'd gladly relinquish to anytime to anybody it's a...

Mrs. Magel: Mr. President...  
Mr. Snyder: Madam.  
Mrs. Magel: I need follow up.  
Mr. Snyder: Surely.

Mrs. Magel: Concerning the Easton - renaming of Easton and East Maple Street, it is on my committee. I have taken, unbeknownst to Mr. Osborne, had he choose to communicate at all he would of understood there had been steps forwarded, it's already been done so that we can do this correctly. I do not have my law degree so I want to make sure this is done legally correctly and have taken steps to do so. And at this time I would ask you to please be a councilperson and not campaign for mayor. Thank you.

Mr. Snyder: And if there be no other business to come before this council may I have a motion to adjourn?

ADJOURN:

Mr. McLaughlin moved and Mr. Osborne seconded to adjourn the council meeting. All members present voting:  
Yes: Foltz, Kiesling, Lindower, Magel, McLaughlin, Osborne and Snyder.  
No: 0

The meeting ended at 8:38 p.m.

PRESIDENT OF COUNCIL

ATTEST:

CLERK OF COUNCIL