

RECORD OF PROCEEDINGS

Minutes of COUNCIL OF THE CITY OF NORTH CANTON REGULAR

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, January 14, 7:00 p.m., 2002
(YEAR)

CALL TO ORDER.

1. The council meeting was called to order at 7:00 p.m. by President of Council Jon Snyder.
2. The opening prayer was delivered by Rev. John States, Congregational United Church of Christ.
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

Consideration of Minutes of Council Meeting: 12/10/01
Consideration of Minutes of Special Council Meeting: 1/7/02
Consideration of Mayor's Court Receipts: November, 2001
Consideration of Financial Statement: November, 2001

Mr. McLaughlin moved and Mr. Osborne seconded to accept the minutes of the council meeting, minutes of the special council meeting, mayor's court receipts and financial statement as presented. All members present voting:
Yes: Kiesling, Lindower, Magel, McLaughlin, Osborne, Snyder and Foltz.
No: 0

6. Committee Reports

Finance & Property Committee: Refer to the minutes on file in the Council Office of the Finance & Property Committee meeting held January 7, 2002.

Ordinance, Rules & Claims Committee: Refer to the minutes on file in the Council Office of the Ordinance, Rules & Claims Committee meeting held January 7, 2002.

Personnel & Safety Committee: Refer to the minutes on file in the Council Office of the Personnel & Safety Committee meeting held January 7, 2002.

Street & Alley Committee: Refer to the minutes on file in the Council Office of the Street & Alley Committee meeting held January 7, 2002.

Water, Sewer & Rubbish Committee: Refer to the minutes on file in the Council Office of the Water, Sewer & Rubbish Committee meeting held January 7, 2002.

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

7. Recognition of Visitors

Mr. Snyder: Is there anyone in the audience wishing to speak to the Council this evening? Sir if you step forward state your name and address for the record.

Casper DiFiori: My name is Casper DiFiori. 310 Fairview SE, North Canton. I come before the Council tonight with respect - respect for what they've done over the last two weeks. One of our council members has gone on his own agenda and tried to enforce issues that was disruptive to our whole neighborhood. Under the advice of the mayor and my councilman I had a petition drawn up and signed, I think most of you have seen it, asking that the two hour parking be eliminated on our street, due to the harassment from the Police Department. I've lived there 24 years, we've never had problems until Mr. Osborne got to be council at large. Never. Another problem is I am being harassed by a member of your council, Mr. Osborne. I think it's unfair that he pushes his own agenda. And coming under the council name harassing my wife, making her cry, getting my whole family upset. I think this is wrong. I think something should be done about it. Mr. Osborne has been nothing but a pain since he - two days after he got elected. He barged

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into my house - he came into my house, harassed my wife. I was not there. My wife called me at work crying. This is ridiculous, this is unprofessional. I'm not a professional person. I'm but a common person - blue-collared. I've been accused of working on cars for money in my driveway. I work 60 hours - no less than 60 hours at one job and between 20 and 30 at another job; I don't have time. My stepson came up from Columbus with Christmas with his family. He had trouble on the way up with his vehicle where he jacked the back of the car up and fixed it. Mr. Osborne called Mr. McLaughlin saying I'm working on cars in my driveway again. This is unfortunate. It's not fair. I've worked on Mr. Osborne's - I've advised him on his car before. I've fixed his lawnmowers before. But ever since two days after he'd been elected to council, he's been nothing but harassing me. He's got the zoning people on me, he's got the police on me, the Fire Department has been there now. I don't know what it's going to take for this man to be censored or recalled, but it needs to be done. Something needs to be done with this person. After going through the proper procedures and having this petition signed by everybody but two people on the street - telling me that he was not representing our street, he was representing his own agenda. This is ridiculous. I can't believe that the rest of the council members are going to put up with this. I'm just one person, but in a matter of two hours I found out what my neighbors wanted and presented it. And this I really think was a good thing because it showed my daughter that one person can't do what he wants to do; he has to represent the people. And I'll have to tell you I put a sign in my front yard for him, I voted for him. I went on by he told me he was going to try to do and 90 percent of its been a lie - a flat out lie. Mr. Osborne you know it. You've got this position for your own benefit. You think it's a job - go out and get a job. Us working people have to work. And if I have to fix my car in my driveway I'll do it. I don't care if you - I've been threatened with \$500.00 a day fines, my wife's been harassed. This is terrible. I borrowed a pickup truck to get some of what he calls my junk out of my basement, etc. Within a day - I borrowed this pickup from a friend of mine - within a day he had called the police and the zoning people wanting to know whose it was, why it was there - was I buying and selling cars now. The zoning people called us wanted to know what was going on. My wife answered the phone and she said he just borrowed a pickup truck to get something done. They said we got to know when it's out of there Mr. Osborne wants to know when it's out of there. And if I borrow a truck and I'm talking pickup truck, I'm not talking big truck, and I'm using it, it's licensed and insured, as is my pickup in my driveway - and Mrs. Magel was there today when I was driving the vehicle that he says can't be driven; I don't see why it's any of his business. Why he's using the name of council to go after just a private residence for his own agenda. I'm a working person. I don't want to be hassled. All I want is to be left alone. My house and I can assure you there's been at least four or five members of council at house or driven by it because I've talked to them. My house is not shoddy. I keep my house up very well. My lawn's trimmed, flowers, etc. And I don't want to be harassed anymore. If I can't have my own son work on his car from Columbus so I can see my granddaughter, you know, he needs to get a life. Apparently he doesn't have friends or they would park in front of his house. Two of the neighbors got tickets for Christmas parties because their guests were there more than two hours. Is this the kind of thing that our council wants? I assure you I don't. I assure you my neighbors don't. If this man is - continue to go on in this direction, on his own agenda, not what the people want like he told us when he ran for office, we've got a real serious problem in our council. I wish the council would speak to him or do whatever it takes. Because the next step as I've talked to Mr. McLaughlin and the Mayor, I will go for recall. I don't - I think it's a shame because he had some good ideas before he got mixed up on his own stuff. And I just want my harassment to stop. And I'm sure after speaking here tonight that it's going to get worse. But that's alright because I'll be back again and again and again. Because I will not - I've been a tax payer in this city for 25 years and I will not be harassed like this. Thank you.

Mr. Snyder: Is there anyone else in the audience wishing to speak to the Council? Okay, thank you.

Mrs. Magel: I have a question?

Mr. Snyder: Surely.

Mrs. Magel: Were you representing anyone?

Mr. Osborne: I would like to respond to all of this. Mr. DiFiori has been fine friend of mine for many years. He has suffered some health problems. I have plowed his walks, his driveways. But we've had one situation that's been long standing in the neighborhood for a long time. He's a mechanic, he enjoys his trade and I don't want to keep him from enjoying his trade, but for many years he's taken advantage of the neighborhood. I've seen school buses backed in there; maintenance performed on them. This most recent event was prompted by many conversations I've had with his next door neighbor. It's a 74 year old woman who a number of years ago put up a fence in the back yard to try and shield some of the debris that's back there. There's engine blocks, there's all kinds of mechanical equipment that's lying out in the weather. In addition, he's had anywhere from 2 to 3, 4, wrecks I guess - vehicles that did not run. And at one point during this recent - last few months, he had a total of 6 vehicles over there. I felt bad for this 74 year old woman. She's an individual who's had an abusive relationship in her life and she learned many years ago it's better off just to bite your tongue and not say anything. So I stepped forward

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for her, pointed out to the Zoning Department that there are long standing zoning violations. Mr. Hemminger drove by the residence. He didn't have to take much of an examination, it was blatantly violating the ordinances. It's taken several calls, but in the last month Mr. DiFiori did arrange for Fosnaughts to come over and remove one of the vehicles that had been up on jacks for about 3 or 4 months.

From audience: No.

Mr. Osborne: He had finally admitted he couldn't repair it.

From audience: No.

Mr. Osborne: As far as the harassment I have not talked to the gentleman since I started this - to the city. I did go over and talk to him to kind of hint that, you know, you might want to make some improvements here - something could be happening. And I also offered to assist him with maybe getting a building permit for a garage that he had tried to get about 4 or 5 years earlier and was turned down - even though the next door neighbor was able to build the same building. And I told him I didn't understand and I would try and help him with that. As far as the harassment I have not talked to the gentleman, even looked at the gentleman since that day. This has been two months. But as far as harassment I have gotten it from him. One day I went out to get my mail and he was out in his driveway working and he stood up and hollered, how does it feel to be f----- world's most hated man. I just waved and went into my house. Here a couple weeks ago after a council meeting I drove home and discovered he had parked the three vehicles at his property that would run - he had parked two of them in front of his house, one in mine, creating a bottleneck for the entire neighborhood to drive through. As far as the pickup he's referring to, when we started this action I believe he, in an attempt to get back at me, added a very rough looking pickup that did run, it was licensed, I guess it was insured. I found out later it belonged to a friend of his. He just added it to the mix of all the vehicles he had lined up in his driveway. In addition to harassment, I was plowing my yard here a few weeks ago early in the snow storm, we'd only had a couple inches, and as any of you know when you're plowing, snow plowing, a cloud of snow will come up and some of it went into the street. It was not even measurable, but he called the police on me and had them come out and advise me you couldn't put snow in the street. If anyone here on council is vulnerable to harassment charges for turning in zoning code violations we're all in trouble. As far as his petition that he had signed, I have not examined all the signatures, but there are five signatures from one residence around the corner on Foster and they're presently in violation of several ordinances. Not getting a permit for construction that they started back in November on their roof - they've left the construction unfinished. There's tar paper up there now and a neighbor advised me of that. In addition, they're using their front yard to park vehicles and they've been doing it for so long there are ruts in there probably 8, 10 inches long. And a neighbor across the street now advised me that the city has been required to dig out a sewer twice a year, because the mud that they track out into the street is filling up the sewer. I have - and I turned in that violation. Again without a letter from these individuals, only on verbal complaints. And I have since gotten a letter thanking me and calling to my attention the additional problems with this other residence. There's two individuals right in my immediate neighborhood...

Mr. Snyder: Excuse me Mr. Osborne, I have to ask you to hold those comments to what Mr. DiFiori - due to the time element of the meeting.

Mr. Osborne: Okay.

Mr. Snyder: My apologizes to you. But if you'd hold your comments to direct to response to what he said to you...

Mr. Osborne: Okay, but I'm trying to respond to his petition that he signed.

Mr. Snyder: Okay.

Mr. Osborne: One respondent I found out who this summer we've had two accidents in our street. People who backed out of their driveways backed into a parked vehicle. The one individual who signed this petition who had the accident, when I talked to them I was curious why they would sign this since they are having trouble with the parked vehicles. Told me they were lead to believe they were only going to remove the parking signs on one side of the street. And now I believe they're going to address a letter to the city to that point. But to sum it up, like I said, if we're all susceptible to being accused of harassment for toning in - turning in flagrant zoning violations, then we're all going to be in big trouble up here.

Mrs. Magel: Sir my question was are you representing anyone in this City? Were you representing a fellow citizen?

Mr. Osborne: Yes I was. I just explained a 74 year old lady lived next door.

Mrs. Magel: Verbally - Okay, cause let me tell you he's not only your constituent, this one's my constituent also.

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Mr. McLaughlin: And he's mine.

Mrs. Magel: And he's Rick's. Rick do you have any problems with this...inaudible...

Mr. McLaughlin: No I had I tell you - I'm going to sum this thing up right now. I had a talk with Mr. DiFiori and -- after it was brought to my attention. This is the first time in - in fact I've known him for a long time and I didn't know anything until after the November election when he called me over and said he had a problem. And I turned it over to Gene and Gene got involved. And things I asked him, I said you know, you've got an engine block sitting there. He said no problem it will be removed. And he - he was very cooperative. The gentleman has done everything that I asked him to. I - you know, I suggested, I shouldn't say - I never asked him to do anything. He talked to Gene. He - you know, he did have a car in his driveway, Gene knew about it, that they were waiting for the insurance to come back. But far as I know he's done everything and he's right, his house is a nice - he keeps it very nice outside and everything else like that. I do got to give the gentleman credit for the hours he works and everything else like that. But I have never had a problem with him. He's very polite.

Mr. Osborne: Well the city would not acted if there were not violations. And Rick, if you remember, I was at your house here back a month or so ago...

Mr. McLaughlin: And I called him from there and he said he took care of it.

Mr. Osborne: And would you of called him if there were not violations?

Mr. McLaughlin: No, you called and said - I'm not going to get into this, but you said he has another vehicle there. Every time he had another vehicle there I get a phone call. Finally I just discontinued listening to you. Because, you know, like he says his son came up from Columbus, I've listened to that, as he was leaving on Monday, he came over for the weekend, his car had some engine problems and he fixed it. I change my oil in my driveway too. I do a few car repairs. I change my points and plugs. It was gone on Monday. So far as I'm concerned it's over, it's done. I think this is - you're beating the bush. And as far as I'm concerned it's over with.

Mr. Osborne: That was not the issue.

Mr. McLaughlin: Inaudible...constituent and he's been -- and I have not from Gene about any other problems or whatever.

Mrs. Magel: As far as his language is concerned it's apparently the same as your's in the administration. And I'll tell you we're not even mentioning how many times the police came to his house, Fire Department came to his house, chalking of his tires - the man is being harassed in my opinion.

Mr. Osborne: Concerning...

Mrs. Magel: I will tell you he also my constituent. We have to work as part of seven. We have to work together.

Mr. Osborne: We had 2 hour parking signs out there..

Mr. Snyder: Wait gentlemen - ladies and gentlemen...

Mr. Osborne: and the gentleman that parked there...

Mr. Snyder: Chuck excuse me I'm going to have to ask this be brought to a close.

Mr. Osborne: Okay.

Mr. Snyder: Because I cannot allow the bantering back and forth. But I do appreciate everybody's comment. Mr. DiFiori...

Mr. DiFiori: Can I make...inaudible...one reply to some of ...inaudible...

Mr. Snyder: Please sir. If you would make it quickly.

Mr. DiFiori: This will only take a minute. Number one, there's not been six cars, other than people visiting in my driveway. The car he said was on the jack stands for six months was on there for about three weeks - it was my son's. He doesn't know what he talking about most of the time. He fabricates these things. Such as the picture the Mayor showed my wife about all the parking problems on Fairview. It happened one time, somebody was having a party. He needs to get a life. Thank you.

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Mr. Snyder: Thank you sir, thank you. I appreciate it. Anybody else wishing to speak to the Council? Thank you. Moving along here for the first order of old business. May I have a motion to read by title only the third reading of Ordinance No. 131-01?

Mr. McLaughlin: Excuse me sir, do we have a voice vote on the...

8. Voice Vote: Reappointment of Barbara Rodemeyer to Civil Service Commission

Mr. Snyder: Oh I beg your pardon, we do. Thank you Mr. McLaughlin. We do have a voice vote - I don't want to forget Mrs. Rodemeyer she's a long standing member of the commission and I need a voice vote, at the recommendation of Chairman Lindower last week, that reappoint Barbara Rodemeyer to the Civil Service Commission. We just need a unanimous voice vote Madam Clerk or we need a roll call vote?

Mrs. Bittle: Roll call.

Mr. Foltz: You need a motion and a roll call.

Mr. McLaughlin: Think - do we need - I think we need a motion to accept her. Roy?

Mr. Foltz moved and Mr. McLaughlin seconded to reappoint Barbara Rodemeyer to the Civil Service Commission.

Mr. Snyder: Thank you.

All members present voting:

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

No: 0

OLD BUSINESS:

Mr. Snyder: Alright, now...

9. Mr. McLaughlin moved and Mrs. Magel seconded to **read by title only, third reading** of Ordinance No. 134-01. All members present voting:

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

No: 0

Ordinance 134-01 - Third Reading

An ordinance authorizing the extension of an eight (8") inch waterline for a distance of approximately 2,257 linear feet to Saint James Place No. 7, located in part of the N.E., N.W., S.E. and S.W. Quarters of Section 32, Township 12 (Lake Township), Range 8 of the Congress Lands north of the Old Seven Ranges, Stark County, Ohio, in accordance with plans and specifications approved by the North Canton City Engineer.

Mr. McLaughlin: This is extension of our water lines so we can have some more people put on board.

Mr. Snyder: Okay, any other comment. If not...

Mr. McLaughlin moved and Mrs. Kiesling seconded to **adopt the third reading** of Ordinance No. 134-01. All members present voting:

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

No: 0

NEW BUSINESS:

10. Mr. McLaughlin moved and Mrs. Kiesling seconded to **read by title only, first reading** of Ordinance No. 2-02. All members present voting:

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

No: 0

Ordinance No. 2-02 - First Reading

Ordinance No. 2-02 authorizing the Mayor of the City of North Canton to enter into a Consent Agreement with the Ohio Department of Transportation (ODOT) for the purpose of designating certain streets in the City to be used as emergency detour routes and declaring the same to be an emergency.

Mr. Snyder: Chairman Magel.

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Mrs. Magel: Yes. I'm not sure if the rest of you received this in your package, but I received a letter to Jim Benekos regarding Freeway Incident Management from Director of Law Roy Batista. And I'd like to - if you did not receive that I'd like to read it. Okay, this is to be inserted into the Consent Agreement with the Ohio Department of Transportation - this is from our law director. I have reviewed - Roy Batista - I have reviewed the Freeway Incident Management Consent Decree provided to Council. I believe there should be a proviso in that agreement that if the City is performing routine maintenance, whereas any construction project restricting the use detour that the City has no obligation to open the street pursuant to the Consent Decree. And I agree with that. Now Roy could I just - that they agreed...inaudible...

Mr. Batista: Apparently Jim you've checked with ODOT?

Mr. Benekos: I haven't checked with them yet, but they're pretty liberal on this.

Mr. Batista: They just indicated...

Mr. Benekos: Right.

Mr. Batista: you're satisfied with that we can stick that kind of language in and just send it back.

Mr. Benekos: Right, stick that phrase in.

Mr. Batista: Okay.

Mrs. Magel: Should we have the first reading on emergency?

Mr. Batista: Yea, I'll just make sure that language is in the consent decree when we go back.

Mrs. Magel: Does everyone on council agree with this new wording to be inserted?

Mr. Snyder: That's fine. Alright...

Mr. Osborne moved and Mrs. Magel seconded to **adopt the first reading** of Ordinance No. 2-02.

All members present voting:

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

No: 0

Mr. McLaughlin moved and Mr. Osborne seconded to **suspend the rules** for Ordinance No. 2-02.

All members present voting:

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

No: 0

Mr. McLaughlin moved and Mrs. Magel seconded to **adopt under suspension of the rules** Ordinance No. 2-02. All members present voting:

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

No: 0

11. Mr. McLaughlin moved and Mrs. Magel seconded to **read by title only, first reading** of Ordinance No. 3-02. All members present voting:

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

No: 0

Ordinance No. 3-02 - First Reading

An ordinance authoring the Mayor of the City of North Canton, through the Board of Control, to enter into a professional service agreement for the design of the Castlewood Avenue Improvement Project and declaring the same to be an emergency.

Mr. Snyder: Chairman Magel.

Mrs. Magel: Yes, this is to come from item number 5929. The cost to be 24,600. This is the engineering only for the Castlewood project of curb and guttering. It is - it has been approved already on appropriation.

Mr. Snyder: Okay.

Mr. McLaughlin moved and Mrs. Magel seconded to **adopt the first reading** of Ordinance No. 3-02. All members present voting:

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

No: 0

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Mr. McLaughlin moved and Mr. Foltz seconded to **suspend the rules** for Ordinance No. 3-02. All members present voting:
Yes: McLaughlin, Osborne, Snyder, Foltz, Kiesling, Lindower and Magel.
No: 0

Mr. Osborne moved and Mr. McLaughlin seconded to **adopt under suspension of the rules** Ordinance No. 3-02. All members present voting:
Yes: Osborne, Snyder, Foltz, Kiesling, Lindower, Magel and McLaughlin.
No: 0

12. Mr. McLaughlin moved and Mr. Osborne seconded to **read by title only, first reading of** Ordinance No. 4-02. All members present voting:
Yes: Snyder, Foltz, Kiesling, Lindower, Magel, McLaughlin and Osborne.
No: 0

Ordinance No. 4-02 - First Reading

Ordinance No. 4-02 authorizing the Mayor of the City of North Canton, through the Board of Control, to enter into a professional service contract for the purchase of rebuilt water meters for use by the Water Department, at a cost not to exceed \$60,000.00, and declaring the same to be an emergency.

Mr. Snyder: Chairman McLaughlin.

Mr. McLaughlin: There's only one company that rebuilds the water meters right now so that's why we're going to a professional services contract. They cost us \$70.01 I believe - 10 cents to rebuild a water meter. So that's what we're - we asked not to exceed \$60,000.00 for this coming year.

Mr. Snyder: Okay...

Mr. McLaughlin moved and Mrs. Kiesling seconded to **adopt the first reading** of Ordinance No. 4-02. All members present voting:
Yes: Foltz, Kiesling, Lindower, Magel, McLaughlin, Osborne and Snyder.
No: 0

Mr. McLaughlin moved and Mrs. Kiesling seconded to **suspend the rules** for Ordinance No. 4-02. All members present voting:
Yes: Kiesling, Lindower, Magel, McLaughlin, Osborne, Snyder and Foltz.
No: 0

Mr. McLaughlin moved and Mr. Osborne seconded to **adopt under suspension of the rules** Ordinance No. 4-02. All members present voting:
Yes: Lindower, Magel, McLaughlin, Osborne, Snyder, Foltz and Kiesling.
No: 0

Mr. Snyder: May I have a motion to read by title only the first reading of Ordinance No. 5-02?

Mayor Rice: Mr. President.
Mr. Snyder: Yes sir, Mr. Mayor.

Mayor Rice: May I comment on that before you proceed?

Mr. Snyder: Please.

Mayor Rice: You're on item 13?
Mr. Snyder: Yes sir - 5-02.

Mayor Rice: Due to the reluctance of two council members and in particular to Mr. - Councilman Osborne's opposition to Ordinance No. 5-02 and his personal campaign to attempt to discredit the good name of the J Group, which consists primarily of North Canton residents, with many years of distinguished service to this community I might add, I hereby request that Ordinance 5-02 not be considered for passage. I do recognize and thank the vast majority of council members, five in particular, that have supported my efforts with the J Group 100 percent from the very start. Unfortunately you know what they say about one bad apple. If and when this City Council is ready to proactively pursue economic development issues and improve quality of life for all citizens of North Canton in a professional and organized way, this administration is ready and waiting for your cooperation. Obviously this is not the time. In the meantime this administration will do everything in its power to aggressively promote economic development, including business retention, business attraction, community growth, community events, green space developments, as well as grants and low interest loans. We will do this to the best of our ability within the confines of the North Canton City Charter. Thank you Mr. President.

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Mr. Snyder: Thank you Mr. Mayor. And may I have privileged question sir?
Mayor Rice: Sure.

Mr. Snyder: Would you be offended or appalled if I asked that legislation be passed and to arm you with that - funds to possibly have that reconsideration of that?

Mayor Rice: That would be great Mr. President. And I appreciate your support through this from the very beginning. At this point in time the J Group has indicated to me, as of late this afternoon, under the circumstances that have been created primarily through Mr. Osborne's efforts, they have no interest at this time in entering into a contract to assist the City of North Canton.

Mr. Osborne: May I make a comment?

Mr. Snyder: Please.

Mr. Osborne: Okay, I am not against community development. It's just the manner in which we're proceeding with this. I think there needs to be a planned, organized criteria set up as to what we would expect from a consultant in a situation such as this. I don't understand why this was an emergency. I mean the water is still going to run, the lights are not going to go out. I think the City can, in of itself, do a lot for itself. We have currently elected state representatives we can work through. I would like to see the city department heads familiarized and write their own grants. We can use state representatives who are now in office at no expense to us to lobby and assist us in this regard. We have a former mayor who's now appointed by the governor in charge of the four county Ohio Economic Development Committee. I would like to see us tap into his expertise, his guidance, his suggestions. My memo that I passed around to Council earlier this week was not meant to discredit anybody. I do believe in do diligence, gathering information. The information I researched at the invitation of the Mayor did suggest checking out his sources. Possibly he was given misinformation. I just think we need to set up very clearly what we expect in a consulting contract. When I talked to Massillon Community Development, I was advised they write their own grants, they use existing state representatives to lobby for them, that they very seldom use consultants and if they do they're strictly on a project basis and the most they've ever paid a consultant is \$2,500.00. I would much rather see us hire a full time staff member who would be involved with grant writing, assisting various departments, circulating in the community. I read the J Group's report tonight, just an hour before meeting, I had to ask for it in writing. Many of the things that are mentioned in there, I as a council person have been doing. And I think council members are ambassadors for the city. People approach us all the time looking for suggestions or guidelines or assistance. And I just think for \$50,000.00 and these hard economic times, we should be building a infrastructure in the city here to handle this kind of development, at least at the present time.

Mr. McLaughlin: Mr. President may I speak?

Mr. Snyder: Please.

Mr. McLaughlin: First of all...

Mayor Rice: Well Rick can I - I'm sorry, I didn't mean to cut you off. Number one Mr. Osborne you said you've been doing all that activity. How many people have you referred to the Administration for any follow up or cooperation with? Just a number, I don't need a speech, I need a number. How many people, please? I think the answer to that is zero sir.

Mr. Osborne: I think you're wrong. You know...

Mayor Rice: And think the problem is - I think I've got the floor Mr. Osborne.

Mr. Osborne: I'll wait till you finish.

Mayor Rice: Please do. The answer the zero. And I think here in his comments he's just explained to us what the problem is. Mr. Osborne has been a council member since December 1st and has yet to read the Charter to understand the division of authority and power in this city to find out what the role of a councilman is, what the role of the administration is, the mayor and the director of administration. Would the Clerk please provide Mr. Osborne with a copy of our city charter so he could read that?

Mr. Osborne: I do have it.

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Mayor Rice: Because it even goes back to the discussion with Mr. DiFiori; all these supposed violations. I don't know if any of those complaints came through the administration of this city, but Mr. Osborne chooses to handle these things himself. He puts himself in the position of going out to the local - to the individual departments as he said. I think it's on the record we might want to look at the transcription of that when the meeting's over. That he contacted Gene to enforce these problems and violations. I think if people read the Charter they'll see that those things are supposed to come through the administration and the administration is responsible, according to our charter to directing our department heads as to their activity. It is not council's role to run the departments of this city. It's not council's role to choose who the administration hires for a position such as this. So I think our ultimate problem here is Mr. Osborne's lack of understanding of how North Canton City Charter government performs. He wants to be department head, he wants to be mayor, he wants to be council member, he wants to be zoning enforcement agent, he wants to be law director - he wants to do it all. He doesn't think there's a need for any of us to be here. That's our problem.

Mr. Osborne: May I speak now Mr. Mayor?

Mayor Rice: I'm not in charge of the meeting, your council president is sir.

Mr. Snyder: One moment Mr. Osborne, I think I'll recognize Mr. McLaughlin and I'll come back to you.

Mr. Osborne: Okay.

Mr. McLaughlin: I've got to say something too because I think it's a slap in the face for the City of North Canton to lose an honorable man like Dave Johnson. For the years and dedication he had to this city from being a mayor, to being down at the statehouse, his connections and from firsthand bringing an opportunity to the table and within 24 hours we've got results through the Mayor and through Dave Johnson. I just think - we've got to rethink this, because we've been this route before where we had an economic development person was on - he or she was on their own. It does not work. I think that we need Mr. Johnson because of his connections. I, you know, I just think it's a no-brainer. I think it's one of the things we had before. We had somebody before; it didn't work out. Long before Tom, long before Mr. Johnson; it did not work out. This has been working out. I think Dave has been digging in. He rolled up his sleeves from day one and he's brought opportunities. I think that, you know, we've got to give the gentleman an opportunity and a chance. I think we - we're just missing out. I just - I cannot fathom not hiring this gentleman for his knowledge. And as for us writing grants and stuff like that, Dave's got - Dave has done this in his sleep. He knows the connections down in Columbus.

Mr. Lindower: I'd like to make a comment on that if I could.

Mr. Snyder: Sure. Mr. Lindower.

Mr. Lindower: In regard to Councilman McLaughlin's remark on grant writing. Have no time have I ever heard it indicated, excuse me, that the J Group would be writing grants. Their responsibilities would be only to assist grant writing that's being done by the city. So I feel that Mr. Osborne is totally uninformed as far as exactly what was being requested out of the J Group. And I think that it would be to his advantage probably to rethink the situation again and examine the purpose of the J Group rather than injecting his own personal opinions into what he thinks about individuals who may be involved.

Mr. Osborne: May I speak now.

Mr. Snyder: No, I will come right back to you in just one second. Mr. Foltz.

Mr. Osborne: Okay.

Mr. Foltz: I was severely disappointed that we have two council members supposedly do not want to vote for this tonight - being Marcia Kiesling and Chuck Osborne. I think Dave Johnson, the J Group, his family have had an impeccable image and done great things for the City of North Canton and through the state when he was a legislature down there. And for us not to come to the table and support our mayor and our community is just to me unconscionable, it really is. For what money we were going to spend you couldn't hire a decent community development director - you just couldn't do it. He's connected down in Columbus - we talked about this last week. He can push our grant opportunities down there to the right committees. Our job on council is to be proactive. And to be proactive we support our mayor. We don't look to sabotage what we're trying to accomplish here in the city as far as our community and economic development situations. I

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just looked through that briefly Mayor Rice and I see over 32 times he met with somebody or discussed details. And I know this is - this isn't as open as it could be because some of the subject matter is confidential because we're looking to attract businesses here in the city. Since October 4th and that's with the holiday weekend and everything else in December. I looked forward to great things here. Now that he doesn't want to be involved because we have a few council people that are narrow-minded, you know, to me that's just - it's a poor reflection on this council. We referred to Mayor Revoldt - Mayor Revoldt was in this city 18 years on council and as the mayor. He's had plenty of time to develop economic opportunity or community development here. I'm not about ready to hand this over to Mayor Revoldt - former Mayor Revoldt. But I also don't appreciate the backdoor politicking he's doing as far as the J Group itself. If he has intentions with this council or this mayor or this administration he needs to come up here like the private citizen he is, because he is now former Mayor Revoldt, and discuss that with us out in the open. There doesn't need to be games played with this. I respect Mayor Rice for being up front with us as far as what his intentions are with this city and myself as a councilman - member. I think most of council here support that and I'm disappointed in those that don't. That's all I have to say on this matter.

Mr. Snyder: Thank you. Mrs. Magel.

Mrs. Magel: I guess everyone...inaudible...went on record, I guess I'd like to go on record. I see this so totally different. This was just \$14,400.00 more per year - \$1,200.00 a month. How could you be against community activities and grant writing assistance? Or do you say thank you, but do it for free? The potential was already here, they were already working, it was already going. Things were already accomplished. Things - the foundation was already laid. It's not like we're making a decision January 14th. I think we made the decision in October. This was a mere small increment.

Mrs. Kiesling: Kathy, can I interrupt you so I can leave? I'm sorry. My husband's at Stat Care with my 11 month old getting stitches. So I just want to...

Mrs. Magel: Oh my god - sorry.

Mrs. Kiesling: That's alright. We've never had stitches in the family yet. As far as Doug saying - yes I was the reluctant member in the J Group. And my reluctance was seeing a copy of the contract. When I told - walked in tonight and told Jon Snyder that I didn't have a 2002 contract, I wanted to pass it in two weeks on an emergency, that's what he thought I was going to do. Then I came in here, Mary Louise was passing out our things and I saw we had a 2002 contract in front of us. I went back to Roy Batista, he looked at it for me. There's an out clause in it. Him and I spoke about maybe putting some performance things in it, but we'd look at it further down the line. I went back to Jon, over to the Mayor's Office, went into the Mayor, he said so are you a yes or are you no? And you know, we're sort of joking around and I said well I was a no and pass in two weeks because I didn't have the contract when I first walked in the door tonight. However, when I got to my seat I had my contract. You did not let me finish when we were in there and I understand why, because you were angry at the whole situation. But I was reluctant because I didn't have a copy in front of me. I was going to vote yes on an emergency and Jon Snyder can say that to anybody - tonight.

Mr. Snyder: Now I'd like to interject one. Excuse me if I may.

Mr. Foltz: No, that's a joke.

Mr. Snyder: Mr. Mayor for the sake of not sounding insulting to you sir, I'm going to ask to call this question and I'm going to ask for an emergency vote. And I would ask you as the president and along with my colleagues if you would not tomorrow go to Mr. Johnson and the J Group and affirm to him hopefully our support at 6-1 or 7-0. And I - please I do not mean to be disrespectful for you.

Mayor Rice: They'll get - I appreciate Jon - Council can do as they wish. I'm just conveying what I was told by the J Group this afternoon. This is not my decision.

Mr. Snyder: Well...

Mayor Rice: I obviously don't want to have it pulled. But with all the controversy and negatively that's been stirred up. Understand this smacks in the face of what we're trying to accomplish. What myself and the J Group has been working so hard over the last 3 months and want to continue to do is to promote the goodness of the City of North Canton. Promote the benefits of the City of North Canton. Make things positive happen. We're not trying to create negatively here. I'll cut my comments short because I know Marcia has to leave. But that's where we got - I think the J Group got to the point saying this is crazy. If we've got a member or whatever out there torpedoing us and trying to smear us and make us look bad and this is going to be a negative situation, that's bringing on a situation that we're trying to avoid and turn to a positive. That's what we want to do. I'll be quiet.

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Mr. Snyder: Thank you.

Mr. Osborne: Okay may I say something now? I think it's my turn.

Mr. Snyder: Yes, excuse me. I...

Mrs. Magel: I was interrupted though.

Mr. Snyder: I apologize to both of you.

Mrs. Kiesling: Yes, she was. I apologize to everybody for my phone.

Mr. Snyder: But allow Mrs. Magel very - Mrs. Magel I apologize, but if you briefly so that we could call that vote so that we do have sufficient members.

Mrs. Magel: That's what I'd like. I'd like a call for a vote and I'm asking to hurry I also.

Mrs. Kiesling: That's what she wanted.

Mr. Snyder: Alright, I appreciate that.

Mr. Osborne: Can I make some other comments?

Mr. Snyder: I would ask you if it's...

Mr. Foltz: Point of order Jon, let's vote - point of order.

Mr. McLaughlin: I second.

Mr. Snyder: I do need a motion to read the first reading.

Mrs. Kiesling: A third, a fourth, a fifth.

Mr. Snyder: I have to have a motion to read the first reading.

13. Mr. McLaughlin moved and Mr. Foltz seconded to **read by title only, first reading** of Ordinance No. 5-02.

Mr. McLaughlin: I'll hurry up because of Marcia.

Mrs. Kiesling: I appreciate that.

All members present voting:

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

No: Osborne.

Ordinance No. 5-02 - First Reading

Ordinance No. 5-02 authorizing the Mayor of the City of North Canton, through the Board of Control, to enter into a professional service agreement with The J Group to provide strategic consulting services with respect to matters pertaining to economic development, utilities, special events, community programs, marketing and other areas such as state and federal grant review assistance for a one year period beginning January 1, 2002 and ending December 31, 2002 at the rate of \$4,200.00 per month and declaring the same to be an emergency.

Mr. Snyder: Thank you. One thing I might add to the record. This is a professional services contract. It does not require by state law outside bidding. It does require the approval of the Council and the approval of Board of Control. Alright.

Mr. Foltz moved and Mr. McLaughlin seconded to **adopt the first reading** of Ordinance No. 5-02.

All members present voting:

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

No: Osborne

Mr. McLaughlin moved and Mr. Foltz seconded to **suspend the rules** for Ordinance No. 5-02.

All members present voting:

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

No: Osborne

Mr. McLaughlin moved and Mr. Foltz seconded to **adopt under suspension of the rules** Ordinance No. 5-02. All members present voting:

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

No: Osborne

Mr. Snyder: Mrs. Kiesling you're excused.

Mrs. Kiesling: Thank you - sorry.

Mr. Snyder: I hope everything is well in your family.

Mrs. Kiesling: Thank you.

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Mr. Snyder: Thank you Mr. Mayor for indulging us - I appreciate it.
Mayor Rice: I will present that to them and see if they're interested.

Mr. Snyder: Thank you.

14. Mr. McLaughlin moved and Mrs. Magel seconded to **read by title only, first reading** of Ordinance No. 6-02. All members present voting:

Mrs. Bittle: Mr. Foltz.
Mr. Foltz: Yes.

Mrs. Bittle: Kiesling.
Mrs. Kiesling: Yes.
Mrs. Bittle: Oh, sorry.

Mr. Foltz: We - make a motion to excuse Member Kiesling due to emergency.

Mr. McLaughlin: And I'll second it.

Mr. Snyder: Alright.

Mrs. Kiesling: Should I vote on this one?
Mr. Foltz: No, you don't have to...inaudible...
Mr. McLaughlin: No.

Mrs. Bittle: Lindower.
Mr. Lindower: Yes.

Mrs. Bittle: Magel.

Mr. Snyder: I think we're voting on the

Mrs. Magel: Which one are we voting on?

Mr. Snyder: We're on 6-02 then we'll make the motion right afterwards.

Mr. McLaughlin: Okay, we're on 6-02?

Mrs. Magel: Yes.
Mr. Snyder: Yes.

Mr. McLaughlin: Okay, then we'll come back to that one.

Yes: McLaughlin, Osborne and Snyder.
No: 0

Ordinance No. 6-02 - First Reading

An ordinance authorizing the Board of Control of the City of North Canton, through the Director of Administration, to advertise and receive bids according to specifications now on file in the office of the Director of Administration and the Mayor to enter into a contract for the purchase of breakaway fire hydrants on an as needed basis and declaring the same to be an emergency.

Mr. Snyder: Mr. McLaughlin.

Mr. McLaughlin: This is a yearly contract that we're going to bid out for our fire hydrants. So it's kind of an open end type thing because we're really not - I guess we really don't have an estimate of how much we're going use and so that's why we put it as an open ended type of contract. Am I right David?

Mr. Held: That's correct.

Mr. McLaughlin: Okay.

Mr. Batista: Inaudible...

Mr. McLaughlin: What's that?

Mr. Snyder: May I have...

Mr. Batista: I said you don't know how many crazy drivers he has.

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Mr. McLaughlin: They're breakaway hydrants.

Mr. Osborne moved and Mr. McLaughlin seconded to **adopt the first reading** of Ordinance No. 6-02. All members present voting:

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

No: 0

Mr. McLaughlin moved and Mrs. Magel seconded to **suspend the rules** for Ordinance No. 6-02. All members present voting:

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

No: 0

Mr. McLaughlin moved and Mrs. Magel seconded to **adopt under suspension of the rules** Ordinance No. 6-02. All members present voting:

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

No: 0

Mr. Snyder: Now may I have a motion to excuse Member Kiesling?

Mr. McLaughlin moved and Mr. Foltz seconded to excuse the absence of Councilperson Kiesling. All members present voting:

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

No: 0

Mr. Snyder: I wonder if the press got offended - they all flew out of here.

Mrs. Magel: They wanted to see about the stitches.

Mr. Snyder: This is like big city stuff. The first scope of 2002.

Mr. McLaughlin: Hamburgs are ready.

15. Mr. Osborne moved and Mr. McLaughlin seconded to **read by title only, first reading** of Ordinance No. 7-02. All members present voting:

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

No: 0

Ordinance No. 7-02 - First Reading

An ordinance authorizing the Mayor of the City of North Canton, through the Board of control, to enter into Supplemental Sewer Agreement between the City of North Canton and the City of Canton, said agreement supplementing and amending the March 22, 1974 agreement between North Canton and Canton for Odor and Corrosion Control/Solids Handling Improvements and declaring the same to be an emergency.

Mr. Snyder: Mr. McLaughlin.

Mr. McLaughlin: This is North Canton's share of the contract for that. It's 7 percent of the project cost. That includes, as we reported last week, \$1,746.50 for the report; \$23,450.00 for the design; and the total project they estimate to be was 2.479 million - excuse me, 2.4 million and our share of that would be \$173,596.50. So really we're 7 percent of the total cost of the project.

Mr. Snyder: Okay.

Mr. Osborne moved and Mrs. Magel seconded to **adopt the first reading** of Ordinance No. 7-02. All members present voting:

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

No: 0

Mr. McLaughlin moved and Mr. Osborne seconded to **suspend the rules** for Ordinance No. 7-02. All members present voting:

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

No: 0

Mr. McLaughlin moved and Mrs. Magel seconded to **adopt under suspension of the rules** Ordinance No. 7-02. All members present voting:

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

No: 0

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

Ordinance No. 8-02 - First Reading

Ordinance No. 8-02 authorizing the extension of a public eight (8") inch diameter sanitary sewer in Orion Road N.E. from its intersection at Beechwood St. N.E. and running approximately ninety (90') feet to a manhole, 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: Changes in the - out there that it wouldn't be no cost to the city whatsoever to develop - the developer is doing - the builder, developer.

Mr. Snyder: Good.

Mr. Osborne moved and Mr. McLaughlin seconded to **adopt the first reading** of Ordinance No. 8-02. All members present voting:
Yes: McLaughlin, Osborne, Snyder, Foltz, Lindower and Magel.
No: 0

Mr. McLaughlin moved and Mrs. Magel seconded to **suspend the rules** for Ordinance No. 8-02. All members present voting:
Yes: Osborne, Snyder, Foltz, Lindower, Magel and McLaughlin.
No: 0

Mr. McLaughlin moved and Mr. Osborne seconded to **adopt under suspension of the rules** Ordinance No. 8-02. All members present voting:
Yes: Snyder, Foltz, Lindower, Magel, McLaughlin and Osborne.
No: 0

17. Mr. McLaughlin moved and Mr. Foltz seconded to **read by title only, first reading** of Ordinance No. 9-02. All members present voting:
Yes: Foltz, Lindower, Magel, McLaughlin, Osborne and Snyder.
No: 0

Ordinance No. 9-02 - 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) 2002 Chevrolet Silverado pickup truck for use by the Park 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) 2002 Chevrolet Silverado pickup truck for use by the Park Department and declaring the same to be an emergency.

Mr. Snyder: This is pretty self-explanatory. We'll use - either go through the state bidding and if that's not competitive, the Director of Administration will seek a local bid. And that is in the 2002 appropriation and capital improvement assigned to the Park Department, less the DVD players and so forth, so it's a stripped down version.

Mrs. Magel: For \$22,000.00?

Mr. Snyder: For 22 - you don't get much even a little Volkswagen I don't think with that.

Mr. Osborne moved and Mr. Lindower seconded to **adopt the first reading** of Ordinance No. 9-02. All members present voting:
Yes: Lindower, Magel, McLaughlin, Osborne, Snyder and Foltz.
No: 0

Mr. McLaughlin moved and Mr. Lindower seconded to **suspend the rules** for Ordinance No. 9-02. All members present voting:
Yes: Magel, McLaughlin, Osborne, Snyder, Foltz and Lindower.
No: 0

Mr. McLaughlin moved and Mr. Foltz seconded to **adopt under suspension of the rules** Ordinance No. 9-02. All members present voting:
Yes: McLaughlin, Osborne, Snyder, Foltz, Lindower and Magel.
No: 0

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18. Mr. McLaughlin moved and Mr. Osborne seconded to **read by title only, first reading** of Ordinance No. 10-02. All members present voting:
Yes: Osborne, Snyder, Foltz, Lindower, Magel and McLaughlin.
No: 0

Ordinance No. 10-02 - First Reading

An ordinance approving, confirming and accepting a 20 foot wide Perpetual Utility Easement, being part of Out Lot 314, from Todd E. & Melinda R. LePage and a 20 foot wide Perpetual Utility Easement, being part of Out Lot 315, from Anna S. LePage, for waterline purposes, and declaring the same to be an emergency.

Mr. Snyder: Chairman McLaughlin.

Mr. McLaughlin: This really just self explanatory. Just adding on to - fixing the waterline.

Mr. Snyder: Right. And we did in fact, as we discussed last night - or excuse me, last Monday. Gave them their front footage on the pipe and the tap of approximately \$2,069.00 for the said easement, which will hook it up rather than have a - so there'll be a loop line.

Mrs. Magel: Right.

Mr. McLaughlin: Right. It's the line on Bachtel and...

Mrs. Magel: Butler.

Mr. Batista: Butler.

Mr. Snyder: Thank you.

Mr. McLaughlin moved and Mr. Lindower seconded to **adopt the first reading** of Ordinance No. 10-02. All members present voting:

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

No: 0

Mr. McLaughlin moved and Mrs. Magel seconded to **suspend the rules** for Ordinance No. 10-02. All members present voting:

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

No: 0

Mr. McLaughlin moved and Mr. Lindower seconded to **adopt under suspension of the rules** Ordinance No. 10-02. All members present voting:

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

No: 0

REPORTS:

Mr. Snyder: Thank you. Director of Law, any report?

Mr. Batista: Yea, the only thing I have is I got the agreement in from Plain Township on the Whitewood Street extension.

Mr. Snyder: Yes.

Mr. Batista: And I did agree to remove or place in the agreement that the city would not require the power of attorney for annexation and any connections made to this project. Which I don't know whether we ever directly discussed it, but since Plain Township was funding this, I thought it was rather adding insult to injury to have an annexation...inaudible...

Mr. Snyder: I believe Mayor, am I not correct, we did agree to that. That we would not require them to sign that covenant that if they hooked to our water they'd have to be annexed.

Mayor Rice: And which location is that you're talking about?

Mr. Batista: That's Whitewood Street.

Mr. Snyder: That's the Fisher.

Mr. Batista: Yea up...inaudible...

Mayor Rice: Right. That's correct. That was part of our - we committed to that already.

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Mr. Snyder: Right, we have councilmanic action on that...inaudible...

Mayor Rice: At North Pointe?

Mr. Snyder: Yes.

Mr. Batista: I put that in.

Mayor Rice: Yea.

Mr. Snyder: Yea, that was right.

Mayor Rice: That's right - That was already voted on and approved by Council I believe.

Mr. Snyder: Right.

Mr. Batista: Okay, well it's in and I just wanted to make sure you knew that, that was in the agreement.

Mr. Snyder: Yes, thank you. Director of Finance.

Mrs. Herr: No report.

Mr. Snyder: Director of Administration.

Mr. Held: Yes, I do have three things that I'd like to point out. Due to the cold weather, which is - historically we have a lot of problems with the water main breaks, which is usual when we have a drop in temperature. And our crews have been out there doing an excellent job of addressing those right when they occur and right when they're reported. For example one of our council members, Rick McLaughlin, gave us a call because a resident had called him. And he gave me a call and a matter of - within 30 minutes we had a crew out there and was addressing the issue. So thanks Rick for letting us know.

Mr. McLaughlin: Thank you.

Mr. Held: And that - also any other council members whenever you hear an issue, you know, contact our office or my cell phone. In that case I believe it was Friday evening and we were able to take care of it. So thank you. Secondly, the snow removal has gone very well. The crews have been out there in a timely manner. We've had a lot of interdepartmental coordination with the Police Department. It is usually the ones to make the first call when the bad weather starts to hit. Our men set their clocks each hour to get up and check the weather and so they're out there in a timely manner. As far as the salt supply, we're very strong right now. As I understand its been reported that we should have enough in our supply to last the rest of the year due to the mild winter that we've had in the early - early hope.

Mayor Rice: Don't say something like that.

Mr. Held: But no, we're very strong with our salt supply right now.

Mayor Rice: Blizzard tonight.

Mr. Held: So things are looking good in that area.

Mr. Snyder: Appreciate that. Mr. Mayor.

Mayor Rice: Couple things. I think most council are aware, but just for the record, the Supreme Court acted on that annexation up on the north side of town. Actually it was Mary Louise got off the - because she's actually the namee in here. So you're safe, they're not going to come and haul you off.

Mrs. Bittle: I'm happy about that.

Mayor Rice: But that annexation the Supreme Court considered the case and declined jurisdiction to hear the case. So I think that means - what do we have to do move forward and accept that. Right Roy?

Mr. Batista: Yea, Mary Louise is trying to run the transcript down as we speak.

Mrs. Bittle: I talked with her...

Mayor Rice: Cool. So that looks like that's a done deal. Right?

Mrs. Bittle: I talked with them today.

RECORD OF PROCEEDINGS

Minutes of COUNCIL OF THE CITY OF NORTH CANTON REGULAR

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, January 14, 7:00 p.m., 2002
(YEAR)

Mayor Rice: Pretty much a done deal except...

Mr. Batista: Yea, well we're going to have to, you know, hold the transcript for 60 days and that ...inaudible...nonsense.

Mayor Rice: Okay. Is that 60 days from their ruling?

Mr. Batista: No. I'm going to take the position that it's 60 days from when it hits her desk.

Mayor Rice: Okay.

Mr. Batista: Because Plain Township is so litigious that I want to make sure that there's no openings.

Mayor Rice: Okay, good enough. For others - I know Jon's aware in 4th Ward that traffic light, believe it or not, is finally up.

Mr. Snyder: Yes, it is.

Mayor Rice: We finally found some poles. Just so you know, if you didn't get it, the lights are up there right now. They will be bagged as they are now until January the 18th, according to Mr. Hockensmith who's running that. From the 18th to the 28th the lights will - they will turn them - take the bags off and they'll be flashing yellow on Everhard and red facing Salway - get people used to them being there. We will be installing some warning signs in the area to warn people that there is a new light at that intersection. And then on January 28th two nights - two weeks from tonight the lights will go online at that time. So if you get questions Jon from - especially from your constituents in the 4th Ward, that's the schedule for how those lights are going to work according to our Mr. Hockensmith. Two other things. I want to announce publicly we had a retirement at the Water Treatment Plant, Billy Isner retired. We had a little party for him the other night. What was it 33 years Rich?

Mr. Steinhebel: 33 years.

Mayor Rice: 33 years. This gentleman was down there when they built the plant. I mean this guy - before they built the plant actually.

Mr. Steinhebel: Before the plant...inaudible...

Mayor Rice: Very interesting guy. We went down, we spent some time talking to Billy. A great guy, dedicated worker with this city for many, many years and decided to retire. But has some great stories about the early days and the Water Treatment Plant when it got built. But do want to give him recognition for his many years of service. We did give him a certificate and had a little ceremony to honor him down there last week. Also, two weeks from tonight we like to notify Council that Burgess and Niple would like to come and make a presentation on the Water Treatment Plant upgrade plan. As you know that time line is coming along here where we're going to be looking to go to bid - advertise and receive bids for that. They'll come in and make a presentation to City Council as to their plans, that type of stuff. Rick was in last and we met, talked some more about that, the financing for it. In that department I think we're going to have another meeting this week and I think Rick will have some additional information for Council next Monday night to present to you. But two weeks from tonight I assume, unless you want to schedule something before Jon, do you just want to have it during the council, before...inaudible...

Mr. Snyder: Yes, that's normally the...

Mayor Rice: or how would you like to do it?

Mr. Snyder: Don't you feel or do you feel that you want a little 15 minute presentation before the meeting at 6:45?

Mayor Rice: Start the meeting early, do you want to have it after the meeting, do you want to have it during?

Mr. McLaughlin: I think a lot of the constituents maybe want, you know, would want to hear. I don't know, I'm just throwing it out.

Mr. Snyder: Well I would suggest prior to the meeting if you're going - because if you let it at the end it's open end it could last - But 15 minutes prior to and if you have additional questions we could -- because normally we have a very full agenda.

Mr. McLaughlin: Inaudible...

Mr. Snyder: That will be a council meeting.

Mr. McLaughlin: Maybe we ought to make it a half hour by 6:30 that way it's...

Mayor Rice: I think you need at least a half hour.

Mr. Snyder: Alright, would 6:30 inconvenience -be convenient?

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REGULAR

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Held

Monday, January 14, 7:00 p.m.

2002

(YEAR)

Mayor Rice: How long...inaudible...would that us enough time for that and questions?
Mr. Benekos: Yea, right their presentation will be about 60 minutes.
Mayor Rice: You want to schedule at 6:30 prior to the council meeting a presentation.
Mrs. Magel: Two weeks from now?
Mayor Rice: If everybody comes early we'll have them give you a presentation. Give - two weeks from today.
Mr. Snyder: That's the 28th.
Mrs. Magel: Okay.
Mayor Rice: Next formal meeting. Okay, 6:30 come in give council a chance to look at their plan. We'll try to get you some information ahead of time that you can look at. If - as soon as they get it to us we'll pass it on to you and you'll be able to ask them questions or clarify. That's all.

Mr. Snyder: Okay. Thank you sir. Mr. Engineer.

Mr. Benekos: No report sir.

Mr. Snyder: Madam Clerk.

Mrs. Bittle: No report.

REPORTS - COUNCIL:

Mr. Snyder: Mr. Foltz.

Mr. Foltz: Jon, I don't know if you're going to address it - next week's a...

Mr. Snyder: Martin Luther King, yes.

Mr. Foltz: Yea. Are we going to move the meeting...

Mr. Snyder: Yea, we'll move it to Tuesday.

Mr. Foltz: Okay. That's all I had.

Mr. Snyder: Mr. Lindower.

Mr. Lindower: No, no report.

Mr. Snyder: Mr. McLaughlin.

Mr. McLaughlin: No report.

Mr. Snyder: Mrs. Magel.

Mrs. Magel: No report.

Mr. Snyder: Mr. Osborne.

Mr. Osborne: No report.

Mr. Snyder: Thank you. A couple things. Next week the 21st is Martin Luther King, it's a holiday, the building is closed. Traditionally the Council does not meet when the building is closed. So I'd like motion to change the meeting from the 21st to the 22nd, Tuesday at 7:00 p.m.

Mr. McLaughlin moved and Mr. Foltz seconded to change the date of the regular council meeting from Monday, January 21, 2002 to Tuesday, January 22, 2002.

Mr. Snyder: Okay.

All members present voting:

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

No: 0

Mr. Snyder: I also received a notice from the League of Women Voters. Monday, January 28th at 8:00 at the Jewish Community Center there will be an attendance. Ohio Senator Scott Oelslager, Representatives Mary Cirelli - Tom you probably want to get over there, Kirk Schuring and John Hagan, to learn and work with the 124th General Assembly. I apologize.

Mayor Rice: Thanks.

Mr. Snyder: I couldn't let that one get past.

Mr. McLaughlin: Close friend of Tom's.

Mayor Rice: I'm writing that down.

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Mr. Snyder: But that is - that will be next Monday the 28th. It's \$8.00 a person and reservations are requested by the 23rd and the Clerk will have the reservation if you care to go. Other than that I do want to thank all of you for your indulgence. Mr. Osborne on behalf of the Council I will only say to you that, you know, this was not done or anybody or anything maliciously. I hope that this works out. But we work as team. It's very important that we work as seven members, through the administration of Mayor Rice and Director of Administration Held. And that we work as much as team for the betterment of the city as we can. And I will - that's all I'll say along that line.

FINAL CALL FOR NEW BUSINESS:

Mr. Snyder: Is there anybody in the audience wishing final call for business? If not I would entertain a motion to adjourn.

ADJOURN:

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

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

No: 0

The meeting ended at 8:10 p.m.

PRESIDENT OF COUNCIL

ATTEST:

CLERK OF COUNCIL