

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, January 27, 7:10 p.m. 20 2003

CALL TO ORDER:

1. The meeting was called to order at 7:10 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, will you please call the roll?

ROLL CALL:

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

Minutes of Council Meeting: 1/13/03
Financial Statement: December, 2002
Mayor's Court Receipts: December, 2002

Mr. Osborne moved and Mr. McLaughlin 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 meetings held January 13 and 21, 2003.

Ordinance, Rules & Claims Committee: Refer to the minutes on file in the Council Office of the Ordinance, Rules & Claims Committee meetings held January 15 and 21, 2003.

Street & Alley Committee: Refer to the minutes on file in the Council Office of the Street & Alley Committee meetings held January 13 and 21, 2003.

Water, Sewer & Rubbish Committee: Refer to the minutes on file in the Council Office of the Water, Sewer & Rubbish Committee meeting held January 21, 2003.

Mr. McLaughlin moved and Mr. Osborne seconded to approve the committee report minutes as presented. All members present voting:
Yes: Lindower, Magel, McLaughlin, Osborne, Snyder, Foltz and Kiesling.
No: 0

7. Recognition of Visitors

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

Mr. Berardi: I'm Victor Berardi. And I live at 1355 Salway Avenue. Tonight I'd like to take a few minutes to summarize the efforts that many of my fellow neighbors and I have undertaken to educate the citizenry on issues concerning the sale of Arrowhead County Club. Our hope was to inform the citizens so that they could take action as they saw fit. My intention here tonight is accurately reflect the contact and the spirit of our interactions rather than to provide my own personal bias on the issue. Specially I will address my comments first towards the uses permitted on land designated as parks and institutions under current zoning and then I will address the city's inquiry into purchasing the tract. As you may know nearly 100 citizens signed petitions collected over just a couple days in support of council's efforts to secure this property for our citizens and to urge council to complete zoning revisions as soon as legally possible. Many dozens more have communicated their support through letters and telephone calls. In the interest of full disclosure I have brought copies of the cover letter I have submitted to council with the petitions. I want to make sure all who signed can see what I did with their petitions. On the issue of zoning, it is clear that the citizens are disturbed to learn that the current code for land zoned as parks contains a provision that may allow hundreds of homes to be built. Even the city's law director has noted that there is significant and I quote, "significant ambiguity in the legislation." This is certainly not comforting. Our purpose now is to find solutions for the future

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rather than to assign blame for the past. I understand that the March 3rd meeting will include approval of these zoning revisions. After that it will be sometime in May before the new code could be enforced. The residents we talked to are emphatic, complete this process as quickly as legally possible. In particular do not allow external issues to slow down revisions to the parks and institutions code. Now to the issue of city council's bid on Arrowhead's property. As I went from house to house I was struck by the number of seniors I met, many of whom who are retired or living alone. But regardless of age it was heart warming to hear residents' consistent and enthusiastic support for a possible city purchase of the property. In fact many residents believe the city already was purchasing the property. When I noted that council was merely going to bid on Arrowhead and we hoped to help to communicate support for their efforts, people eagerly signed the petition. The number of residents who asked for flyers so they could pass them out to family, friends and neighbors was truly uplifting. I was humbled by the genuine gratitude expressed by so many of these citizens concerning our efforts to meet with them in such harsh weather conditions and I knew we were doing the right thing. To be sure these citizens understand that the issues are complex and the competition will be stiff. But they also expect council to make a good faith effort to structure a package that simultaneously meets the needs of Arrowhead and the North Canton community at large. I urge you to set aside your personal differences to concentrate on this important civic process. It has been said on City Council that this property would be a jewel for the city. If you look at a map I think you'll agree it is indeed a jewel - a beautiful, unique and venerable emerald fully surrounded by developed parcels. I fear that once the bulldozers begin and the concrete is poured it will be lost forever and that truly would be a shame for all citizens of North Canton, both present and future. Thank you very much.

Mr. Snyder: Thank you Mr. Berardi. I am pleased to report as the president of this body that the seven members of this council, Mayor Rice and his administrator and all the officers of this city, are in total agreement that we move with our bid in an attempt to purchase this property. But we do appreciate the kind efforts and I do appreciate all the kind...

Mrs. Magel: Support.

Mr. Snyder: petitions that we received and comments. Thank you very much for your efforts sir and I hope they continue. Thank you.

Mr. Berardi: Thank you. Best of luck.

Mr. Snyder: Thank you.

Mr. Osborne: Thank you Mr. Berardi.

Mr. Snyder: Does anyone else in the audience wish to speak to the council? Mam, please step forward, state your name and address for the record.

Ms. O'Harrow: My name is Amy O'Harrow. I live at 1345 Salway Avenue. And I also just wanted to interject that although I'm saddened that Arrowhead is selling, that I do encourage you to put forth a competitive bid. I really want North Canton to buy it and I'm hoping that we can keep it nice and green and we already have enough traffic on Salway. So that's all. I just wanted to interject and pretty much with Victor we talked about a lot of things we're in total agreement. So thank you.

Mr. Snyder: Thank you very much. Anyone else wishing to speak? Alright, thank you. If not...

OLD BUSINESS:

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

Ordinance No. 1-03 - Second Reading

An ordinance accepting City Out Lot 299 in the Washington Square Allotment, within the corporate limits of the City of North Canton, for public green space purposes.

Mr. Snyder: Chairman Foltz.

Mr. Foltz: Yea, it's the second reading here as everyone knows ...inaudible... on it. It's right along the Stark County trail system area. It's through McKinley Development. And I think we had an agreement on council ... property ...inaudible... So I recommend we pass second reading on it.

Mr. Snyder: Inaudible... comments? If not...

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

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9. Mr. McLaughlin moved and Mrs. Magel seconded to **read by title only, second reading** of Ordinance No. 9-03. All members present voting:
Yes: Osborne, Snyder, Foltz, Kiesling, Lindower, Magel and McLaughlin.
No: 0

Ordinance No. 9-03 - Second Reading

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

Mr. Snyder: Chairman McLaughlin.

Mr. McLaughlin: Jim has come up with a better way to word - wording some of this and looking at who's responsible for the connections. And I think this is a second reading on this am I...

Mr. Snyder: Right.

Mr. McLaughlin: We'd like to get this thing done as quick as we can that way it's - we who's responsible for what on our sewer hookups and sewer problems.

Mr. Snyder: Okay.

Mr. McLaughlin moved and Mr. Osborne seconded to **adopt the second reading** of Ordinance No. 9-03. All members present voting:

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

No: 0

NEW BUSINESS:

10. Mr. McLaughlin moved and Mr. Osborne seconded to **read by title only, first reading** of Ordinance No. 12-03. All members present voting:
Yes: Foltz, Kiesling, Lindower, Magel, McLaughlin, Osborne and Snyder.
No: 0

Ordinance No. 12-03 - First Reading

An ordinance authorizing the Board of Control of the City of North Canton, through the Director of Administration, to advertise and receive bids according to specifications now on file in the office of the Director of Administration and the Mayor to enter into a contract for the Middlesworth Subdivision Rehab project - Phase 1 and declaring the same to be an emergency.

Mr. Snyder: Chairman Magel.

Mrs. Magel: Yes. Remember the days when we thought this was a lot of money? Alright, this is an ordinance we discussed for a long time that the Middlesworth subdivision needed work done. Council, as a group, coordinated and agreed for a phase 1 project for Ward 4 for Middlesworth. To come out of 50 - account no. 5529, 350,000; account no. 5929 for 950,000 - for a 1.3 million dollar project to get this infrastructure underway. Comments?

Mr. Snyder: Inaudible... thank you. No other comment...

Mr. McLaughlin moved and Mr. Foltz seconded to **adopt the first reading** of Ordinance No. 12-03. All members present voting:

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

No: 0

Mr. McLaughlin moved and Mrs. Magel seconded to **suspend the rules** for Ordinance No. 12-03. All members present voting:

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

No: 0

Mr. McLaughlin moved and Mr. Foltz seconded to **adopt under suspension of the rules** Ordinance No. 12-03. All members present voting:

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

No: 0

Mr. Snyder: Thank you. I can get my petition now - I'm alright, I can run again. May I have a motion...

Mr. Foltz: Can we have a revote?

Mr. McLaughlin: Cheap, cheap...

Mrs. Magel: Hey I'm at large so that's fine with me.

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Mr. Snyder: Thank you all, I appreciate it.

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

Ordinance No. 13-03 - First Reading

An ordinance authorizing the Board of Control of the City of North Canton, through the Director of Administration, to advertise and receive bids according to specifications now on file in the office of the Director of Administration and the Mayor to enter into a contract for the installation of a traffic signal at the intersection of North Main Street and Wilbur Drive NE and declaring the same to be an emergency.

Mr. Snyder: Chairman Magel.

Mr. Osborne: Mr...

Mrs. Magel: Ah yes, I'd like to remind council that is under emergency and we need six votes.

Mrs. Kiesling: And I - I need to apologize. Last week I agreed to vote on an emergency and I have decided not to.

Mrs. Magel: What else is new?

Mrs. Kiesling: You know what we're up here to change our minds and think things through. I believe that's what we were voted here for. This weekend, honestly, a man who works for - who does traffic control design and prepares plans for contractors to use and construct light for municipalities, villages, he alerted me to the Ohio Manual of Uniform Traffic Control Devices. In this traffic control device manual it states that the manual presents traffic control device standards for all streets and highways open to public travel regardless of type or class or the governmental agency having jurisdiction. And my interpretation is this, is home rules doesn't apply. This says all types. In this it says the signal has to be warranted and the only way it can be warranted is engineering studies are required. In here Section 60. ...inaudible... I'll be happy to make copies for you. It states...

Unidentified: Inaudible...that home rule...inaudible...

~~Mrs. Kiesling~~: determining needs for a traffic signal control. It must be addressed - the question is that must be addressed is whether or not traffic signalization is needed. Since traffic signals are considered to be one of the most restrictive of the traditional traffic control devices, they should be used only where the control ... the less restrictive signs or marking do not provide the necessary level of control. It is the responsibility of the local authorities in their respective jurisdictions to determine whether a location can be best served by the use of the traffic signal. And by doing that is getting a warrant for the traffic signal. And this man, who is a constituent of the city, was very very concerned for us as a municipality. We do not have a warrant for this traffic signal, do we Jim?

Mr. Benekos: That is correct.

Mrs. Kiesling: And ...inaudible...

Mr. Snyder: Do they - I thought they were not required inside the city limits you told me. I - that was my question originally when we started - was there a warrant on that. And - he told me it wasn't necessary for a warrant.

Mr. Benekos: It is my understanding that...

Mr. Snyder: Is that true Roy?

Mr. Batista: I would have to defer to Mr. Benekos. I really don't know.

Mrs. Kiesling: Well Jim Benekos has to defer to this manual and it says it is open to all - to everybody. No matter if we're home rule or Ohio Revised Code. Correct?

Mr. Lindower: I think you're wrong.

Mrs. Kiesling: I guess it's interpretation then. This man who works and does it for a living, states that there have been several municipalities in the near or near past that have been sued because of traffic signals and stop signs, unfortunately, that were put up without warrants...

Unidentified: I know that's not...inaudible...

Mrs. Kiesling: and the public came back and sued them successfully. And we are liable if we cannot prove that they have - they should be there. And by proving we have to have an engineering study. We have to have not or not a study a...

Unidentified: Traffic count.

Mrs. Kiesling: No, not a traffic count. We have to have a study. Traffic count isn't enough from what I understand.

Mrs. Magel: A study, not a study, a study, not a study.

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Mr. Snyder: Is that used in the context of control, if you're using the light to impede or slow traffic.

Mrs. Kiesling: There's all different...

Mr. Snyder: Isn't that true?

Mrs. Kiesling: types of warrants that you can go after. The one I believe we would want to go after is Warrant 2, interpretation of continuous traffic. It applies to operating conditions where the traffic volume on a major street is so heavy that the traffic on a minor intersecting street suffers excessive delay or hazard in entering or crossing a major. That is where we are. That's what we believe is the problem. However, we have not done any studies to warrant it.

Mrs. Magel: Mr. Foltz, did you have a comment?

Mr. Foltz: Yea, I was going to say that if we went by state statue we wouldn't have half the stop signs or traffic signals in this city.

Mrs. Kiesling: Cuyahoga Falls had to take 72 stop signs down.

Mr. Foltz: And I'm not ready to take any of them out. And I'm of the opinion that we still need this light.

Mrs. Kiesling: They sued successfully.

Mr. Foltz: They can be sued there. I'm still of the opinion we need it.

Mrs. Kiesling: That's fine.

Mr. Foltz: I've seen what we put up save lives. That's my bottom line.

Mr. Osborne: May I say something here?

Mr. Snyder: Wait a minute - wait a minute now please.

Mrs. Kiesling: So why would you want to put us in a liable situation?

Mr. Snyder: One at a time, please. Go ahead - go ahead.

Mrs. Kiesling: My comment is - and I'm not against this traffic light at all. I think it's - it definitely needs it. But has not been warranted legally to put it up. Therefore, in five years if someone is killed at this intersection, the first thing the attorney is going to go for and this is what this man alerted me to, did you have a warrant for that light.

Mr. Osborne: Justifying the light...

Mrs. Kiesling: And we do not.

Mr. Snyder: Please sir, you've not been recognized. One person at a time.

Mrs. Kiesling: The light is not been justified.

Mrs. Magel: Alright, I think we got the point. I would like to say as the committee chairman of this, whoever this gentleman is, whenever you discovered this there's telephones. You should of alerted the chairman of this committee or you should of alerted the president of this council that we were about to get into an emergency situation tonight and pre - let us know. ..

Mrs. Kiesling: You know what, there were other things going on.

Mrs. Magel: before we were on the floor.

Mrs. Kiesling: Oh Kathy, I - that has nothing to do with it.

Mrs. Magel: That's showboating.

Mrs. Kiesling: Here we are...

Mrs. Magel: Alright, so the emergency sir is going to now...

Mr. Snyder: Well...

Mrs. Magel: have to be taken off.

Mrs. Kiesling: I don't think it should even be voted on. I think it should be taken back to committee and when Swenson's comes in then it will - then a traffic study will be warranted.
Mr. Osborne: May I...

Mrs. Kiesling: The only way we're going to get the amount of numbers we need to justify a traffic light, is for Swenson's to be there. We aren't going to have the numbers right now. This man totally believes there are not enough numbers off of Wilbur to justify a light. But once Swenson's gets there, it probably will and we'll have a warrant and if somebody tries to sue us we won't be liable. We had a warranted traffic signal.

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Mr. Batista: I would suggest we simply table the legislation till the next meeting so that Mr. Benekos and I can look at this issue. I know Don Wiley when he was on council did some research on it and I think he wrote ... an opinion letter so speak. And we can take a look at it.

Mr. Snyder: Well we also have Schaub Electric, they're certified in the state. They installed ... they should surely know if - what is warranted and what isn't. Correct?

Mr. Batista: No. No I - they just...

Mr. Snyder: They stick them up.

Mr. Batista: They put them up when you give them a contract. They don't.

Mr. Osborne: You have to have a traffic engineer. May I make some comments?

Mrs. Magel: Actually it's to be tabled so there's no reason for comments right now.

Mr. Osborne: Well I would like to speak ...inaudible...

Mrs. Magel: We have a long evening and it's tabled.

Mr. Osborne: Well I ask your indulgence.

Mrs. Magel: Inaudible...later.

Mr. Osborne: We haven't voted to table it yet. I'd like to...

Mrs. Magel: I on the committee now would like to table this so we can move on.

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

Mr. Snyder: Well there's a motion sir, if there's a second I...

Mr. Foltz: Motion to table, I second.

Mr. Osborne: So you're going to table me out and not let me speak?

Mrs. Magel: Whenever we get to it. It's tabled.

Mr. Foltz: Jon, was there a motion?

Mr. Snyder: Yes sir. I'm with...

Mr. Foltz: Did I just second it?

Mr. Snyder: Yes.

Mr. Foltz: Let's move forward.

Mrs. Bittle: Osborne...

Mrs. Kiesling: You guys crack me up.

Mr. Osborne: We're voting now to do what? Table it?

Mrs. Bittle: To table.

Mr. McLaughlin: Table it.

Mr. Snyder: Table.

Mr. Foltz: Yea.

All members present voting:

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

No: 0

12. Mr. McLaughlin moved and Mr. Foltz seconded to **read by title only, first reading** of Ordinance

No. 14-03. All members present voting:

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

No: 0

Mr. Osborne: I guess you're going to table this one as well. Is that correct?

Mr. Snyder: I was just going to say Chairman Magel that's a companion...

Mrs. Magel: Well why would we have this one if - why would we line them up if we weren't going to have the light?

Mrs. Kiesling: Would you want to go through with that Jim and have it hand even though the light may not go up for another year or two? Or should we wait?

Mr. Benekos: I think we would wait.

Mrs. Magel: I vote to - have a motion to table.

Mrs. Magel moved and Mr. Osborne seconded to **table Ordinance No. 14-03.**

Mr. Batista: You talking 14-03?

Mr. Snyder: Yes.

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All members present voting:

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

No: 0

13. Mr. McLaughlin moved and Mrs. Magel seconded to **read by title only, first reading** of Ordinance No. 15-03. All members present voting:

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

No: 0

Ordinance No. 15-03 - First Reading

Ordinance No. 15-03 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 (City) and the Board of Stark County Commissioners (County) for the Portage/Whipple Intersection Improvement Project and declaring the same to be an emergency.

Mr. Snyder: Chairman McLaughlin.

Mr. McLaughlin: We had this on once before and approved it and we made an addition to it and in the process when amended it we canceled it. So we've got to have the contract back in there. What we did was we did the waterline - we wanted the county to do the waterline for us. They couldn't do it. So we did it ourselves. In the process we canceled the legislation. So we've got to have that contract back with the Stark County Board of Commissioners.

Mr. Snyder: Any comments from council? If not...

Mr. McLaughlin moved and Mrs. Magel seconded to **adopt the first reading** of Ordinance No. 15-03. All members present voting:

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

No: 0

Mr. McLaughlin moved and Mrs. Kiesling seconded to **suspend the rules** for Ordinance No. 15-03. 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. 15-03. 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. 16-03. All members present voting:

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

No: 0

Ordinance No. 16-03 - First Reading

An ordinance authorizing the Board of Control of the City of North Canton, through the Director of Administration, to advertise and receive bids according to specifications now on file in the office of the Director of Administration and the Mayor to enter into a contract for the Dressler Road Raw Waterline project and declaring the same to be an emergency.

Mr. Snyder: Chairman McLaughlin.

Mr. McLaughlin: This is something in our new budget for this year. It's coming out of 7229 for \$125,000.00. And this is an additional waterline so that in case one goes down we have another raw waterline to get water to the plant.

Mr. Snyder: Okay...

Mr. McLaughlin moved and Mrs. Kiesling seconded to **adopt the first reading** of Ordinance No. 16-03. All members present voting:

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

No: 0

Mr. McLaughlin moved and Mrs. Kiesling seconded to **suspend the rules** for Ordinance No. 16-03. All members present voting:

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

No: 0

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Mr. McLaughlin moved and Mr. Foltz seconded to **adopt under suspension of the rules** Ordinance No. 16-03. All members present voting:
Yes: Foltz, Kiesling, Lindower, Magel, McLaughlin, Osborne and Snyder.
No: 0

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

Ordinance No. 17-03 - First Reading

An ordinance authorizing the extension of a twelve inch waterline along the East side of Frank Avenue from Waywood Street south for a distance of approximately 1,385 feet, 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: We're adding a new water customer at the expense of - they're putting the line in themselves.

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

Mr. McLaughlin moved and Mr. Foltz seconded to **adopt under suspension of the rules** Ordinance No. 17-03. All members present voting:
Yes: McLaughlin, Osborne, Snyder, Foltz, Kiesling, Lindower and Magel.
No: 0

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

Ordinance No. 18-03 - First Reading

An ordinance providing for the issuance and sale of \$875,000 notes, in anticipation of the issuance of bonds, for the purpose of paying costs of improving the City's waterworks system by rehabilitating and improving an existing water tower, together with all incidentals and appurtenances thereto, and declaring an emergency.

Mr. Snyder: Now before I continue I would like to note for the record that this piece of legislation, Ordinance No. 18-03, does contain a disclaimer from the Director of Finance, City of North Canton, Mrs. Julie Herr, that it is a fiscal officer certificate that the money is in fund and available for said purpose. And that is as it says it's the - we're going to issue bonds I believe we're going to issue - we're going to borrow money short term...

Mrs. Herr: Correct.

Mr. Snyder: to - pursuant to borrowing long term financing. But for at least a year we'll be on...

Mrs. Herr: Yea...

Mr. Snyder: short term notes and then we will go into the bond market and borrow the 875,000 afterwards. Any questions on that?

Mrs. Magel: No, but thank you for clearing that up.

Mr. Snyder: That's alright. I know you had a little question ...inaudible... I wasn't going to put that...inaudible... If not...

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

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Mr. McLaughlin moved and Mr. Foltz seconded to **suspend the rules** for Ordinance No. 18-03.
All members present voting:
Yes: Foltz, Kiesling, Lindower, Magel, McLaughlin, Osborne and Snyder.
No: 0

Mr. McLaughlin moved and Mr. Foltz seconded to **adopt under suspension of the rules**
Ordinance No. 18-03. All members present voting:
Yes: Kiesling, Lindower, Magel, McLaughlin, Osborne, Snyder and Foltz.
No: 0

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

Ordinance No. 19-03 - First Reading

An ordinance authorizing the Board of Control of the City of North Canton, through the Director
of Administration, to request quotes for general liability, personal injury liability, automobile,
building and contents, equipment floater, crime, boiler & machinery, and firemen's errors and
omissions insurance according to specifications on file in the office of the Director of
Administration and the Mayor to enter into a contract(s) for the policy/policies and declaring the
same to be an emergency.

Mr. Snyder: Our present policies I believe expire around the first part of April, first ten days or
so of April and this will give the Board of Control, through the Director of Administration, time to
get bids and so forth. That's our general - most of our insurance. Any questions on that? If
not...

Mr. McLaughlin moved and Mrs. Kiesling seconded to **adopt the first reading** of Ordinance No.
19-03. 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. 19-03.
All members present voting:
Yes: McLaughlin, Osborne, Snyder, Foltz, Kiesling, Lindower and Magel.
No: 0

Mr. McLaughlin moved and Mrs. Magel seconded to **adopt under suspension of the rules**
Ordinance No. 19-03. All members present voting:
Yes: Osborne, Snyder, Foltz, Kiesling, Lindower, Magel and McLaughlin.
No: 0

18. Mr. Foltz moved and Mr. McLaughlin seconded to **read by title only, first reading** of Ordinance
No. 20-03.

Mr. Osborne: Somebody's falling asleep.

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

Ordinance No. 20-03 - 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 Case 580SM Loader/Backhoe, 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 Case 580SM Loader/Backhoe, for use by the Water Distribution Department and
declaring the same to be an emergency.

Mr. Snyder: I believe that's what 60 - 50...
Mrs. Magel: 6750.
Mr. Snyder: Yea, and that was in the 2003 appropriation under capital equipment.
Mrs. Magel: For 60,000.
Mr. Snyder: For 60,000...
Unidentified: Thousand...

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Mr. Snyder: And as we pointed out last week, the water distribution division is in dire need of a new backhoe. And were we going to switch one around somewhere?

Mr. Held: We're going to take the backhoe from the Water Distribution Department and pass that on down to the Street Department and then the Street Department will take that backhoe and pass it on down to the Park Department. The Park Department's backhoe is in just - it's in poor condition. The reason that we're going to give the new one to the Water Distribution Department is because that department has the highest use for it.

Mr. Snyder: For water mains and so forth.

Mr. Held: That's correct.

Mr. Osborne: Mr. Held, if I may...

Mr. Snyder: Sure.

Mr. Osborne: Do you - are you able to cannibalize parts off of it or do you have to just totally scrap it and...

Mr. Held: I believe that we'll probably send that to auction.

Mr. Osborne: Okay. So we're going to dispose of an asset through an auction?

Mr. Held: Right, correct.

Mr. Osborne: Thank you.

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

Mr. McLaughlin moved and Mrs. Kiesling seconded to **adopt the first reading** of Ordinance No. 20-03. All members present voting:

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

No: 0

Mr. McLaughlin moved and Mrs. Kiesling seconded to **suspend the rules** for Ordinance No. 20-03. All members present voting:

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

No: 0

Mr. McLaughlin moved and Mr. Foltz seconded to **adopt under suspension of the rules** Ordinance No. 20-03. All members present voting:

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

No: 0

19. Mr. McLaughlin moved and Mrs. Kiesling seconded to **read by title only, first reading** of Ordinance No. 21-03. All members present voting:

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

No: 0

Ordinance No. 21-03 - 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 two (2) 2003 Ford F250 Trucks; 4x4 with Plows, for use by the Street Department, within the purview of the Ohio Cooperative Purchase Act, or, in the alternative, authorizing the Board of Control, through the Director of Administration, to advertise and receive bids according to specifications now on file in the office of the Director of Administration and the Mayor to enter into a contract for the purchase of two (2) new 2003 Ford F250 Trucks; 4x4 with Plows, for use by the Street Department and declaring the same to be an emergency.

Mr. Snyder: Again this was in the 2003 appropriation at 20...

Mrs. Magel: 53,100...

Mr. Snyder: Yea, 20 something a piece.

Mrs. Magel: under 5950.

Mr. Snyder: As you know a couple years back we decided and the administration suggested and we decided that all the trucks we buy do have a dual purpose and we buy the plows. And at this time I would thank the administration for an exemplary job this past weekend on snow removal. Thank you on that.

Mr. McLaughlin moved and Mrs. Kiesling seconded to **adopt the first reading** of Ordinance No. 21-03. All members present voting:

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

No: 0

Mr. McLaughlin moved and Mrs. Magel seconded to **suspend the rules** for Ordinance No. 21-03. All members present voting:

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

No: 0

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Mr. McLaughlin moved and Mrs. Magel seconded to **adopt under suspension of the rules** Ordinance No. 21-03. All members present voting:
Yes: McLaughlin, Osborne, Snyder, Foltz, Kiesling, Lindower and Magel.
No: 0

20. Mr. McLaughlin moved and Mr. Lindower seconded to **read by title only, first reading of** Ordinance No. 22-03. All members present voting:
Yes: Osborne, Snyder, Foltz, Kiesling, Lindower, Magel and McLaughlin.
No: 0

Ordinance No. 22-03 - 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) Ford E250 Cargo Van, 7000GVW, for use by the Meter/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) Ford E250 Cargo Van, 7000 GVW, for use by th Meter/Water Distribution Department and declaring the same to be an emergency.

Mr. Snyder: Again this is in the 2003... And that number Mrs. Magel is 30,000...
Mrs. Magel: 30,000 under account no. 6750.

Mr. Snyder: Thank you for that. And I believe the old van is going to the police. Is that correct? And they'll use it accordingly. So we've utilized that. And there being no other comment I would ask that ...

Mr. McLaughlin moved and Mrs. Kiesling seconded to **adopt the first reading** of Ordinance No. 22-03. All members present voting:
Yes: Snyder, Foltz, Kiesling, Lindower, Magel, McLaughlin and Osborne.
No: 0

Mr. McLaughlin moved and Mrs. Magel seconded to **suspend the rules** for Ordinance No. 22-03. All members present voting:
Yes: Foltz, Kiesling, Lindower, Magel, McLaughlin, Osborne and Snyder.
No: 0

Mr. McLaughlin moved and Mr. Foltz seconded to **adopt under suspension of the rules** Ordinance No. 22-03. All members present voting:
Yes: Kiesling, Lindower, Magel, McLaughlin, Osborne, Snyder and Foltz.
No: 0

Mr. Snyder: Madam Clerk, is that next ordinance 23-03? Is that correct?
Mrs. Bittle: Yes, it is.

Mr. Snyder: Okay, may I have a motion to amend the agenda of the January 27, 2003 to accept Ordinance 23-03?

Mr. McLaughlin moved and Mrs. Magel seconded to **amend the agenda** to accept Ordinance No. 23-03. All members present voting:
Yes: Kiesling, Lindower, Magel, McLaughlin, Osborne, Snyder and Foltz.

Mr. Batista: I think we're going to need a motion to...
Mr. Snyder: To suspend...
Mr. Batista: suspend the statutory or the council rules in respect to the report.

Mr. Snyder: Inaudible... I was going to say I need a motion to suspend the council rules to accept this legislation without committee minutes.

Mr. McLaughlin moved and Mrs. Kiesling seconded to **suspend the rules of council** requiring committee minutes. All members present voting:
Yes: Lindower, Magel, McLaughlin, Osborne, Snyder, Foltz and Kiesling.
No: 0

21. Mr. McLaughlin moved and Mr. Foltz seconded to **read by title only, first reading of** Ordinance No. 23-03. All members present voting:
Yes: Magel, McLaughlin, Osborne, Snyder, Foltz, Kiesling and Lindower.
No: 0

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Ordinance No. 23-03 - First Reading

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

Mr. Osborne: May I make some comments Mr. President?

Mr. Snyder: Well as soon as I get a - yes sir you can in a moment. Is there any - does the committee chairman have any comment on this?

Mrs. Magel: Now this is what the - we've come - we have now ... amended our agenda to include an ordinance 23-02...

Mrs. Kiesling: 3.

Mr. McLaughlin: 3.

Mrs. Magel: 03, to vacate Grassmere. After the discussion we've had this evening where all parties agreed. Have full support of not only the local Meadowlane and the nearby streets, Knoll, clear up to Ward 2. Weber and Briar threw their kindness into this. And with the overwhelming gesture of the Monticello developer, ABC - AMC Land Company, I would recommend the passing of this. That's my only comments.

Mr. Snyder: Okay. Inaudible... we need a motion to a ... inaudible...

Mr. Foltz: I think Member Osborne had some comments.

Mr. Snyder: Yes, you have some comments. I was going to say we already had a motion.

Mr. Osborne: Yes, thank you.

Mr. Snyder: Go ahead.

Mr. Osborne: Before I start my comments I'd just like to advise the audience when you leave the council chambers this side of the room here needs to exit through the rear, this side here must exit out this door and go around. Obviously I'm kidding. I have a problem with the vacation. I've researched the city's subdivision ordinances and it seems to indicate to me that this is against our city code and I'll read some of it here. And it's Chapter 1107, Subdivision Regulations. Existing or projected major streets in adjoining areas shall be contained in new subdivisions and minor residential streets shall be continued to prevent dead end streets. That's 1107.05, Design Standards. Item 5 - No street arrangement shall be approved that prevents future access to adjoining undeveloped property. Item 13 - Permanent dead end streets or cul-de-sacs shall be used only where a continuous street cannot be developed. Dead end streets designed to be so permanently, shall not be longer than 600 feet and shall be provided at the closed end with a turnaround which shall have a minimum radius of 50 feet at the property line. I was down at Grassmere the other day and I did step it off and it's right there at the breakpoint. Item 14 - Half streets shall be prohibited, except where essential to the reasonable development of the subdivision in conformity with the other requirements of these regulations, and where the commission finds it will be practicable to require the dedicated of the other half when the adjoining property is subdivided. And Item A underneath that - Whenever an existing half street is adjacent to a tract to be subdivided, the other half of the street shall be platted within such tract. And that's what Mr. and I can't remember his name...

Mr. Snyder: Caticchio - Caticchio...

Mr. Osborne: And that's what he's done and that's why I guess what prompted everybody's concern. That's North Canton's subdivision regulations. Also, I've picked up the County's subdivision regulations titled Cul-de-sacs and Dead end Streets. A permanent dead end street is one that is not designed for further extension in the future, shall be no longer in length than 750 feet. Again, shall provide for the turnaround. Half streets (ordinarily prohibited) - oh I'm sorry previously temporary - A temporary dead end street is one that is designed for future extension to adjacent property. Whenever an existing half street is adjacent to a tract to be subdivided, the other half of the street shall be platted within such traffic, which is the same thing as the city's regulations. This is probably the hardest vote I've ever had up here on council because both sides of the street have agreed to vacate it. The people of Monticello want to retain their upperclass atmosphere and you have 11 residents on Grassmere that want to maintain their quiet dead end street. I really appreciate this map that the gentleman left - oh, he's still here. Cause it - we have a problem here a bigger problem than just - and the chairman of the Planning Commission pointed it out, we have a traffic issue here, that's the number one problem. And I think we should be addressing the issue from that point of view first. And the gentleman has it right on the money, the intersection, the light signals at 55th and Everhard are a problem. And that takes me into the request for the light signal and the Ohio Manual of Uniform Traffic Control Devices for Streets and Highways. Some of the disadvantages of unwarranted signal installation...

Mrs. Magel: Sir, this is off point. We are discussing a vacation.

Mr. Osborne: Mrs. Magel, may I speak?

Mrs. Magel: You're not going to - this is their ...inaudible... of time. You are not going to put - discuss the Orion or Wilbur light and throw that in. That is off point. Please stick to the vacation of Grassmere.

Mr. Osborne: This is all related. Anyway the improper or ... unwarranted signal installations cause excessive delay. Disobedience of signal indication is encouraged. And here's the one - here's the kicker...

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Mrs. Magel: Mr. President...

Mr. Osborne: The use of less...

Mrs. Magel: I want to know who's putting a street light on Grassmere? Is anyone here putting a street light on Grassmere?

Mr. Snyder: No.

Mr. Osborne: I...

Mrs. Magel: We're here to vacate Grassmere, not discuss traffic lights.

Mr. Osborne: Item 3...

Mrs. Magel: I will accept this if somebody in this audience says they're putting a traffic light on Grassmere.

Mr. Osborne: Item 3, the use of less adequate routes may be induced in an attempt to avoid such signals. So we really have a problem here with traffic and light signals. Again, I sympathize with the residents. It would be so easy to sit and say yes and go along with the crowd. In my heart I do not feel we should be isolating certain segments of this city. It's counterproductive to its growth, to good neighbors and it appears to me it's against our own regulations. And it's not easy to vote with your heart, but that's the way I feel on this issue here. I would like to see the city, the police department, deal with this traffic problem. And unfortunately in this situation you're asking me to choose. You can drive down this street, but another North Canton resident can't. And if we could say it - sit here and yes and it has no impact on any other resident in the city I would say go for it, but we're being prejudicial here. I've heard comments that the city safety forces have signed off. And I've also heard people have talked behind the scenes that they're scratching their head wondering - saying how could they of signed off on this. And if you look at the map the gentleman has presented, I just can't in all honesty be fair and look at the big picture and say yes. So I'm going to have to vote no on this. And I know I'm going to be in the minority. But my research and documentation indicates that to me. So I'm sorry to you residents. Thank you.

Mr. Snyder: I have one statement if I may make it.

Mr. McLaughlin: So do I.

Mr. Snyder: You know I was sitting here listening to this back and forth, if I recall I was elected to represent the people of the 4th Ward. If they didn't need me they would come up here themselves and vote their own legislation. So I'm sure Member McLaughlin is representing the people of the 3rd Ward. If the people want it, the job of the city is not retard or inhibit people from their lifestyle. To - you know if they want it why not get it. It's their city, it's their - they pay the taxes, they pay my salary, your salary and I feel incumbent if a resident comes and ... takes ... that's government at work. The people are doing that in my ward at Arrowhead and I will do everything whether I believe in it or not. That's what I was elected to do was represent the people. The at large people are to represent the whole city. The people who have come here they do not want that. The man at the other property said the people who live in Monticello want to be closed off from other access besides 55th Street. I think it's incumbent on us as elected officials if that's what they tell you they want you know I mean they're entitled to peace and tranquility in their neighborhood. And I don't why we'd want to fight it. But I - you know I mean you're entitled to your vote, I'm not trying to change it - god forbid. But I just would say that's what I think and that's the reason I'm supporting Grassmere.

Mr. McLaughlin: Thank you Mr. President. I was going to say the same thing but you beat me to it. You know you're right everybody has a right to tranquility in their property - peace and quiet. And I think that's one of the things we're looking at. I think this is already - like I said before, there was already a ruling in the Supreme Court back in April 22, 1987 that says municipalities can do what they want to do. Just because it's etched in stone doesn't mean we can't change it. Chuck, I don't know how many times you've come up here and said the people want this, the people want that. Well these people out here want something tonight. And they came up here and argued it and I think they deserve it and they need it. You know it's always what Chuck wants or Chuck thinks about it, what Chuck researches. You always said the people want it. Now the people have spoken - I'm for it. That's all there is. There's if - no if's ands or buts. It's a no-brainer. It's a slam dunk. As far as I'm concerned it's over with.

Mr. Osborne: Mr. McLaughlin, I didn't criticize your stance. I'm just telling you what my research has shown and my stance. I'm not criticizing. I know it's going to be 6 to 1.

Mr. McLaughlin: Let's vote - let's vote it.

Mr. Batista: Well I just might indicate Mr. Osborne is correct that this probably does in fact violate the subdivision regulations. However, my position has been that the subdivision regulations are simply an ordinance.

Mr. McLaughlin: Right.

Mr. Batista: And what you're doing by adopting this legislation..

Mr. McLaughlin: Modifying it...

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Mr. Batista: is you are effectively amending the subdivision regulations as they affect this particular street.

Mr. Snyder: On an as need basis. Inaudible...

Mr. Batista: Yea. And you know you're..

Mr. Lindower: Common sense kind of an issue.

Mr. Batista: probably going to have some developer come in here someday and say he wants a certain configuration of his allotment and he's going to throw this back at you. You did it on Grassmere why won't you do it for me? But I think legally you can do what you want to do.

Mr. McLaughlin: But we've also done it before. We've done it in a numerous number of times on ... between vacating 11th Street and numerous times...

Mr. Batista: Hold on, I'm not arguing with that.

Mr. McLaughlin: you - open Ward 4 ...

Mr. Batista: I'm simply pointing out to the effect of what you're doing.

Mr. McLaughlin: Yea. I can name you - I should of brought pictures in four or five different places. I wish now I would of. In Ward 4 for example, there's a - down there as you go towards Jackson Township over to the left there's a little allotment over there, go down turn left to the allotment, the first street turn right, what do you have? You have a barricade. I mean there's numerous streets in the City of North Canton that has them.

Unidentified: Caticchio...

Mrs. Magel: Well I'd like to make a comment that a - with a huge gesture of Mr. Caticchio, we are coming closer in balance. It says dead end streets designed so permanently shall not be longer than 600 feet. We said it was darn close to it.

Unidentified: Yes.

Mrs. Magel: Maybe a portion over it, but in the realm. And shall be provided at the closed end with a turnaround, which he has generously closed this loophole. So I think at this point we're just about in...

Mr. Snyder: Well effectively that's...

Mrs. Magel: design standards.

Mr. Snyder: that street that is in Monticello will be renamed. It won't...

Mrs. Kiesling: It won't be Grassmere.

Mrs. Magel: Yes, that's what he said.

Mr. Snyder: It won't be Grassmere so there's no - the basic confusion is obviously not to put people into a dead end situation looking for a particular numbered street.

Mrs. Magel: Right.

Mr. Snyder: Or emergency - whether it be an emergency or visitors. And when they get to the end of the street that's the end of the numbering. The next street over will be a different street.

Mr. McLaughlin: I think the other thing is it's - doing it now it's saving ...inaudible... the street has not been connected. It's not spending dollars on there or whatever. Now's the time to do it if we're going to do it.

Mr. Osborne: Well I must say I guess both entrances to Monticello are right off 55th Street. If there were some kind of accident between say Main Street and the entrance there to Monticello how you going to get back there?

Mr. Snyder: 47th Street.

Mr. Osborne: So you have to go all the way down further south and come around. Again...

Mr. Snyder: Inaudible...

Mr. Osborne: we're up here to make seven independent votes. And I'm not criticizing anybody's vote. In my heart, my research and your own Planning Commission has recommended not to vacate it. We have another problem here. We have a traffic issue and obviously people would do anything to avoid these two signals. Now Everhard intersection with Main Street is in the process of being upgraded and improved. It is a bad area as well as Easthill there - 55th. But that's all in the process of being improved. Everybody votes their conscious and their heart. And I would rather you not attack me - I'm not attacking anybody else's vote.

Mrs. Magel: Is this a good time to bring up the price of tea in China?

Mr. Snyder: Well no. I'm going to ask for a motion to adopt the first reading of 23-03.

Mr. McLaughlin: So moved.

Mr. Snyder: Thank you.

Mrs. Magel: Second.

All members present voting:

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

No: Osborne.

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REPORTS:

Mr. Snyder: Any report Director of Law?
Mr. Batista: No report.

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

Mr. Snyder: Director of Administration.

Mr. Held: Yes, I'd like to commend our Street Department and actually all the members - actually it was a collective group of Water Distribution and Park Department, all the workers that were out on Sunday with all the snow that we had. They started at 5:00 in the morning spreading salt on the street and as you know the snow just kept coming down. They went back about 8:30 and put the snow plows on for the second time this year and they proceeded to plow all the streets in the - throughout the city. Which takes approximately 10 hours when we're at full capacity with all of our trucks moving and that's even the smaller 4x4 trucks out, it takes about 10 hours to plow all the streets. They were done with that later in the evening - right in the middle of the Super Bowl by the way. So a lot of those fellows didn't get to see that. And then after they were done with the plowing they proceeded to spend another 4 hours spreading salt on the street. So I just wanted to make mention of all of our workers, they did a great job. They started at 5:00 in the morning and they were done close to 10:00, 11:00 at night.

Mr. Snyder: Thank you. It's well appreciated. Please pass that on. Mr. Mayor.

Mayor Rice: I guess just an observation.
Mr. Snyder: Please.

Mayor Rice: Since Dave brought up the Super Bowl. When you hear people, coaches talk about the Super Bowl all they ever ask of the officials is consistency. And I think if I'm not mistaken I observed something here tonight, correct me if I'm wrong, that the vacation of Grassmere was approved 6 to 1, even though it probably is technically against our own city regulations. And by the way I agree with that vote and strongly support the vacation of Grassmere. However, a few minutes earlier the argument was made by a couple people that the street light at Wilbur and North Main Street may also be against regulation. Even though we bypass that regulation - probably the vast majority of stop signs and lights in the city and we killed that project. Or certainly at least delayed it putting lives in jeopardy at that intersection. So I guess that's my only observation. It seems to me with a ... matter of minutes we ignored the possible violation of regulations to rightfully support the needs of our citizens. In another case when it was time to look at the safety of our citizens, we want to pull out some technical issue that the city has bypassed for many many years. And I've already asked the Engineer to please develop a list for council's consideration of all the stop signs and all the lights in this city that are up. Very very few of them have any traffic warrants. So if we're going to go down - if that's going to be the ruling - and I'd respectfully ask the Law Director as you look at that, if that's the ruling at Wilbur and North Main Street I assume council's direction is to remove all the stop signs, as Cuyahoga Falls did, and all the traffic lights in the City of North Canton that do not have a warrant. That's all I've got to say.

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

REPORTS - COUNCIL:

Mr. Snyder: Member Foltz.

Mr. Foltz: One thing. Director Held, I didn't get a chance to see it but had a constituent call. There seems to be a work area in front of Portage and Whittier NW that has created a noise problem. What I'm guessing is and like I say I haven't seen it, if you could send an inspector out, maybe somebody did work whether it was our Water Department or gas you know East Ohio. Maybe that's something we can put on the schedule for the spring if there is like a little cutout patch that's kind of dipped down or leveled off, if we would address that. And I did relay that to the resident that I'd look at that. So hopefully you can send somebody out.

Mr. Held: That's Portage and Whittier?

Mr. Foltz: Yea.

Mr. Held: There's an area that needs to be patched there?

Mr. Foltz: Yea. And like I said I haven't seen it but I took it from a good...

Mr. Held: Okay, it's not a problem.

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Mr. Foltz: And Mayor Rice I do agree with you. That's what I tried to allude to earlier. I think as elected officials I always try to do the responsible thing. And sometimes it's to look at a situation that maybe a state statue or our traffic code regulations are indifferent to when you see the real need. I know we've had a couple stop signs put up in my ward that have saved lives. I think Debbie Rubis most recently three years ago almost got killed at the intersection. And you know if you had to abide by letter of the law and cross every "t" and dot every "i" we'd still be waiting for that stop sign today. So I fully support the light at Weber and - Wilbur, excuse me. And a - as well as the other lights and stop signs that we have. Jon, as recently as I can think of last fall there was a four-way put in over at Glenwood and

Mr. Snyder: That's right.

Mr. Foltz: in which...

Mr. Snyder: As a matter of fact Doug I appreciate it and I'm not...

Mr. Foltz: and you what, it works great. Because I use that area all the time.

Mr. Snyder: I received - yea, right above your ...inaudible... I received and the Mayor will agree with me about 25 letters of the traffic - Glenwood being the east west cut through, has slowed that traffic so the children can cross as well as you know the man that was here...

Mr. Foltz: People can get out of their driveways.

Mr. Snyder: the man was here from Jonathan with tears in his eyes when he...

Mr. Foltz: That's right. And I think...

Mr. Snyder: he has the three small children.

Mr. Foltz: And everybody was here in support of that at the time.

Mr. Snyder: As well as Salway. Which I appreciate the administration did for me expediently.

Mayor Rice: All done without warrants.

Mr. Lindower: Right.

Mr. Snyder: And a...

Mrs. Kiesling: I'm not sure that's something we should be proud of though.

Mayor Rice: I'm just telling you that's what this city's been doing for years...

Mr. Foltz: I think our constituents are proud of us for doing it Marcia.

Mr. Snyder: Well the problem...

Mayor Rice: in regard to the safety.

Mrs. Kiesling: But I don't know that they know how liable we could possibly be.

Mr. Lindower: No we're not.

Mr. Foltz: The only other thing I want to say is this...

Mr. Lindower: We can justify it.

Mrs. Kiesling: I was enlightened, I guess I should say.

Mayor Rice: Can I - I'm sorry Doug, can I make...

Mr. Foltz: Sure.

Mayor Rice: Alright. Using that same logic folks understand, ... Mr. Osborne made a good argument spelling out what the true regulations are. Marcia you said - you say they could sue us. By the same token if something catastrophic happens in Monticello or in that area down there of Grassmere because there's - because we didn't follow the regulations, you're going to get sued there. So you can make up a scenario that you can get sued anytime, anywhere, over anything. I think Chuck is right in his literal interpretation of the regulation. However, the city has to use its common sense in judgement in serving your electorate and your citizenry properly. Therefore, the council as it has many times in the past, overlooked that and did what they felt was in the best interest of the citizens. We've done that ... certainly dozens maybe hundreds of times when it comes to stop signs and stop lights in this city. And all I'm saying is to now hold up one in what I think is strictly a political move to jeopardize lives. And I certainly pray to god we don't have a serious accident up there while we play around with this. It takes a long time, as I said last week, to get a light put in. We're looking at probably six, eight months if we had moved on it tonight and now that's all backed up. And if you wait till - if you wait till Swenson's gets in there you're going to wait six, eight months for - and you, by your admission Marcia, said you're probably going to need it when Swenson goes in. Well guess what, we're trying to get it there as soon as possible after Swenson's open. Under your theory you're going to wait and do a study after they come in, which means you're probably looking at a year after they're in there, after you have the need where you have to wait before you're going get a light up. Let's try to get ahead of the ball game, which is what we were trying to do and prevent a serious accident and a possible death to some of our citizens at a dangerous intersection. That's our only - our only point. And if we're going to go that way that's fine. The Administration fully cooperate with City Council at your wishes. But certainly I know that light at Salway is coming down because I know we just put it up. And the same thing happened there. There was no warrant, no traffic study there. The city moved and acted in the safety of its residents as well as many many other places throughout the city. So let - all I'm asking for is a little consistency that's all.

Mr. Snyder: Mayor, I...

Mayor Rice: and to look at the big picture because you have a lot of other decisions to make of a lot stop lights and traffic lights. Because if that's council's desire, then I think the administration has the responsibility to go out and remove all traffic lights and all stop signs in the city. And you think you've got a crowd now.

Mr. Snyder: Mayor...inaudible...

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Mayor Rice: And by the way, many many of those stop signs throughout the city have been put up why? At the request of council members. We get them all the time. Ask this guy, he fields them from everybody here and you all know that. And signs are put up, speed limit signs, stop signs are put up at the request of council members as - because you're getting the request from your citizens. And we just get it done to protect the citizens. That's our objective. So whatever. I don't want to debate it all night long. I just wanted to make a point.

Mr. Snyder: Mayor, I appreciate your comments. But I hope you don't - that I can take that tongue and cheek. That we could work this out somehow. As the councilman of the 4th Ward, as well as I do want to say when the lady came from Hillcrest and West Maple, I see everybody was down there trying to get on the TV from the light up there. So obviously we're not very consistent with what we do. My apologizes to the administration for that. We were all down there and she came up here on Monday night and Tuesday afternoon getting the light up...inaudible... I wouldn't want to take that one down either. Excuse me, Mr. Lindower.

Mrs. Kiesling: I would not.

Mr. Lindower: Okay, I'd like to say a few things about some of the conversation here tonight. First off, I'd like to ask Mr. Batista that in regards to Ordinance No. 13-03 that we tabled tonight, did you check into our position as far as the city and our authority to erect signal lights or stop signs in view of the fact we're not only a charter city but also we have home rule options. During the eight years...

Mrs. Kiesling: I agree. That's what I ...inaudible...

Mr. Lindower: during eight years as being the chief of police I questioned several occasions where we were going to erect stop signs or signal lights and so forth and I asked for legal opinions on them. And I don't remember the exact wording on those but they were justified every single time. So I'd like to know legally...

Mr. Batista: I believe...

Mr. Lindower: where we stand.

Mr. Batista: yea, I think there is a file on that.

Mr. Lindower: Yea.

Mr. Batista: I just don't...

Mr. Lindower: Right...

Mr. Batista: carry it with me.

Mr. Lindower: and I'm in the same position. I would say this and I'll tell you this Marcia, we've been put on notice that that's a hazardous intersection. We're more liable by not doing anything at that intersection right now than we are if we go ahead and put that signal light up. And I feel that we can legally erect a signal light there or anyplace else that we deem as being a high risk area. I did - I helped do the traffic survey at Everhard and Salway personally. I went down there and checked traffic counts. And there were many occasions down there that I witnessed near accidents. Having that knowledge as a law enforcement person at that time and not doing anything about it, would of made the city more liable than putting that light up. Whether in fact that it's in violation of the uniform traffic code or not. The uniform traffic code is there as a guideline from the State of Ohio. And I'm a little bit fed up with hearing people say I talked to a person who said this or who said that, who's some expert. Without knowing that person's credentials and why he would of made that statement to you, you know Joe Blow out on the street could of told you the same thing. So I really think...

Mrs. Kiesling: Inaudible...

Mr. Lindower: made a mistake by tabling these two ordinances. And I hope that next week Mr. Batista will be able to give us some legal opinion on this...

Mrs. Kiesling: And that's fine.

Mr. Lindower: as far as moving ahead with it. I think we need to do it as fast as we possibly can. And I agree totally with Mr. or with Mayor Rice that I think a little common sense goes a long way. In view of the fact that we had to let's say hedge a little bit on the zoning as far as vacating Grassmere. I'm totally familiar with that street. Once again I'll refer back to when I was a police officer, we had many complaints down there on Hillbrook in that particular area on Glenoak students cutting through there and speeding and driving recklessly. We as a matter of fact assigned officers down there in that particular area at certain times a day to try to curtail that as the best we could during school year. And it worked it slowed those people down. Word of mouth got around the school that the police were up there waiting on you to come speeding down the hill. And if it's necessary to get with Chief Grimes again on something like that and ask him to do a little more enforcement as far as traffic violations on that short section of street, so be it. But I don't see where's there's any problem whatsoever with vacating the dead end of Grassmere. And I really feel bad that we've got to debate some of the issues that we do in the manner that we do in the public, when it's nine out of ten times it's common sense issues that are twisted and distorted by people who want to come up with off the wall statements. Thank you.

Mr. Snyder: Thank you Mr. Lindower. Mr. McLaughlin.

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Mr. McLaughlin: I agree. I think Tom you're exactly right, we are sending mixed signals. We're going out and telling people we're for economic growth, we want businesses in here. But yet when we get a business in here what do we do, we drop the ball. And I totally agree with you. I think that light was - is a necessity. I was the one that when Joe Harold and turned it over to Mr. Snyder about Salway when that light down there and the accidents we were having down there, people having trouble getting out all times of the year. And I just think that we ought to put this thing on for next week and revisit it and get it going as quick as we can. We all know that light is going to take eight to nine months. The one at Salway took I think almost a year - well over a year. And we're - you're right we're going to have Swenson's in there without a light. And we're going to have probably some major problems up there - safety problems. And I agree with you. And I think we should of - we should put this thing on and get it through as quick as we can.

Mr. Snyder: Thank you. Member Kiesling.

Mrs. Kiesling: Well I guess I'm going to wait for Roy's opinion. Because as of tonight I never erected a traffic signal. I apologize, I didn't know you guys even dreamed of doing it without a warrant. I thought they were all warranted. Why - I don't understand why we wouldn't, first of all. I remember putting up the stop sign at Hallum and at Glenwood. And I voted on the Hallum one. So I understand the rationale. But I believe a traffic signal is a little bit different with four lanes of traffic and liability. And this man seemed extremely concerned about our liability and the precedents that have been set in the past - in the recent past as far as traffic signals and stop signs being put up without warrants. So my question was can we do it without a warrant? And if Salway is without a warrant, then Salway is without a warrant. That's something I would of never dreamed were true. And I don't know...

Mr. Lindower: I don't think that...

Mrs. Kiesling: if a lot of these people know.

Mr. Lindower: I think you're going to find if Mr. Batista does the research on it that you're going to find that a warrant is not required under circumstances like that. A warrant is requested or actually mandated by the state to keep people from sticking signal lights up at 5th and Shabib or someplace where they want to slow traffic or for some other purpose. That's a high risk area up there. And if we took the time to go through all the procedures of doing traffic surveys there and engineering, they're going to say definitely is an intersection that needs the work done on it. I mean we're not sticking signal lights up just for decorations around here. They're being put up to save lives. That's a high risk area up there. And to get back to what I said last week, people are not only trying to get out onto Main Street up there, they're going north on or I'm sorry they're going east on Wilbur then they're turning north on Beechwood to cut through to Orion so that they can use the signal light up there.

Mrs. Kiesling: I agree and so that probably doesn't warrant a traffic light.

Mr. Lindower: Well...

Mrs. Kiesling: There's probably not enough traffic on Wilbur...

Mr. Lindower: I'd like to know who the expert is that told you that a city - wait a minute...

Mrs. Kiesling: It doesn't matter.

Mr. Lindower: That a city with a charter with home rule is required to obtain warrants. I think you're going to find out that's not true.

Mrs. Kiesling: That may not be true. But we also don't have a traffic engineer. I mean he doesn't do traffic engineering for a living does he? He's a general engineer.

Mr. Lindower: We don't have an animal control officer either, but we do the job.

Mrs. Kiesling: That's very true. I'll take that to heart. I believe I just want my question answered. I didn't realize the other lights were unwarranted. I'm sorry I don't have 30 years of police experience behind me Dave.

Mr. Lindower: Well I do and I...

Mrs. Kiesling: I like to ask questions that I don't have the answers to. No more comment.

Mr. Snyder: Thank you. Mrs. Magel.

Mrs. Magel: I apologize to audience. As I had alluded to before, I didn't expect you to have 30 years experience at anything. One phone call could of stopped all of this. I'm the head that chairman and I - I am the chairman of that committee and I apologize, it looks like I was unprepared. I was blind sided.

Mrs. Kiesling: I don't agree.

Mrs. Magel: We were all...

Mrs. Kiesling: Did you say the other...

Mrs. Magel: had it on for an emergency. That meant six people agreed.

Mrs. Kiesling: But did it - one, did you or even the Mayor ever once say you what guys this is not a warranted signal but we believed...

Mrs. Magel: and I was supposed to know what your question was - I'm Houdini.

Mr. Lindower: Extra...inaudible...

Mrs. Kiesling: No...

Mrs. Magel: Why didn't you call me?

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Mrs. Kiesling: It came up last minute this weekend and I wasn't home. And then today all we did was talk about Arrowhead on the phone. So...

Mrs. Magel: You could of even said in executive session hey I've got a problem with that emergency vote on the way as we walked in.

Mrs. Kiesling: Well I didn't.

Mrs. Magel: Any - it would of been courteous to let me know. Second of all I hope Grassmere...

Mrs. Kiesling: And you always do the courteous thing?

Mrs. Magel: Who has the floor sir?

Mr. Snyder: You do.

Mrs. Magel: Thank you. I would like to speak to the people of Grassmere. I hope I was prepared enough for you. I tried my best. And I want to thank you for doing it the right way. You got every - you dotted your "t's" - nope you dotted your "i's" and crossed your "t" and you did everything right, you did your due diligence someone had mentioned. You had the police behind you. You had the - it's AMC, behind you. And I would like you to know that what that gentleman did was huge when he said that he would put the turnaround in at his expense. That does put it almost within our sub regulations. And so I am more than comfortable that we did the right thing with Grassmere. I congratulate all of those nearby, all the Grassmere people and everyone nearby who put your signatures together, that peacefully contacted us, let us know what you wanted and I hope we did our best for you. And again, thank you to the gentlemen. You can speak after these two.

Mr. Snyder: Mr. Osborne.

Mr. Osborne: Thank you. As I was stating earlier, this uniform or manual of Uniform Traffic Control Devices for Streets and Highways is a bible. It comes down from the federal government. It's been adopted by the states...

Mrs. Magel: Did you say is a bible?

Mr. Osborne: And adopted by the states.

Mrs. Magel: Okay.

Mr. Osborne: And in their own manual they come out and say the following factors can result from improper or unwarranted signal installations. Excessive delays may be caused. And right off the bat if we're going to spend any money for traffic control, I would highly suggest that we invest in a closed loop signal system. It's highly endorsed by the federal government. It reduces pollution, it reduces fuel consumption and speeds traffic.

Mr. Snyder: We do have one.

Mr. Lindower: Yea.

Mr. Snyder: It's already - we already have it.

Mr. Osborne: We don't have a closed loop.

Mr. Snyder: Oh we most certainly do sir.

Mr. Osborne: Mr. Benekos just said the other day we didn't.

Mr. Snyder: We do ... check it.

Mr. Osborne: They're timed. I specifically remember that.

Mr. Lindower: No they're not.

Mr. Snyder: No, they are closed loop. They are accessible by side road by trip wire. But they - it is a closed loop system.

Mr. Lindower: That's right.

Mr. Osborne: Closed loop means all these lights are all interconnected.

Mr. Snyder: That's exactly ...inaudible...

Mr. Osborne: We do not have one. There is so much opinion on up here - at any rate...

Mrs. Magel: There's no facts coming from you.

Mr. Osborne: Well this is the facts right here I'm reading them to you.

Mrs. Magel: No, we do - we do have it.

Mr. Snyder: We put it in when we put Main Street in.

Mr. Osborne: Item 2 - disobedience of the signal education is encouraged...

Mrs. Kiesling: And Jim is conveniently not here.

Mr. Osborne: The use of less adequate routes may be induced in an attempt to avoid such signals. Accident frequency, especially rear end type can be significantly increased. If you go on the internet and do a little research there are tons of information. Here's one from ODOT, District 3, their planning website. Disadvantages of Signals - While many people realize that traffic signals can reduce the number of angle collisions at an intersection, few realize that signals can also cause an increase in other types of accidents. It has been well documented that other types of accidents, notably rear end collisions, usually increase when a signal is installed. Normally traffic engineers are willing to trade off an increase in rear end collisions for a decrease in the more severe angle accidents. However when there is no angle accident problem at an intersection there is nothing to trade off and the installation of traffic signals can actually cause a deterioration in the overall safety of the intersection. I have asked the Chief of Police for accident reports, any traffic studies. And I asked that they be - I receive them by 4:00 p.m. today, I've never received anything. This situation sometimes prompts the remark how many people have to be killed before you'll do anything? What is not fully understood is that traffic signals

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are not a cure all and that the primary goal of all traffic engineers is attain the safest and most efficient traffic flow feasible. In addition to an increase in accident frequency, unjustified traffic signals can also cause excessive delay, disobedience of signals and diversion of traffic to inadequate alternate routes. They go on to say - here's the title, Unjustified Signals - Because of the widespread belief that traffic signals offer the solution to all intersection traffic control and accident problems, a number of signals have been installed nationwide where no legitimate operational warrant exists. Traffic records clearly show the attitudes and misunderstandings which sometimes lead to unjustified installations should be resisted. It is important that the selection and use of this traffic control device is preceded by a thorough study of traffic and roadway conditions and that the determination of this type of control method of operation be based on study data. Traffic signals should be used only where lesser forms of control have proven ineffective, since signals almost always create more overall intersection delay. In fact minor movements may experience excessive delay, particularly if the signal is improperly timed. As a result many drivers switch to less desirable routes or to residential streets to avoid the added delay. And there's just numerous descriptions of what happens. I'm sure if a lot of people knew that they could appeal their violation when they find out that there's no warranted proof that the traffic control device needs to be there, there's a lot of people that would be getting off their violations. And they don't work for the city. So I could read on. I guess everybody's got the point. I think we need to obey our own laws as elected officials, just as we expect our residents to obey the laws. And that's all I have thank you.

Mr. Snyder: Okay. I will anxiously await that ruling Mr. Batista next week that we can move on.

Mrs. Magel: I have one other thing.
Mr. Snyder: Mam.

Mrs. Magel: I have War and Peace in here; I'd like to read it.

Mr. Snyder: I appreciate that. Thank you. Inaudible...we get back to some - more a little civil next week. We'll get on to this.

FINAL CALL FOR NEW BUSINESS

Mr. Snyder: Is there anybody else in the audience wishing to speak to the council this evening? Yes sir, please step forward, state your name and address for the record.

Mr. Irwin: My name is Tom Irwin. I live at 716 Briar Avenue NE. I'm the gentleman that Marcia was referring to all night. I called her. To give you a background about myself, I worked at civil engineering for 33 years. The last 30 years in traffic control. I worked...

Mrs. Kiesling: Inaudible...Tom Irwin...

Mr. Irwin: Inaudible...exclusively within the State of Ohio. I'm on temporary assignment to ODOT, so I'm aware of all the policies and rules. Mr. Osborne used the word bible with the manual for uniform traffic control devices. This is what they call it at ODOT, because it is their bible. The Ohio Revised Code, Section 4511.11, states that local authorities in their respective jurisdictions shall place and maintain traffic control devices in accordance with the Department of Transportation and ...inaudible... specifications for uniform systems traffic control devices adopted Section 4511.09 of the revised code, upon highways under their jurisdiction as are necessary to indicate and to carry out Sections 4511.01 to 4511.76 and 4511.99 of the revised code. Local traffic ordinances are to regulate ...inaudible... traffic. Section D says, all traffic control devices erected on a public road, street or alley, shall conform to the state manual and specifications. This manual's based on close to 100 years of experience in things that have happened throughout the state. Traffic engineers, men who have - do nothing but study traffic, have revised this manual to keep it up to date. We're constantly getting revisions on it. Your problem - in most cases we've found if there's an accident problem, if people are having trouble making left hand turns, the first thing you want to do is throw a signal up. Well that's not the only answer. My feeling, just from driving up and down North Main Street, the signals - the closed loop system that Mr. Osborne was referring to, the controllers talk to each other. You have loop detectors in the pavement that count vehicles. The object is to move a platoon of cars through your city without them ever having to stop for a read light. When you don't interconnect your signals and they fixed time, like the ones in North Canton or some are actuated - you were correct, there are loop detectors on the side roads. And what those do, those tell the controller hey, there's a car here on the side road he needs service. Therefore it shuts down the main road, turns on the side road, everybody gets to move and it goes back again. But when those things are interconnected they work much much better. I've completed work in closed loop systems in the City of Barberton, Streetsboro, over here at Belden Village, Canton was a model city years back ...inaudible... in the early 70's with the first traffic signal system that was computerized. What happens when you put up signals without studying them is that people will find alternate routes. And I was surprised that my daughter - I have an 18 year old daughter, she's a senior at Hoover, she would tell me about they were going to the mall, and then she started telling me about you know she passed so and so's house. And I would say well wait a

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minute that's on a residential street what are you doing on that street? How come you aren't on Main Street? Why don't you go down Main to Everhard and go to the mall that way? She says dad it's faster. I said it is? She said sure, drive it and find out. She says - so I did. And she's right, it's faster to drive on our residential streets than it is to drive down Main Street because you stop at a signal for - I stop everything morning north bound on Main Street at 10th Street for nonexistent cars - there's nobody there. What am I waiting for? I'm wasting my gasoline, I'm polluting the atmosphere. It causes people to disregard traffic control devices. It causes them to speed because they know hey that signal is only going to stay green for so long and if I step on it I could get through here. Now what we've done we put the motoring public in jeopardy, we put our children on the side streets in jeopardy, we have people that jogging, walking dogs. I told my daughter drive on the Main Street, I don't want you driving back there on those residential streets. If I lived there I would be upset. And I honestly believe that council should look into - there's federal funding available to put a closed loop system in, simply because we're saving gasoline and we're saving pollution. We're moving cars more efficiently. You don't have to put a stop light at every street and driveway for every business in town. If you get it at one of these systems and it's coordinated they - what happens is is they create gaps in traffic that allow people from the side streets and businesses to get out on the main street and to make left turns. The signal you were speaking about where there was a lot of accidents - you witnessed near accidents down there, well accidents can warrant a traffic signal. If not, if you can't warrant that signal then what you do is you do a study and say well what if we interconnected these signals together. So now we're moving platoons of cars together. We create gaps, people can now safely get out onto the main highway. But the lawsuits that Marcia mentioned - there's three words in the manual shall, should and may. Shall is mandatory, you can't get away from it. One of them is you can't use stop signs for speed control devices. You mentioned tonight about a 4-way stop sign down and how the people were - made mention that it slowed people down ... the kids could cross the streets. That's illegal. You can't do that. I'm seeing more and more - it seems like now we have litigation to try to stop people from suing doctors. Okay. So if we get this where are the attorneys going to next? I honestly feel they're going to come into this manual. Every time - I've got guys out of speeding tickets for the simple reason there was no reduced speed ahead sign erected or it wasn't erected at the proper height. The little boy - a man ran stop sign in Cuyahoga Falls he hit a car, he killed a 7 year old boy. He beat the rap because the street sign, the stop sign wasn't erected at the correct height. And they quoted the manual and he won. I worked with a gentleman who is the - is a councilman in the City of Fairlawn. And he was telling me this morning that they got sued because of their 4-way stop signs. Number one - they were using - it mean it was - the guy - the attorney basically took a video tape and you could see where they had put it to slow traffic down, plus they weren't warranted. He won his suit. This is our tax dollars being wasted just because we didn't follow this little manual. I see big ...inaudible... and I'm really concerned. Not only for the safety of the people, the motoring public, our pedestrians, but our tax dollars. I don't want to see law suits where we have to pay tax dollars because there wasn't enough traffic at a street to put this sign up and some smart attorney figured that out, took it to court, bang, he wins. Because the Ohio Revised Code says you got to follow this manual. There's no - you can't get out. So I would ask council to really think about a traffic study in the City of North Canton, basically just with our signals. Maybe a separate study. In the manual they make reference to a qualified traffic control engineer. That is a man who is licensed by the State of Ohio to practice engineering. Only he can make this study. Only he could put his stamp on it so that it becomes workable ...inaudible... I think that's about all I have to say.

Mr. Snyder: Sir, I only had one question. You're an engineer yourself are you?
Mr. Irwin: No sir, I am not. I hold an associate's degree in engineering and I've worked...
Mr. Snyder: And you're with ODOT now?
Mr. Irwin: No I am not. I work for a private consultant.

Mr. Lindower: What is your name sir?
Mr. Irwin: My name is Tom Irwin - I R W I N.

Mr. Snyder: Inaudible... you do traffic studies - that's what you do?
Mr. Irwin: I do - well my particular expertise is in creating the construction plan so the contractor can build the signals. I design the poles, set the loop detectors, things of this nature. But one thing I do want to bring to council's attention and this has really bothered me, on West Maple at - is Hill ...
Mrs. Kiesling: It's Hillcrest.
Mr. Irwin: I'm sorry.
Mrs. Kiesling: Hillcrest.

Mr. Irwin: Hillcrest. Okay. The manual states you true - two indications, that's two red lights two green lights for every direction of traffic - for through traffic. There's only one signal there.
Mr. Snyder: We're aware of that.
Mr. Irwin: Okay okay. I know when this concern about...
Mr. Snyder: That's at Portage and Hillcrest incidently.
Mayor Rice: Yea.
Mr. Snyder: That's the one I think...
Mr. Irwin: Is that what it is?
Mr. Lindower: No, it's West Maple.
Mr. McLaughlin: West Maple.

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Mrs. Kiesling: No, it's West Maple - the one we've had so much trouble with.

Mr. Snyder: Is it West Maple? Oh, there's two lights hanging there.

Mr. Lindower: West Maple...

Mr. Snyder: You know there's one at the other end is the one he's talking about. It only shows one way.

Mr. Irwin: Yea I read in the paper about the lady that was real upset. I went down and talked to her.

Mayor Rice: Inaudible...Maple has two.

Mrs. Kiesling: No, it's this one on Maple.

Mayor Rice: That has two lights.

Mrs. Magel: That has two.

Mr. Snyder: That has two.

Mayor Rice: Inaudible...down by Mrs. Davis?

Mr. Snyder: It has two lights.

Mayor Rice: Why sure, it absolutely has two.

Mr. Snyder: That's the other intersection does not. The next intersection at Portage and Hillcrest.

Mayor Rice: It has two. The other one over there doesn't have the - but West Maple has two.

Mr. Irwin: Yea it's right - if you just - where are we? This - that road right here that runs down, runs past the park.

Mr. Snyder: Yea but that has two signals right there.

Mr. Irwin: Is that Maple?

Mayor Rice: It has two signals.

Mrs. Kiesling: But it has to have - you're saying it has to have two facing you at all times.

Mr. Irwin: You're going to need two red - when you stop at that light you got to look at two red lights. When you go through that...

Mr. Snyder: There's two facing there.

Mayor Rice: There are two there.

Mr. Irwin: There's one sir. I swear there's one I go through it everyday.

Mr. Snyder: It must fell off ...inaudible... tonight...

Mayor Rice: Yea, it just fell off tonight cause it was there.

Mr. Snyder: There's two signals.

Mr. Irwin: There's one signal. The reason there's only one signal ...inaudible... You cannot - you can't get them lined up...

Mayor Rice: I'd suggest you respectfully drive by there tonight. Because you must be talking about the one a block over.

Mr. Snyder: Portage and Hillcrest has one signal.

Mayor Rice: Inaudible... we have the one which is over by Portage, not here on West Maple.

Mrs. Kiesling: Yea, I think you're right.

Mayor Rice: That's a new one we know we just put up two.

Mr. Irwin: This is one that has stop here on red, strictly enforced ...inaudible...

Mr. Snyder: There's two hanging there.

Mr. McLaughlin: That's the one down the street, yea.

Mr. Irwin: This is one Maple.

Mrs. Kiesling: West Main or...

Mr. Osborne: In both directions?

Mr. Irwin: Check it out tonight.

Mayor Rice: I drive by it everyday.

Mr. Snyder: Somebody took a light.

Mr. Irwin: There's only red light.

Mayor Rice: I go through that intersection everyday.

Mr. Irwin: Check it out.

Mayor Rice: I'm going to go through it again tonight on my way home and trust me it's got two.

Mr. Irwin: Check it again because I'll tell what, I won't tell you who told me this...

Unidentified: I thought we were going to take that light...inaudible...

Mr. Irwin: but a person from ODOT, when I brought that to their attention, they said run it when the cop is behind you and then sue them because that's the way they're going to stop. And I said that's not a good way to...

Mrs. Magel: Now that's ridiculous.

Mr. Irwin: that's not a good way to ...inaudible... I'm suing myself. Anyhow I think I've said - is there anymore questions? Can I...inaudible...

Mr. Snyder: No. I do appreciate your comments though.

Mr. Irwin: Inaudible... I thank you for your time.

Mrs. Kiesling: Thank you.

Mr. Snyder: I only ...inaudible... question Roy.

Mr. Osborne: Thank you Mr. Irwin.

Mr. Snyder: Are there - is the revised code applicable to us as ...inaudible... rule of the ...inaudible...

Mr. Batista: I don't know.

Mr. Snyder: Well I mean you...

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Mrs. Kiesling: For the third time.
Mr. Batista: We've done the research on this already.
Mrs. Kiesling: He doesn't know...
Mr. Batista: If you know I had been told in advance, I agree with Mrs. Magel...
Mrs. Magel: Thank you.
Mr. Batista: if I had had some clue this was coming we could of been prepared and we wouldn't be going through this drill tonight.

Mr. Snyder: Well thank you. I just wanted that question...

Mr. Irwin: Inaudible... thank you.
Mr. Snyder: Yea, you're welcome sir.
Mr. Osborne: Thank you Mr. Irwin.
Mr. Lindower: Thanks Tom.

Mr. Snyder: Anyone else in the audience wishing to speak? If none may I have a motion to adjourn?

ADJOURN

Mr. McLaughlin moved and Mr. Foltz 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 8:40 p.m.

PRESIDENT OF COUNCIL

ATTEST:

CLERK OF COUNCIL