

RECORD OF PROCEEDINGS
COUNCIL OF THE CITY OF NORTH CANTON

REGULAR Meeting

Minutes of

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, March 10, 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 Rev. Tom Douce, Interfaith Campus Ministry.
- 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.

- 5. Consideration

Consideration of Minutes of February 24, 2003
Consideration of Minutes of Public Hearing: 3/3/03

Mr. McLaughlin moved and Mrs. Magel seconded to approve the minutes of the council meeting and minutes of the public hearing 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 March 3, 2003.

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

Personnel & Safety Committee: Refer to the minutes on file in the Council Office of the Personnel & Safety Committee meeting held March 3, 2003.

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

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

Mr. McLaughlin moved and Mr. Foltz seconded to accept 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: Before we get started, again it's very nice to see the students of Hoover High School with us again tonight. Please come back anytime, you're more than welcome. It's always nice to see you in the audience. At this time we'll recognize any visitors in the audience wishing to speak to the council this evening. If so please step forward state your name and address for the record. Seeing none...

OLD BUSINESS:

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

Ordinance No. 13-03 - Third 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.

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Mr. Snyder: Chairman Magel.

Mrs. Magel: Yes, this is the third and final reading on authorizing the installation of a traffic light at the intersection of - on Main Street and Wilbur. To be proactive knowing that Swensons is coming in it's already a dangerous intersection as we had spoke and there's going to be in the future even more businesses on both the east side and the west side. So it's ... as the congestion was going to get higher here we were - like to place a traffic light on Main Street and Wilbur.

Mr. Snyder: Any comments of the council?

Mr. Osborne: Mr. President, I'd like to make some comments.

Mr. Snyder: Mr. Osborne.

Mr. Osborne: I've done some further research at the intersection - I'd like to pass it out to the council.

Mr. Snyder: Thank you.

Mr. Osborne: And also I have copies for the press here if you'd - Madam Clerk could you... What I've done here is analyze the 24 accidents that have happened at this intersection and that's over a three year period. These are the number of accidents that have referenced this intersection - 24 accidents did not happen at this intersection. There were only 7 accidents at this intersection in three years - 17 accidents only reference this intersection as the closest reference point. If you look at the second page of the handouts marked page 1, I've listed each accident. January 27, 2000, that one occurred at the intersection, it was a Thursday, the weather was clear dry, it was dark, it was an accident between a full size vehicle and a compact, I have the directions of each of the vehicles, the pre-crash actions as the reports - as reported by the officer, contributing circumstances - in this case it was an injury accident. All the way through on page 1 there you see there were three accidents at the intersection. The fourth accident in July of 2000 is anywhere from 107 to 159 feet from the intersection. You go on over to page 2, none of those 5 accidents occurred at the intersection, running between September of 2000 and December of 2000. Every accident on that page 2 happened anywhere from 266 feet to 530 feet from the intersection. Page 3, we have one that occurred at the intersection and that'd be October of 2001. The other 4 accidents occurred some distance from the intersection. Accident no. 12 in this list of 24, somebody was improperly changing the lanes. No. 14 on page 3 there, again improper lane change. On page 4, accident 15, an 1/8 of a mile from the intersection - two there on that page were at the intersection. Three of those were some distance from the intersection. Page 5, again one accident at the intersection. If you look at the summary page of the citations that were probably issued in these accidents of the 24, 3 were following too closely, 3 improper lane change, 1 was improper backing, 1 was a single car accident - it was undetermined. Of the remaining 16 that were failure to yield, 10 of those were outside the intersection, 6 were failure to yield at the intersection. I haven't analyzed all the other intersections up and down Main this closely, but if you look at the handout, I don't know if anybody brought the bar chart that I passed out two weeks ago, I mean if you want to look at dangerous intersections look at Applegrove and Everhard, which I'm sure everybody would not dispute. Again it's up there and contrary to the trend of all the accidents up and down Main, looks like Everhard has been increasing over the last three years - Applegrove is down slightly. As I pointed out two weeks ago in looking at Main Street accidents, they have declined 17½ percent over the last three years - that's 2002 as compared to the year 2000. That's a good trend - accidents on Main Street are trending downward. City wide accidents, again 2002 over 2000, they're down 15½ percent over the last three years. This is all the research I have done on that intersection. We have a court case in Cuyahoga Falls and a court case in Fairlawn. The Fairlawn case the finding was all cities must comply with the uniform code of manual and there was a lot of here say information saying well we thinks it doesn't - that case proved it, it does. The Cuyahoga Falls case was a case regarding the placement of stop signs for the most part, but also included light signals, without warrants or valid warrants. Now I presented letters from the Stark County Engineer's Office and ODOT. They questioned the validity of these warrants - the process in which they were done. The traffic generator form which was used is not the one that they would use if they were studying the traffic history and the proposed history of this intersection or the proposed plans for this intersection. Both of these letters from people that are respected and looked to for traffic analysis. I don't think we can classify this as a dangerous intersection and I really wish council would think about this. In the last six weeks I've heard rumors of a - plans for another light signal on Main Street and I guess it's been publicly discussed here in the last week the city plans yet another light signal on Main Street. Where is this going to end? There are people that are in analyzing situations and make ... assessments who are skilled in this area. I really think there needs to be some long range planning. From Applegrove to Orion really needs to be widened with a turn lane in the middle. There are turnoffs up and down through there and I have almost had rear end accidents myself. You cross Applegrove north bound and the minute you're through the intersection bingo, you have a turnoff going into McDonald's, you have a turnoff going into the BP station or Acme Click, we could rearrange those turnoffs, consolidate some of them - there's more proactive approach to this besides throwing money - As is stated in that uniform manual of traffic control devices, traffic signals are not a cure all, they add to rear end accidents. People will do anything to avoid them - they will take residential streets if they think there's a shortcut to get around light signals. Traffic stops cost drivers wear and tear on their car, increased gas consumption, add to the pollution because of all those stops. I would like further analysis and just as I believe Council Magel - Councilman - Councilperson Marcia Kiesling suggested, let's wait and analyze the situation and get ... more expert analysis of this. Thank you Mr. President.

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Mr. Snyder: You're welcome. Not to be - continue to belabor this subject, but predicated on your new theory alone Mr. Osborne, I would say with 6 maybe 7 accidents happening from a left turn and two people being injured and transported to the hospital, I don't think I would want to be the person to say to that person or to their families it's a \$110,000.00 would be better spent on something else if we maimed or lost a body at one of those turns. And again not to belabor, but we do have a certified warrant signed by a certified recognized traffic engineer justifying the traffic signal at Wilbur and Main. Now I realize you dispute that fact - that's okay. And that's all I'd like to say. Any other comment of the council?

Mr. Osborne: Mr. President, I'd like to reply to that.
Mr. Snyder: Please sir.

Mr. Osborne: I do not believe Hammontree was a certified traffic engineer - they are certified engineers.
Mr. Snyder: Well I don't believe it was signed by Hammontree, I think it was signed by a Columbus engineer.
Mr. Benekos: No, it was signed by Hammontree.
Mr. Snyder: Oh, was it?
Mr. Benekos: Correct.

Mr. Osborne: Also I'm not trying to down play anyone's misfortune at this intersection. But if you look at every intersection up and down Main Street, Holl Road has comparable accident history to Wilbur. Are we going to put light signals at every intersection? Again there are other avenues. If we have such extreme concern over the traffic moving through our city, I mentioned early on maybe we should look at the speed limit through town.

Mr. Foltz: What's that street by the candy shop there, Jonathan?
Unidentified: Hallum, Hallum.
Mr. Foltz: Hallum. That's where ...inaudible...

Mr. Osborne. North Canton is a very family friendly city. The businesses are all located very close to the roadway. Many of the businesses you step out and you're very close to the traffic flow. Maybe we should think about the speed limit. Again I've talked about spending the money to create a traffic loop so every one of these light signals are talking to each other. Traffic can move through this town without ever having to stop if they were all looped together ...

Mrs. Magel: Mr. President we're off point.

Mr. Osborne: the engineer - the engineer can have all this information right there displayed in his office and control the traffic. If traffic is moving steadily through the city and stopped in a precise queuing fashion there will be breaks in that traffic allowing people to ingress and egress through from the various businesses. I just think this hasn't been thoroughly thought out. And the Mayor continues to insist this is a very dangerous intersection and to be - quite honestly this is - was promised to Swensons and I know that's the case.
Mr. Snyder: Inaudible...
Mr. Osborne: And if the - that's enough I've said enough...inaudible...
Mr. Snyder: I appreciate it.

Mr. McLaughlin: Mr. President, I'd like to call for the vote. I - whatever he says is not going to change anybody's mind, it's still going to be what it is. I think we've hashed these issues out. We're getting off the subject of whether we want the light or not. You know let's go on with the - let's just get on with it.

Mr. Snyder: Is that a motion sir?

Mr. McLaughlin: Yes sir.

Mr. Snyder: Is there a second?

Mr. Foltz: Second.

Mr. Snyder: Madam Clerk, call the roll.

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, third reading** of Ordinance No. 14-03. All members present voting:
Yes: Osborne, Snyder, Foltz, Kiesling, Lindower, Magel and McLaughlin.
No: 0

Held Monday, March 10,20 03**Ordinance No. 14-03 - Third 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: Do I dare? This is the companion piece to Ordinance 13-03 that we just spent 20 minutes off point on. We have just voted to put the third reading for a light on Wilbur and Main Street. But we're going to go a little bit further than that to make that a safe intersection. What we want to do is line up the roads that are east and west so that the businesses will get a double benefit out of this. Right now they're unaligned so the light wouldn't necessarily work. We're going to line the exits on both sides of Wilbur. We're going to have an agreement with DeVille who has that plaza on the west side to realign so that the traffic signal will take care of both egress to both the east and the west. So we'll get a double benefit out of this light and make that intersection safe.

Mr. Snyder: Okay. Is there any comments of the council? If not...

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

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

No: Kiesling and Osborne.

NEW BUSINESS:

10. Mr. McLaughlin moved and Mrs. Magel seconded to **read by title only, first reading** of Ordinance No. 40-03. All members present voting:

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

No: 0

Ordinance No. 40-03 - First Reading

Ordinance No. 40-03 amending the General Personnel Regulations of the Personnel Handbook for the City of North Canton, adopted by Ordinance No. 92-78, as amended, by the addition of a Travel Policy.

Mr. Snyder: Chairman Lindower.

Mr. Lindower: Yes, this is the addition of the travel policy to the personnel handbook for the City. In the past it's been more or less a verbal understanding and this puts it into writing and puts in the personnel handbook.

Mr. Snyder: Any questions? If not...

Mr. McLaughlin moved and Mr. Foltz seconded to **adopt the first reading** of Ordinance No. 40-03. All members present voting:

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

No: 0

11. Mr. McLaughlin moved and Mr. Foltz seconded to **read by title only, first reading** of Ordinance No. 41-03. All members present voting:

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

No: Osborne.

Ordinance No. 41-03 - 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 the groundwater quality evaluation of East Maple well field.

Mr. Snyder: Chairman McLaughlin.

Mr. McLaughlin: Since the EPA has reviewed the proposed work plan we that have, we're doing - this will be for the sampling analysis for the East Maple Street wells for the monitoring wells and one proposed production well. And we'd like to get this thing started. The EPA has turned it over to us for monitoring and we've got to turn back the samples to them to make sure everything goes... We're not in a hurry to develop these wells but we'd like to continue with the monitoring of them.

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Mr. Snyder: Chairman McLaughlin, are those scheduled quarterly?

Mr. McLaughlin: Yes they are.

Mr. Snyder: Quarterly - thank you for that. Any questions of the council?

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

Mr. Snyder: Mr. Osborne, please...

Mr. Osborne: Well I'd just like to again go on record that I talked about last week, I'm concerned the possibility if this is developed of drying up private wells in the area. I'm concerned of reports that I've heard that that area was generally used as a dump back at the turn of the century. And another interesting aspect that I discovered this weekend - Saturday we had nice weather - There have been reports that to connect Oster, we would have untold expense making the connection. So I went for a little walk Saturday and I walked from the end of our 24 inch line where it begins there at Everhard and the railroad tracks over there by Belden Village and I walked south to where I was abeam to the Oster property - 1200 paces. Then I walked over here from Bachtel where we ended our 24 inch line last summer - or summer before last I guess now, walked the route that's planned for the installation of that pipe. Again out to East Maple till abeam the property and I was quite surprised myself to find out that it's a longer distance on the proposed pipeline that was to be put in a few - two years ago. I had 1200 paces to connect Oster to our 24 inch pipeline. Walking the Bachtel route out to East Maple I had more than double that - 2800 paces. Now granted if Oster was ever developed we're talking about a boring under the interstate and Everhard Road. But with the installation of that 24 inch line that we put in last year in much haste, we're practically there to Oster. Now this council promised that we would thoroughly investigate the Oster property. I really think that's what we should be doing now make a comparison in quantity and quality of water. As I've showed this council on the ODNr maps, the Oster property is located in one of the highest producing areas of water in this entire county. So I'd like to put to rest the rumor that we're talking multi many millions to go down and connect to Oster - that is not true.

Mr. McLaughlin: Mr. President, we are getting out of order. I mean that...

Mrs. Magel: Off point.

Mr. McLaughlin: We're getting really off point on what the legislation of Ordinance 41-03 was ...

Mr. Osborne: Point of order, I think I have the floor Mr. McLaughlin.

Mrs. Magel: Inaudible...

Mr. Osborne: I disagree. Everyone keeps saying we're wandering off. We need to look at the big picture - all the facts. You just don't look at a single issue. How can you make a decision when you're just looking at - through tunnel vision at that one issue. You have to look at the big picture, look at all the parameters, gather all the facts. So I present them to the best I can. And council can approve the - can set there and just say we're going to ignore all the research and the factual information I've presented. And that's all I can do.

Mr. Snyder: Thank you. Mr. McLaughlin.

Mr. McLaughlin: I'd like to get on with this and call for a vote on Ordinance No. 41-03.

Mrs. Magel: Mr. Chairman...

Mr. McLaughlin: Excuse me, I'm sorry - Kathy...

Mrs. Magel: For the record this is the first reading.

Mr. McLaughlin: Alright.

Mrs. Magel: It comes from account 7225 and this is the amount for \$26,000.00.

Mr. McLaughlin: Thank you very much.

Mrs. Magel: Go ahead.

Mr. McLaughlin: I'd like to go on with the first reading of Ordinance No. 41-03.

Mr. Snyder: Okay, is there a second?

Mrs. Magel: Second.

Mr. Snyder: Roll call.

All members present voting:

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

No: Osborne.

Mr. Snyder: Thank you.

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12. Mr. McLaughlin moved and Mrs. Magel seconded to **read by title only, first reading of Ordinance No. 42-03.** All members present voting:
Yes: McLaughlin, Osborne, Snyder, Foltz, Kiesling, Lindower and Magel.
No: 0
- Ordinance No. 42-03 - First Reading**
- An ordinance authorizing the extension of an eight (8") inch waterline North on Windem Avenue from Carlton Street to a proposed cul-de-sac, a distance of approximately 262 feet and the extension of a six (6") inch waterline from the proposed cul-de-sac to the developer's north property line, a distance of approximately 276 feet; located in the Northwest Quarter of Section 5, Plain Township (Angel's Pond), in accordance with plans and specifications approved by the North Canton City Engineer, and declaring the same to be an emergency.
- Mr. Snyder: Chairman McLaughlin.
- Mr. McLaughlin: Yea, we're looking at 262 foot of 8 inch pipe and 276 inch or 76 foot of 6 inch pipe. There's four single family dwellings going in there, anticipated to be 400 gallons per day each, so it's giving us a total of 1600 gallons per day of new water source.
- Mr. Snyder: Any comment of council?
- Mr. Osborne: Mr. President, may I speak?
- Mr. Snyder: Mr. Osborne, please.
- Mr. Osborne: I will have to admit I haven't really researched this. Mr. McLaughlin, you say there's - this is going to be servicing four...
- Mr. McLaughlin: That's what the ...
- Mr. Osborne: four families?
- Mr. McLaughlin: inaudible...permit. Yea the water extension request that we had last week it says on here demand is four single family dwellings at 400 GPD each.
- Mr. Snyder: Mr. Vukovich originally applied I think originally sometime in '98 to develop that whole region with water and then it was granted to the annexation of that area, we extended water, we annexed the other portion of the area. At this present time he's only requesting the four corner lots I think in that development which he controls. And of course the lines will be at his expense, the hookup is at his expense.
- Mr. Osborne: Okay.
- Mr. Snyder: And it's billed at I think now we're about 2.3 or 2.2½ the out - the inside rate. And the outside rate has dropped a little under our last time we changed, but it's about somewhere between 2.2 and 2.3 of the inside rate. But he was responsible for the service from our main running down there, which we have a main I think looped at the corner and it will connect onto the corner of that's Orion and - what is that street that runs down there...
- Mr. Lindower: That's Burkey.
- Mr. McLaughlin: Burkey.
- Mrs. Magel: Burkey, that's right.
- Mr. Benekos: Well this is on the east side of Cleveland Avenue. It's up...
- Mr. Snyder: Oh, it's up further.
- Mr. Benekos: Yea, further up.
- Mr. Snyder: Beyond Lee there I'll bet. Cause we run our service as far as Lee I think don't we?
- Mr. Benekos: Yea, I think so.
- Mr. McLaughlin: Yea, there's an 8 inch line on Windham Avenue it will be on from ...
- Mr. Snyder: Yea...
- Mr. McLaughlin: Carlton Street to the cul-de-sac.
- Mr. Snyder: Either way he'll bear the expense of the ...
- Mr. Osborne: Okay, please forgive me I...
- Mr. Snyder: That's alright.
- Mr. Osborne: devote a lot of time to other issues and this one here I have let drop along the way.
- Mr. Snyder: That's a good question. There's no problem. Any other questions of the council? If not...
- Mr. McLaughlin moved and Mr. Foltz seconded to **adopt the first reading of Ordinance No. 42-03.** All members present voting:
Yes: Osborne, Snyder, Foltz, Kiesling, Lindower, Magel and McLaughlin.
No: 0

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Mr. McLaughlin moved and Mr. Foltz seconded to **suspend the rules** for Ordinance No. 42-03.
All members present voting:
Yes: Snyder, Foltz, Kiesling, Lindower, Magel, McLaughlin and Osborne.
No: 0

Mr. McLaughlin moved and Mr. Lindower seconded to **adopt under suspension of the rules**
Ordinance No. 42-03. All members present voting:
Yes: Foltz, Kiesling, Lindower, Magel, McLaughlin, Osborne and Snyder.
No: 0

Mr. Snyder: That's four 7-0's, make a little note of that to ...inaudible...

13. Mr. McLaughlin moved and Mrs. Magel seconded to **read by title only, first reading of**
Ordinance No. 43-03.
- Mr. Osborne: Just want to make it fun huh?
Mr. Snyder: Inaudible...got to have a little laugh...
- All members present voting:
Yes: Kiesling, Lindower, Magel, McLaughlin, Osborne, Snyder and Foltz.
No: 0

Ordinance No. 43-03 - First Reading

An ordinance providing for the issuance and sale of \$1,000,000 notes, in anticipation of the
issuance of bonds, for the purpose of paying costs of improving and expanding the municipal
waterworks system by constructing and installing waterlines, together with all necessary
appurtenances thereto, and declaring an emergency.

Mr. Snyder: May I read into the record so it's noted that attached to this particular ordinance, 43-
03, is a Certificate of the Fiscal Officer of the City of North Canton, Mrs. Julie Herr, stating that
we are - the estimated life of the bonds and that we are in a position to sell such bonds. This
is to pay for the notes that we have out there on that - those short term notes for that 24 inch
waterline that we did put in last Spring I think or the Spring before - some time ago the one there
on Everhard connecting us to the City of Canton water. Is there any questions on that?

Mr. Osborne: Mr. President, may I make a statement?
Mr. Snyder: Please sir, go ahead.

Mr. Osborne: I am remiss I didn't bring my pictures, but this is the 24 inch waterline that runs
from Everhard Road north up the railroad track and terminates some distance from the water
treatment plant. It's not actually hooked up to the water treatment plant at this time. So I think
the public needs to understand that. In the event this waterline was needed, two 6 inch fire
hoses would have to be hooked up to two outlets that stick up out of the ground and water would
be transported the remaining several hundred feet to the water plant in that manner. And as I
understand it it will not be plumbed into the actual plant until the upgrade of the water treatment
plant. And as I pointed out before on a couple of occasions, due to the way the water would be
pouring into this water treatment plant, generates a lot of air bubbles and in the process air locks
the water treatment plant. Now the water treatment plant has to be back flushed as I understand
it about every four days. Trying to run water into this plant through these two 6 inch hoses that
finish that 24 inch line connection, the water has to run very slowly otherwise it ... exasperates
the water - the air problem in the water.

Mr. Snyder: Exacerbates.
Mr. Osborne: Thank you sir.
Mr. Snyder: No problem.

Mr. Osborne: Inaudible...mouth - dry mouth tonight. Consequently, these - this 24 inch waterline
will not provide a backup water source if the city were to be in a severe drought or lose a well.
So let's keep our fingers crossed that we don't have to use this - these two 6 inch fire hoses.
And I wished I had my pictures I - but if you drive down there on the north end of the property
you can see two 6 inch white lines terminating right there north of the water treatment plant and
that's where your 1.2 million dollars ends.

Mr. Snyder: Contrary to a lot of people's belief, the Administration as well as the Council of the
City of North Canton, does have at the best interest of the citizens - it would be fiscally
irresponsible today to connect those pipes into the Water Treatment Plant when we begin to do
the expansion and the enlargement of that plant. However, most people say well you fixed my
road today, you dug it up tomorrow. Well we don't practice that. Even though it's not a 100
percent the best way to do it, the administration as well as the council, the majority of the
council, feels it's fiscally responsible and it would be very irresponsible to do otherwise. And that
is the reason for the two hookups - the makeshift hookup that we have today. Mayor, am I
correct on that?

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Mayor Rice: Exactly Jon. It's - I've sat already tonight and heard so many false statements I hate to - if I commented on every one of them we'd be here all night long and I know these students don't want to be here all night long. But once again that's a - that line was put in for an emergency water supply to the water treatment plant, which in fact has been successfully completed. We didn't have a problem last summer, we won't have a problem this summer. It will serve the purpose we need to secure the water supply for the residents of this city now and in the future when it's permanently hooked up. And again as we talked about a long time ago, we felt it fiscally irresponsible to go to the expense of a permanent hook-in that would just have to be removed at a later date. So again people are - one person in particular continues to want to twist the facts around to be self-serving. But the fact of the matter is the intention of that line - you know it's a little funny now, the person that was protesting in front of City Hall against that line now wants to use it to hookup Oster - that's very convenient. But the fact of the matter is the line's there. I think - I don't want to waste a lot of time cause I think the vast majority of people here at City Council understand what we did, why we did it and it's all been done to serve the best interest of the citizens. It's successfully accomplished it's goal and will continue to do so.

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

Mr. Snyder: Please, Mr. Osborne.

Mr. Osborne: Okay, I very much concur with your statements Mr. President and the Mayor's. Financially it is more prudent to hook it up when the expansion of the water treatment plant is completed. But I do not concur that it needed to be put in an emergency and it will - contrary to the Mayor's statements, it will not accomplish its purpose that it was - when the council voted on this funding. And yes I'm willing to use that line now because we have used 1.2 million dollars of the public's money. I'm not going to be illogical or spiteful and say well just because I was against it then I'm going not utilize that asset. It's in there now, we've spent the 1.2 million dollars. It terminates short of the water treatment plant and about all the water you can get through it is maybe enough to keep your yard green around the water treatment plant cause it will not supply the water needs the city would need if you lost a well or had a severe drought.

Mayor Rice: Jon, I'd just reiterate again, we're listening to flat out false statements. But I don't want to debate this all night long, I think most of the council understands that. Hopefully the public understands that that those are - that's just flat out a false statement, there's no other way I can characterize it.

Mr. McLaughlin: Well I think also to add one...

Mayor Rice: To sit here and think that a 24 inch waterline coming up hooked up to the City of Canton is only going to produce enough water to water your lawn is absolute irresponsible to make that statement. But that's flat out false and I also think it's off the point of the legislation but ...

Mr. McLaughlin: Mayor, one of the questions I - or comment I'd like to make was, when we put that line in we weren't sure where we were going with Dressler. Dressler was still an unknown element if I'm not mistaken. Am I right or am I wrong? We weren't sure if that was going to be continued...

Mayor Rice: Right.

Mr. McLaughlin: We were still in the development stage or seeing where we were at - it was a hot summer. There's no doubt in my mind we did the right thing. I mean there's - we had to have something - some type of relief. The year before we had a watering ban on and as far as I'm concerned it was well spent.

Mr. Snyder: Any other comments of the council? If not...

Mr. McLaughlin moved and Mr. Foltz seconded to **adopt the first reading** of Ordinance No. 43-03. 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. 43-03.
All members present voting:

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

No: 0

Mr. McLaughlin moved and Mrs. Kiesling seconded to **adopt under suspension of the rules** Ordinance No. 43-03. All members present voting:

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

No: 0

14. Mr. McLaughlin moved and Mrs. Magel seconded to **read by title only, first reading of Ordinance No. 44-03**. All members present voting:
Yes: Osborne, Snyder, Foltz, Kiesling, Lindower, Magel and McLaughlin.
No: 0

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Ordinance No. 44-03 - First Reading

Ordinance No. 44-03 establishing a policy for reimbursement of ambulance charges to North Canton residents from other governmental subdivisions when said other governmental subdivisions are called by the City pursuant to a mutual aid agreement and declaring the same to be an emergency.

Mr. Snyder: As we talked last Monday evening, we've run into a situation where - when we must call for mutual aid if all three of our ambulances are tied up, we run into a billing situation because we are outside of the fire district of our abutting sister township as well as Jackson. So what we're asking is that we will pay the bill and for the cost of it for our residents. Is there any questions of the council on that? If not...

Mr. McLaughlin moved and Mr. Foltz seconded to **adopt the first reading** of Ordinance No. 44-03. All members present voting:
Yes: Snyder, Foltz, Kiesling, Lindower, Magel, McLaughlin and Osborne.
No: 0

Mr. McLaughlin moved and Mr. Foltz seconded to **suspend the rules** for Ordinance No. 44-03. All members present voting:
Yes: Foltz, Kiesling, Lindower, Magel, McLaughlin, Osborne and Snyder.
No: 0

Mr. McLaughlin moved and Mrs. Magel seconded to **adopt under suspension of the rules** Ordinance No. 44-03. All members present voting:
Yes: Kiesling, Lindower, Magel, McLaughlin, Osborne, Snyder and Foltz.
No: 0

15. Mr. McLaughlin moved and Mrs. Kiesling seconded to **read by title only, first reading of** Ordinance No. 45-03. All members present voting:
Yes: Lindower, Magel, McLaughlin, Osborne, Snyder, Foltz and Kiesling.
No: 0

Ordinance No. 45-03 - First Reading

An ordinance authorizing the Mayor of the City of North Canton, through the Board of Control, to enter into an Agreement by and between the City of North Canton and the Board of Commissioners of Stark County for the Continuously Operating Reference Station (CORS) network program and declaring the same to be an emergency.

Mr. Snyder: This is our movement into regionalization with the county engineer. Engineer Benekos will be given some type of wand that he can determine for surveying and off the satellite. It's for down time instead of star wars we're playing our own Nintendo. But that's basically - our share is \$27,000.00 I believe...

Mrs. Magel: 27,500.

Mr. Snyder: 27,500. And along in collaboration with the City of Canton and the engineers. And they'll be buying six of those. One given to us and one to Canton I believe and two the - the auditors office also uses them I believe for mapping and the numbering and two to the county engineer. And we're going to pass this on emergency so that we do have the equipment so we can move right into that. And if there's any questions of council on that. Mrs. Magel...

Mrs. Magel: Comment that first reading did say it comes from account no. 7925.

Mr. Snyder: Thank you for that. Any other comment? If not...

Mr. McLaughlin moved and Mrs. Kiesling seconded to **adopt the first reading** of Ordinance No. 45-03. All members present voting:
Yes: Magel, McLaughlin, Osborne, Snyder, Foltz, Kiesling and Lindower.
No: 0

Mr. Snyder: Oh excuse me, I'm sorry. I'm sitting here thinking waiting for - I forgot there's only seven of us. Thank you.

Mr. McLaughlin moved and Mrs. Kiesling seconded to **suspend the rules** for Ordinance No. 45-03. 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 **adopt under suspension of the rules** Ordinance No. 45-03. All members present voting:
 Yes: Osborne, Snyder, Foltz, Kiesling, Lindower, Magel and McLaughlin.
 No: 0

16. Mr. McLaughlin moved and Mr. Lindower seconded to **read by title only, first reading of** Ordinance No. 46-03. All members present voting:
 Yes: Snyder, Foltz, Kiesling, Lindower, Magel, McLaughlin and Osborne.
 No: 0

Ordinance No. 46-03 - First Reading

An ordinance authorizing the Mayor of the City of North Canton, through the Board of Control, to enter into a Mutual Agreement for Technical Assistance with the Stark County Soil & Water Conservation District and declaring the same to be an emergency.

Mr. Snyder: This again is the regionalization cooperation with the county. I don't believe there's any expenditure due this year, maybe next year.

Mrs. Magel: Inaudible...

Mr. Snyder: It's a very minimal amount is it not?

Mrs. Magel: 500.

Mr. Snyder: \$500.00. For some type of assistance to the water and soil and I really don't know what that would be but it sounds impressive to me. I'm sure it's \$500.00, that's all I can say. Cause I can't explain it to you. So if it's worth \$500.00 to you I'll entertain a motion to adopt the first reading of Ordinance 46-03.

Mr. McLaughlin: So moved.

Mrs. Magel: Wait a minute. Jim, isn't this for the purpose of a new development that the - we check out soil and...

Mr. Benekos: It's to get the assistance from the county's soil and water conversation personnel to review the soil - storm water pollution prevention plans, to inspect the sites to ensure that they're complying with the plan.

Mr. Osborne: Could you speak up a little bit Mr. Benekos I can't hear.

Mr. Benekos: Okay. What part?

Mr. Osborne: Can you summarize it a little louder? You were trailing off there and I lost you.

Mr. Benekos: It's -

Mayor Rice: Just take it from the top.

Mr. Benekos: To get assistance from the county soil and water conservation personnel to review plans for the storm water prevention - storm water pollution prevention plans and to inspect the sites during construction to ensure that they're complying.

Mr. Snyder: Well this would be designed to prohibit instances like that happened at the Chapel.

Mrs. Magel: Exactly.

Mr. Snyder: Correct? Is that - maybe you were not here at that time but at that particular time the law was applicable that the water be maintained on the construction site and you had to make efforts to make sure it was. Somebody was not reviewing that plan.

Mr. Lindower: Monticello is a good example.

Mr. Snyder: This is what - that what happened?

Mr. Benekos: I...

Mr. Snyder: I mean not - I realize you're not familiar with that but I assume the Mayor is and I think

Unidentified: Yea.

Mr. Snyder: - am I right in that ...inaudible...

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

Mr. Snyder: Sure, please.

Mr. Osborne: Is this erosion control ... procedures and...

Mr. Benekos: Yes.

Mr. Osborne: Okay.

Mr. McLaughlin: And I think that was addressed. I think Jon was right there was a major runoff problem not only there but also down in Monticello there for awhile...

Mr. Foltz: Right.

Mr. McLaughlin: that the water was running off, there was nothing to keep it back and it was running in the yards and flooding. And I think that's one of the major issues that this thing's going to address hopefully.

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Mr. Snyder: Inaudible... Mr. Foltz.

Mr. Foltz: Yea, Member McLaughlin is correct also. I know they were here at the numerous meetings that we had about the Chapel when the public attended these meetings here in these chambers concerning just the runoff of top soil and silt and so forth as well as in Monticello. I've used them on occasion too in Canton with park situations, erosion control on the creek - the three main creeks that run through the Canton area. So that's money well spent in my opinion. They're very professional and they offer a lot as far as guidance and help for our residents and constituents so I'm very much in favor of supporting \$500.00 to the system.
Unidentified: Yea.

Mr. McLaughlin moved and Mrs. Kiesling seconded to **adopt the first reading** of Ordinance No. 46-03. 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. 46-03. All members present voting:
Yes: Kiesling, Lindower, Magel, McLaughlin, Osborne, Snyder and Foltz.
No: 0

Mr. McLaughlin moved and Mrs. Magel seconded to **adopt under suspension of the rules** Ordinance No. 46-03. All members present voting:
Yes: Lindower, Magel, McLaughlin, Osborne, Snyder, Foltz and Kiesling.
No: 0

REPORTS:

Mr. Snyder: Reports - Assistant Director of Law.
Mr. Treadon: No report Mr. President.

Mr. Snyder: Director of Finance.
Mrs. Herr: No report.

Mr. Snyder: Director of Administration.
Mr. Held: No report.

Mr. Snyder: Mr. Mayor.
Mayor Rice: No report.

Mr. Snyder: Mr. Engineer.
Mr. Benekos: No report.

Mr. Snyder: Madam Clerk.
Mrs. Bittle: No report.

REPORTS - COUNCIL:

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

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

Mr. Snyder: Member McLaughlin.

Mr. McLaughlin: Just two things. One, I'd like to say that the city has done a wonderful job on the streets this year. But I'd like to see them start filling in a few of the holes - the potholes. I know I'm a little premature, but it would be nice to throw a little ash in there and...
Mr. Lindower: Throw some snow in there.
Mr. McLaughlin: No, no snow. Second of all is...
Mayor Rice: They have been out and doing that Rick...
Mr. McLaughlin: Okay.
Mayor Rice: Periodic when the weather ...
Mr. McLaughlin: Hopefully this - this couple days...
Mayor Rice: yea the crews have been out several times over the last couple weeks filling holes, but then it snowed and it - a lot of it came right back out again. So it's - they're trying to do their best to keep up with it.

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Mr. McLaughlin: And the second thing I'd like to address, because I've talked to David about this already, there's a sign on Schneider Road heading towards Main Street and it's a sign about yea big and it says do not block driveway. And what happens is you get a mess there that people on Schneider Road will not allow enough turning space into Walgreens so what happens is they block that up and people that are turning off of Main Street onto Schneider there's been in the last two weeks about 3 to 4 accidents waiting to happen. I don't know if these people can't read or whatever, but I'd like to see a sign that says hey stupid stop here you know. But it is causing a problem. No not me. I caught my wife once and said nah. It is it's a major problem because you've got those people coming off Main, they're turning right or left onto Schneider and they want to turn in there and then it's a bottleneck at that intersection. Where if those people would of stopped before the drive it would of been no problem. But it's just ...

Unidentified: You say that to your wife?

Mr. McLaughlin: No, I wouldn't say that to my wife. No I'd say sweetheart don't go so close.

Mr. Snyder: You need a signal light there?

Mrs. Magel: You've been well trained.

Mrs. Kiesling: Yea maybe we need a light.

Mr. McLaughlin: No. Could I have a signal light there? No a sign - a bigger sign would - something to think about.

Unidentified: You looking for a bigger sign?

Mrs. Magel: You ought to work at the ...inaudible...

Mr. McLaughlin: I really would appreciate something that they're going to see. Not a little - somehow they just don't focus.

Mrs. Magel: Who's they, women?

Mr. McLaughlin: No everybody - everybody, everybody. No.

Mr. Snyder: Did the press catch his - spelling of his last name on that?

Mr. McLaughlin: Everybody. That's all I have.

Mr. Snyder: Thank you Member McLaughlin.

Mr. McLaughlin: Thank you.

Mr. Snyder: Member Kiesling.

Mrs. Kiesling: No report.

Mr. Snyder: Member Magel.

Mrs. Magel: To make ... this is meant into a - to be light and funny. I'd like to congratulate the administration for reducing the traffic on Main Street 15½ percent.

Mr. Held: You're welcome.

Mrs. Magel: Thank you. Keep it up.

Mr. Snyder: Member Osborne.

Mr. Osborne: Thank you Mr. President. I have three items.

Mr. Snyder: Okay.

Mr. Osborne: First item - I'm very disappointed to get a letter from the Law Director that we're going to be delayed on voting on the proposed zoning. I had a fear that was going to happen, although I was given some encouragement that we could move ahead. I'm also disappointed that I didn't find out about the Law Director's ruling until Saturday when I picked up my packet. It's kind of sad that we're held up here for two months possibly cause we have to wait for secretarial services. So I'm just keeping my fingers crossed that we get this in under the two months and we could possibly get this zoning passed before our summer break. And I also hope that the council will live up to its word and we can start discussing the PRD prior to May. Second item - I was looking through past minutes here recently and in the minutes of May 28, 2002 council meeting, Mr. Roy Batista, the Law Director, made a suggestion that subsequent to the annexation of Oakshire into the City of North Canton that he would suggest the renaming of Cleveland Avenue to North Main Street. I don't know - I don't recall any legislation doing that and that was his suggestion. So if you want to double check the minutes that are so well preserved by our Clerk of Council, I would suggest that. And I guess that would fall under your committee Mrs. Magel. That's the recommendation of the Law Director. Last item, I'd like to read this letter. In the last several weeks I have made both a verbal and written request to the Clerk of Council for digital copies of past council minutes and agendas that I believed were being archived for future use. I was informed that these files are being routinely destroyed soon after the minutes are transcribed verbatim and a hard copy is printed for a permanent record. The routine destruction of electronic files that take many labor hours to create and that have a potential for use in many ways is not a practice that should continue. I would request that as President of City Council, Mr. Snyder, that you direct that the destruction of these electronic files in the Council Office, especially verbatim transcripts of council minutes be halted immediately and that council implement guidelines for the archival process of all electronic documents. I make this request for several reasons. First the creation of electronic documents in the course of city business requires the expenditure of city funds. This is especially true in the verbatim transcription of council minutes. Electronic copies of city documents are valuable city assets and disposal of these assets deserves no less scrutiny than the disposal of any other asset owned by the city. Second the electronic format of

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these documents has great value for many uses in the future. One of the uses of maintaining electronic copies of council minutes and agendas is that they can be posted on a city web site for access by city residents at some point in the future. An example of this practice can be seen at Canton's municipal web site and I list the web site address, where council minutes posted in an electronic format date back to December of 2000. Jackson Township's web site and I list their address as well, has council minutes posted, they go back to September of 2000. Massillon and I've got their web site here as well, has council minutes posted on its web site that go back to January of 2001. Plain Township's web site, also their web site listed, has council minutes that go back to August of 2002. In a conversation with Plain Township's clerk I was told that most research of past council business is done via links to archived electronic files of council minutes and agendas. Finally the archival use of electronic documents such as council minutes and agendas would allow the city to reproduce these documents on request at little or no cost to the city. One could simply send the attached file to a resident in an email or copy the file to a removable media supplied by the individual requesting the file. The file could be archived as a read only file if there were concerns that the file might be altered. This would allow for wider distribution of information to the public, more efficient use of public monies and improved services from the city for the citizens of North Canton. And that's all I have.

Mr. Snyder: I appreciate that. Allow me to answer a couple of your questions. Number one - relative to Mr. Batista's opinion, he was not asked to give that opinion until Thursday afternoon, which he did and it was put into the packet as of 3:00 Friday. Unfortunately you did not pick it up until Saturday, but the opinion - I did have pursuant that I did have discussion with Mr. Batista regarding that. It would be very tenuous to say the least and I'm sure Mr. Treadon will back me up, for us and I apologize for my statement to you last week regarding that. But Mr. Batista's -- in his legal opinion to me, for us to vote upon something that is not completely written and documented would be asking for a possibility - as some people challenge the actions of council before it could be done it could be challenged. So consequently I made the decision as your president and I hope that you - I guess it's easier to ask for forgiveness than it is to go ahead and do it. So I'm asking - I did tell him that I would feel more comfortable with moving along that line. So that is the reason. I'm sorry you're inconvenienced on that, but - And relative to your electronic files, I believe that letter was originally addressed to myself or to the clerk, I don't recall. The Clerk, myself, Director of Law Batista did meet relative to electronic capture of data and transmissions. And it's our feeling, the three of us, and I realize as you know yourself Mr. Osborne, I'm not very computer literate - I like to count my own money, I like to feel it, I like to touch it. I'm 56 years old and as long as I am the president of council I apologize to my colleagues, but we will not capture that data electronically. However, I did have a discussion with the Director of Finance relative to transmitting the documents on the web site and she is at this point I believe checking on that with the people that do it. So we are pursuing along those lines. I hope that somewhat answers your question. I'm not saying that to be flippant or to be argumentative, but that's the decision that was made. And that can be relooked at again this December after the election depending on who's sitting in this chair at that time. But I apologize sir, that's the reason for that. Although I did take into consideration some things. It actually becomes very burdensome upon the Assistant Clerk to do it that way. Transmitting it on the computer is very simple and we will do that, but we will not capture on electronic disks and disseminate according. And the actual cost of dissemination of any document upon request of the open records law is paid by the person requesting that document. So there's no cost to the city. Is there any other questions ...inaudible...

Mr. Osborne: Mr. President...
Mr. Snyder: Sir.
Mr. Osborne: May I speak?
Mr. Snyder: Please.

Mr. Osborne: Well I understand Mr. Batista's ruling and I had already quite actually anticipated. I knew all the slashing and burning of that code could easily result in that. In fact I even questioned if we shouldn't send it back to the Planning Commission. That's why I was trying to caution council that close review of that proposed zoning had been gone over line by line by the previous chairman, Mrs. Magel - very close scrutiny for two years and I just couldn't understand why suddenly there had to be deletions to the extent that were made. I guess I have to ask you where - there's no way we could have two readings like we had talked about and then - in fact I'd even - I had even proposed that that we have two readings and then we, if it's not back from D.B. Hartt we'll table it until we have the final form. Has that been discussed at all?

Mr. Snyder: Yes sir. Maybe I can possibly offer somewhat of a solution not knowing the answer. But if you will be so kind sir as to contact D.B. Hartt, not engage them, but contact them and possibly by next Monday see if there's some way that you may accelerate the capture of that data on disk that it could be printed out, that we actually have the document to be attached to the ordinance - that's the problem. It could - we possibly could do it, we'd have not problem. Should someone challenge it, it gives them standing to challenge our ruling in court. Am I saying that correctly when I say...

Mr. Treadon: Well I don't - I think it's a pretty practical matter, if you don't have the document you're intending to pass, you're voting on something that you don't know what it says, I think it's subject to challenge.

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Mr. Snyder: Right. And if you would call those people. I believe the problem is and I'm not - I was told this I don't know - it was told second hand, but they're very busy right now. But possibly there's some way she can accelerate that maybe it's at little additional cost. If you'd be kind enough to bring it back to council next Monday night with your research and what we could do to possibly move that time - that window from what is somewhere around a month do you tell me?

Mr. Osborne: One to two months I believe Mr. Benekos said in his letter.

Mr. Snyder: And possibly there's some way if you would pray upon her our situation. We were very good customers, we paid timely and the next time we redo this you may - she may not want to get involved, but I don't know. She possibly might be on retirement by then. But you might ask her that question and see if there's some way and I will ask that question of the Law Director. Unfortunately I will not do that until Thursday, but I promise you an answer back by Friday morning. And - but if that would help you, we will do anything as a council to expedite your committee to get that report out. I realize how you want to get that out for several reasons. From the impact of the zoning versus certain situations that are transpiring in the city and I think we're all aware of that and all worried with you along with that. But if you'd be so kind to do that maybe there's some way that we can expedite it and move along that line. If that will help your cause I would offer you that. I don't know - I don't know - I'm not you know you'll have to make that decision.

Mr. Osborne: May I respond sir?

Mr. Snyder: Please.

Mr. Osborne: Well I concur with Mr. Batista's judgement. I ...inaudible... like I said feared that was going to be the case and a - So I will take your suggestion up and talk with Mr. Hemminger first and maybe I would let him contract them.

Mr. Snyder: That's fine.

Mr. Osborne: I would like to follow up on your other comment sir...

Mr. Snyder: Please.

Mr. Osborne: that the letter is addressed to you, Mr. Snyder, concerning...

Mr. Snyder: What was the reference date on that?

Mr. Osborne: That is - just today.

Mr. Snyder: Oh I apologize then I didn't see that.

Mr. Osborne: Yes.

Mr. Snyder: That must be the ESP...

Mr. Osborne: I have copies here...

Mr. Snyder: I knew I was going to get zinged. I just didn't know how. I was...

Mr. Osborne: I don't know if you totally grasp the situation here. We spend almost two weeks of a clerk's time converting this to a electronic format.

Mr. Snyder: I'm...

Mr. Osborne: So it's already put into electronic format. I don't know why you would destroy that after you print out one hard copy.

Mr. Snyder: My apologies sir, I was thinking of the letter that was addressed to Clerk Bittle that I read relative to transmitting on ... I apologize I was - I wonder if I may impose on you to allow me to read that letter and possibly Tuesday or Wednesday I will contact you and you and I can discuss it and you can explain it and hold my hand and...

Mr. Osborne: Actually this is the original.

Mr. Snyder: let me know a little more what it's about. If you'd be so kind to do that. And then you and I will have a conversation which we'll return and we'll bring to the council floor next week. Will you be - you're fine with that and you...

Mr. Osborne: Well can I just elaborate here a little bit more?

Mr. Snyder: Please, go ahead.

Mr. Osborne: This is in no way a reflection on our Clerk of Council - she does a very excellent job. But these are past practices that had just maintained their momentum. I have talked to several municipalities in the area, no one is destroying their electronic versions of the material. The concerns the Clerk has had is that, number one, there's no room for storage. I think if someone could offer some IT expertise this could be totally eliminated. You could probably put 5 years worth of minutes and agendas on one zip disk. A zip drive can be installed in any or both - any computer for \$150.00. And as I've showed, every municipality around us is posting their minutes online. But if you've already destroyed them you have no history there to post. Our Clerk is spending two weeks transcribing this into a word document, that's got to cost a thousand dollars. Why would you destroy what you just spent two weeks creating. So I really would appreciate and I thank you for offering to read it closely and wanting to discuss this and if need be you can consult with your IT experts where ever you want...

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Mr. Snyder: That would be you because I honestly I apologize I'm ignorant to that. But if you'd be so kind to bring me up to speed and explain it to me in fourth grade language I probably could understand it. And I'm serious, I don't know a lot about that. And if you'd be kind enough I'll gladly give you some time this week and we'll go over it.

Mr. Osborne: The other concern was that someone could change the document. It could be saved as a read only document. And then quite frankly if somebody wanted to they could come in and scan our hard copy documents OCR them and change them whatever they want. So - but anyway this is state of the technology, it's been in place for a number of years. I don't mean to downplay little Plain Township, but they're even on the bandwagon here. She explained to me how she creates links and anytime she wants to look up an issue she just does a search. They don't have to go digging through the papers. And anyway I appreciate the offer to discuss this and...

Mr. Snyder: Alright and I'll - we'll discuss this.

Mrs. Magel: Mr. President...

Mr. Snyder: Madam.

Mrs. Magel: There's some comments made and I tend to agree with the Mayor, they're not altogether true. We're getting this letter - little slogan, slash and burn. Now I thought this council and the honorable members agreed to take the PRD out and that's all we took out. Other than that we had a citizens - senior citizens development that was one half page of out a book that's this thick. So as I'd like to say we made minimal as a council, minimal changes to this. And so I don't want to hear how it is has to go back down to planning. We have to be people of our word here. Second of all the PRD - there was an agreement that we would bring it up we hoped in May, but the idea was was not to mix the two up. We were going to get the one finished and then we would get on to the next section. So while we were discussing and trying to get this book finalized, I'd like not to have - bring that and argue about it. I also was quite surprised about the - that letter that I read and I also didn't know - well I knew Friday night. And it surprised me and it - I came up to the same conclusion you did, this is slowing things down. But if that's what we have to do, that's what we have to do. Thank you.

Mr. Snyder: Okay. Inaudible... is there any. Excuse me...

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

Mr. Snyder: Mr. Osborne please.

Mr. Osborne: Well obviously we've removed enough from the proposed zoning that the Law Director feels there's - there needs to be time taken to recompile it.

Mrs. Magel: He said that because of the removal?

Mr. Snyder: His statement was since we don't physically have...

Mrs. Magel: Right.

Mr. Snyder: The actual zoning. And one thing and I don't know this - I'm telling you one minute I don't anything data - electronic data, but it is on a disk and I'm sure if they changed the disk and forwarded you a copy that we can either copy or what to attach to the legislation we can move forward with the - we don't need the formal book and bound and so forth. So that could save some time. So you know not to belittle it, if you follow up this week on that and let us know by Monday we'll know if there's anything and then we can - cause right now we're really arguing semantics we don't what will be.

Mr. Osborne: Okay.

Mr. Snyder: Okay, thank you.

Mr. Osborne: Thank you sir.

FINAL CALL FOR NEW BUSINESS:

Mr. Snyder: Is there anybody in the audience - last call for business ...inaudible... Mr. Bourlis, please state your name and address for the record.

Alex Bourlis: My name is Alex Bourlis. 860 7th Street (excuse me) NE, North Canton. First I'd like to thank the council for understanding the difficult intersection of Wilbur and North Main. And second I'd like to refer something to Mr. Osborne because he from what he said accusing the Mayor for promising something to somebody. I did meet with Mr. - with Mayor and a couple other people before I started my project up there and I was present when we met with the Swensons. I never remembered Mr. - the Mayor what do you call it - promised me anything or the Swensons anything. So that intersection is because you don't live there, you don't work there - what I'm saying is you never really experienced the difficult of getting out of Wilbur. Besides that is when Swensons gets in there you're going to have these people going in and out, how are they going to get out? It's just like having 7th Street when what was the other - what was that other place that drive-in was there?

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held

Monday, March 10,

2003

Mrs. Magel: Maxie's.
Mrs. Herr: Maxie's.
Mr. McLaughlin: Maxie's.
Mr. Bourlis: Yea, when Maxie's was there...
Mr. Snyder: 7th and Main.
Mr. Bourlis: If - I mean vision that Maxie's was there and there's no light on 7th Street, where are those people going to go? How they going to get out?

Mr. Osborne: Well I appreciate your comments Mr. Bourlis.

Mr. Bourlis: So that intersection was - it's very difficult to get out and we need a light there. Thank you very much.

Mr. Snyder: Thank you Mr. Bourlis.

Mr. Osborne: I would like to add that from Applegrove to Orion is difficult the entire stretch there and it needs a study from the big picture and not just a bandaid put on there, a comprehensive study and plan that will rectify that whole stretch of highway.

Mr. Bourlis: You see that should of been done a long time ago is what I'm saying. We don't wait for all the businesses to come in and then we widen the street. Just like Jackson has got a big problem now. They should of widened those roads a long time ago, not wait until the Strip comes in and Belden Village gets - I mean they're ten years behind. So what are you going to do?

Mr. Osborne: You're very right, something should of been done in that stretch of the city a long time ago.

Mr. Snyder: Is there anyone else in the audience wishing to speak to us tonight? Seeing none...

Mr. Osborne: Thank you sir.

Mr. Snyder: Is there any other comment of 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