

RECORD OF PROCEEDINGS

Minutes of COUNCIL OF THE CITY OF NORTH CANTON REGULAR

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, June 10, 7:00 p.m., 2002
(YEAR)

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.

ROLL CALL:

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

Mr. Snyder: One official thing, you were all given a copy of the funds summary budgets for years 2001, 2002 and 2003 and pursuant to the Charter of the City of North Canton it's required that the Director of Finance give those to you prior to the 15th of June. And so I'll make it official that you were given those notations. If you have any questions please direct them to the Director of Finance.

5. Consideration

Consideration of Minutes of Council Meeting: 5/28/02

Mr. McLaughlin moved and Mr. Osborne seconded to approve the minutes of the council meeting as presented. All members present voting:
Yes: Kiesling, Lindower, Magel, McLaughlin, Osborne, Snyder and Foltz.

6. Committee Reports

Mr. Snyder: The minutes have been corrected for the Council of the Whole committee meetings. It did list that Engineer Benekos was in attendance. He was in the sun somewhere he wasn't here in the Council Chambers. So they have been - the official minutes have all been corrected. So that - and they are - I do have copies of them if you would so choose. But when you do approve them you're approving them with the absence of the Engineer...

Mrs. Magel: Jon, so we don't have to sign all these that's in front of us?

Mr. Snyder: No

Mrs. Magel: Okay.

Mr. Snyder: No you're alright on that...

Mrs. Magel: Gees.

Mr. Snyder: that's just a correction.

Mrs. Magel: Thank you.

Finance & Property Committee: Refer to the minutes on file in the Council Office of the Finance & Property Committee meeting held June 3, 2002.

Ordinance, Rules & Claims Committee: Refer to the minutes on file in the Council Office of the Ordinance, Rules & Claims Committee meeting held June 3, 2002.

Personnel & Safety Committee: Refer to the minutes on file in the Council Office of the Personnel & Safety Committee meeting held June 3, 2002.

Street & Alley Committee: Refer to the minutes on file in the Council Office of the Street & Alley Committee meeting held June 3, 2002.

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 and Foltz.

Abstained: Kiesling.

No: 0

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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, state your name and address for the record. Madam.

Mrs. Kiesling: There's Lola.

Lola Lewis: Good evening. My name is Lola Lewis. I'm with the Division of Forestry. My address is 2205 Risner Avenue, New Philadelphia, Ohio. And I'm here tonight just to introduce myself and to probably be to come and speak with you next week concerning doing some workshops regarding Urban Forest Initiative. Okay.

Mrs. Kiesling: You guys want to - are you going to speak tonight then or give us any information or ...

Ms. Lewis: I have some information I'm going to leave as a handout that you can read through, okay.

Mrs. Kiesling: Oh awesome.

Ms. Lewis: Okay?

Mrs. Kiesling: Okay.

Ms. Lewis: And then...if we're permitted we'll do a full blown presentation for you.

Mrs. Kiesling: Okay

Ms. Lewis: Okay. Yea.

Mr. McLaughlin: Can I make one comment?

Mrs. Kiesling: Yea.

Mr. McLaughlin: For those of you that were there about - was it six weeks ago when they were at the park and the 7th grade students all came in and planted trees. They really did a good job. And we should send a thank you letter for what they - what they did for the City of North Canton going through and cleaning our parks, planting the trees and replenishing our park over there. And I think in the years to come it 'll be a nicer park with the bigger trees and then clearing out some of the dead weight and everything else like that. It was a good program for those that were there. Hopefully they can do it again next year.

Mr. Snyder: My tree's blooming.

Mr. McLaughlin: So's mine. Mine's got about 12 leaves on it already.

Mrs. Kiesling: Yea, mine too.

Mr. McLaughlin: Thank you very much for the tree.

Ms. Lewis: Thank you for having us.

Mr. Foltz: Okay...

Mr. Snyder: Thank you. Anyone else in the audience wishing to speak? Mr. Brozovic, please step forward state your name and address for the record.

Terry Brozovic: My name's Terry Brozovic. I live at 514 Everhard Road SW, North Canton. I have a letter here signed by me and John Broemsen. And originally it was going to be sent to Jon Snyder with copies to council members, but I decided to read tonight if you're okay. I realize we're not going to be able to discuss it or debate it - that's no problem. But I am requesting as soon as possible to have a meeting with all council members concerning this. It's not going to take very long believe me. Okay. Dear Jon. After two and half years that Dick Roger Photography issue on Everhard Road is still not resolved, which deeply disappoints me. As I believe this matter could of been resolved long ago to everyone's satisfaction. The question at this point is if there's clear and direct violations of the City's home occupation ordinances by this business, then why are the negotiations between the Rogers and the City traveling down such a path that the city is making huge concessions with regard to virtually every issue. As suggested to me by city officials over a year ago, I believe it is - it is imperative that the city hire an outside attorney to handle this case. For over two years John Broemsen and I have supplied the Law Director numerous video tapes, photographs and other documentation per his instructions and at our own expense seemingly to no avail. In addition, we received a threatening and accusatory letter from the Stark County Prosecutors Office suggesting we harassed the Rogers and acted in a peeping tom manner. I feel that this would never of happened if the case were handled with due diligence. It is clear that unfortunately the neighbors involved have begun to take these issues personally, which is deteriorating the chances of these issues being settled fairly and timely. I'm requesting that another attorney be assigned to this matter as soon as possible, as suggested to us by city officials, in order to effectuate a quick and fair resolution to this matter. It is clear and this is very important, it is

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clear that the city is able to act in a timely manner to ordinance violations as evidenced by the city's speedy response and resolution to the Distinguished Homes matter. Wherein Distinguished Homes allegedly operated an illegal business in a residential district. In closing, some city officials have stated that Chuck Osborne is loosing his credibility with the city and his constituents. With regard to this matter I found him to be quite helpful and believe he is very interested in the welfare of the citizens of North Canton. It is doing - and he is doing his best to represent his constituents' best interest. I understand that North Canton City Council has many issues in which it must deal, but I feel one of the council's responsibilities is to carry out its duties to the...citizenry, excuse me, when may note - made known about direct violations of an important ordinance. A law that keeps North Canton's residential community, a place where families want to live as well as attract new comers to our neighborhoods. The end. So again I would like to have a meeting, John would like to be there - John Broemsen with council members whenever. Jon has my number and we'll just go from there.

Mr. Snyder: Any questions? Mr. President...

Mr. McLaughlin: There is - there is litigation pending isn't there?

Mr. Brozovic: Yes there is.

Mr. McLaughlin: So it's going to be kind of hard to talk about pending litigation. Am I right or am I wrong? I'm Just asking a question.

Mr. Brozovic: No, council can talk about.

Mr. McLaughlin: I'm looking to our legal advisor for the question. Can you or can you not?

Mr. Batista: Well I think you can go into executive session and invite anyone you want to.

Mr. McLaughlin: Okay. Thank you.

Mr. Brozovic: Can I give you these...

Mr. Snyder: Please, yea. Give them to the Clerk she'll...inaudible... Is there anyone else in the audience wishing to speak this evening? Okay.

OLD BUSINESS:

8. Mr. McLaughlin moved and Mr. Osborne seconded to **read by title only, third reading** of Ordinance No. 52-02. All members present voting:
Yes: Magel, McLaughlin, Osborne, Snyder, Foltz, Kiesling and Lindower.
No: 0

Ordinance No. 52-02 - Third Reading

Ordinance No. 52-02 establishing the rates of compensation for elected officials of the City of North Canton, Ohio, effective December 1, 2003.

Mr. Snyder: Chairman Lindower.

Mr. Lindower: Once again, this is an adjustment in compensation for council and the mayor. We discussed this prior to the meeting and before the first reading on this. It's been some time since this has been done. So that's all I have on it. Is there any other question on it I - Kathy?

Mrs. Magel: This has been discussed has it not?

Mr. Lindower: It has.

Mrs. Magel: It has been discussed. I clearly thought that there was a discussion.

Mr. Lindower: There was a discussion.

Mrs. Magel: it - there's been it was in print that it was not - been discussed.

Mr. Lindower: And...

Mrs. Magel: But let's clarify this it has been discussed.

Mrs. Kiesling: You're right.

Mr. Lindower: It has been discussed. The committee discussed it and we brought it before council so they...

Mrs. Magel: That's my recollection also.

Mr. Snyder: Yea it was discussed in personnel committee and then it was discussed two previous times.

Mrs. Magel: Right.

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Mr. McLaughlin: And it was also explained how the implementation of it takes place. It will not be for this body it will be for the future body.

Mr. Lindower: Right.

Mr. Foltz: It's the third reading too so you can't go any longer than this guys.

Mr. Osborne: Implementation - very important.

Mr. McLaughlin moved and Mrs. Kiesling seconded to **adopt the third reading** of Ordinance No. 52-02. All members present voting:

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

No: Osborne.

9. Mr. McLaughlin moved and Mr. Osborne seconded to **read by title only, third reading** of Resolution No. 55-02. All members present voting:

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

No: 0

Resolution No. 55-02 - Third Reading

WHEREAS, U.S. Communities is a nonprofit instrumentality of government formed under U.S. Code, Title 26, Internal Revenue Code, Section 115; and

WHEREAS, U.S. Communities is incorporated in California under the Nonprofit Public Benefit Corporation Law for charitable and public purposes and the State Seal of Incorporation was affixed May 26, 1999; and

WHEREAS, U.S. Communities Government Purchasing Alliance (GPA) has established a national structure for local government agencies to make use of their collective purchasing power and to improve the overall effectiveness of their purchasing processes.

Mr. Snyder: As we've discussed previously, this is similar to the state purchasing agreement for large equipment - cars and so forth - tractors, trucks. This would be for smaller things to allow or at least get a competitive bid at a cooperative price. So that said...

Mr. McLaughlin moved and Mrs. Magel seconded to **adopt the third reading** of Resolution No. 55-02. All members present voting:

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

No: 0

NEW BUSINESS:

Mr. Snyder: May I have a motion to read by title only the first reading of Ordinance No. 65-02.

Mr. McLaughlin: So moved.

Mr. Snyder: Excuse me 64.

Mr. McLaughlin: 64-02.

Mr. Snyder: I apologize - 64-02.

10. Mr. McLaughlin moved and Mrs. Magel seconded to **read by title only, first reading** of Ordinance No. 64-02. All members present voting:

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

No: 0

Ordinance No. 64-02 - First Reading

Ordinance No. 64-02 amending Section 5. and Section 6. of Ordinance No. 45-99, as amended, to allow for the Fire Chief and Senior Program Director to be paid at an hourly rate in the event they work less than the required number of hours in a bi-weekly pay period and declaring the same to be an emergency.

Mr. Snyder: Chairman Lindower.

Mr. Lindower: Once again we brought this before the committee and discussed it with council. There came - a problem arose due to the fact that the Fire Chief took a week's vacation, came back and was having some problems deciphering the ordinance with the - with the Finance Department. So we've amended that ordinance to take care of the problem whereas those two individuals would be paid bi-weekly for the number of hours they work rather than setting a 40 hour limit on it.

Mr. Snyder: Okay.

Mr. Lindower: Any questions on it?

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Mr. McLaughlin moved and Mrs. Kiesling seconded to **adopt the first reading** of Ordinance No. 64-02. 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. 64-02. All members present voting:
Yes: Lindower, Magel, McLaughlin, Snyder, Foltz and Kiesling.
No: Osborne.

Mr. McLaughlin moved and Mr. Lindower seconded to **adopt under suspension of the rules** Ordinance No. 64-02. All members present voting:
Yes: Magel, McLaughlin, Osborne, Snyder, Foltz, Kiesling and Lindower.
No: 0

Mr. Snyder: Alright...

11. Mr. McLaughlin moved and Mrs. Magel seconded to **read by title only, first reading** of Ordinance No. 65-02. All members present voting:
Yes: McLaughlin, Osborne, Snyder, Foltz, Kiesling, Lindower and Magel.
No: 0

Ordinance No. 65-02 - 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 resurfacing, repaving, replacement, repair and preventative maintenance of certain streets and alleys within the corporate limits of the City of North Canton.

Mr. Snyder: Chairman Magel you can go ahead.

Mrs. Magel: Yes, I've - if you could pass these around. It's hot off the press I got this 20 seconds before 7:00. A couple more? This is the list. It said revised June 10, 2002. I have not had an opportunity to compare but it looks similar.

Mr. Osborne: This wasn't changed at all.

Mrs. Magel: One question Jim I did have - first of all council this has already been tabled for two weeks.

Mr. Osborne: Inaudible...the original list.

Mrs. Magel: So I need to - one thing I had asked was we want to put it on tonight and then we were going to discuss it. But - so what we're doing is we'll discuss it as if it were whole right now. Jim, one of the questions I had was and why I had to - why I asked for a meeting at 6:30. At the time I couldn't figure out what the difference between the \$250,000 was versus the \$25,000 for the concrete. Obviously this part is just for the pavement.

Mr. Benekos: The asphalt.

Mrs. Magel: The asphalt.

Mr. Benekos: Correct.

Mrs. Magel: Okay, there's no concrete in this in figure?

Mr. Benekos: Right.

Mrs. Magel: Alright, that was one of the questions I had. Alright second of all I think it was - was it March 15th you sent a letter - a request for Council to give you streets? I can't remember it's been awhile.

Mr. Benekos: I think we requested...

Mrs. Magel: For street...

Mr. Benekos: It was April 17th and we asked for the list May 6th.

Mrs. Magel: April 17th and May 6th?

Mr. Benekos: Correct.

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Mrs. Magel: Okay. One of the things I had wanted to make sure - particularly the ward council got to you with their streets. I know you were on vacation and my conscious is clear that everybody had a opportunity to get their streets to you. So I assume you took into consideration - did you get a list, a new list?

Mr. Benekos: Yea I received a new list when I returned today. There were a few councilmen that did express a few streets...

Mrs. Magel: Okay.

Mr. Benekos: to me previously and we did consider them. One - 7th Street, Mr. Lindower indicated to me. We looked at that and the five year plan it's listed to replace the waterline next year and I need to get with the water crew. That street does need to be resurfaced. If we are not intending to replace the waterline there in the near future we will add that to the list. That would probably be in a priority one or a two I would feel. The other street on the lists that were given to me recently Ambler, that would be low on the priority but we'll add that to the list if we have enough money we'll add that one. The alley between Glenwood and Summit, I need to check that and add that to the list if we have enough money. And then is Rosewood off of Glenwood is that concrete or is that...

Mr. McLaughlin: That's concrete.

Mr. Benekos: Okay.

Mr. McLaughlin: I want to know if that's on the agenda for next week cause I keep - two things I want to know - I want to know that, I want to know where the status of Mississippi is. Because I'm getting a lot of calls on Mississippi.

Mr. Benekos: Yea.

Mr. McLaughlin: Are we gonna - are we going do anything with that? Is that in the budget for next year?

Mr. Benekos: It's - well I think we're still waiting for the developer on that corner. But...

Mr. McLaughlin: Well we can't - I mean we're not going to wait 5 or 10 years for this guy come to along. I mean it's it's already been 2 years or 3 years now and I don't want to keep putting this thing off. It could be another 5 to 10 years down the way. I mean with the way the mood is right now we're not sure where we're going to be with that. And I think that either we resurface that thing temporarily or we go ahead and do and get the - you know make our adjustments that we need to do on storm sewers and everything else like that. You know we keep saying every year we're waiting for him, we're waiting for him, we're waiting for him. Well I'm waiting for my Christmas presents last year too. I mean how long can you wait? I mean we've got to say hey, this is it. We contact him and say we're going to do Mississippi next year or whatever. But, you know, I think that and that Rosewood is my two priorities. Rosewood is getting really bad right now. I need somebody if we're not going to do Rosewood, which I - we're probably not with cement, I need to have some repairs done to that temporarily on some asphalt going into that cement to keep level - stable and everything else like that. Because that is getting very bad. So that was my questions. I wanted to know where we were with those. And think Rosewood is on the list - the 5 year plan, I think.

Mr. Benekos: Okay.

Mayor Rice: Rick, Mississippi.

Mr. McLaughlin: Yes sir.

Mayor Rice: If you want move for that, do you want to just pave it or you want to put it on the 5 year plan to rebuild the whole street?

Mr. McLaughlin: We're going to have to do something. You know paving it is probably going to cost us about 70,000; rebuilding it is going to cost us about close to 175. You know...

Mrs. Magel: How long ago was it done?

Mayor Rice: We're just saying because if you're going to repave it, it's not going be in on...

Mr. McLaughlin: We're not going to be on for a long time.

Mayor Rice: it's not going to be on there to be rebuilt for a long time. So you got to decide how you want us handle it.

Mr. McLaughlin: But we - we've got to do something; that's getting worse and worse and worse.

Mayor Rice: Well not doubt it's - no doubt it's in bad shape.

Mr. McLaughlin: and I mean we either got to do it or not do it. And I mean either contact the partial land - the people that own the partial saying what are your terms, what are you coming into, do you think you'll do anything in the next 5 years? I mean I'll gladly contact them this week, get back to Kathy and the Council and let them what I feel. But I think we've got to do something with that because I'm telling you it's an eyesore, it's a problem and it needs to be done.

Mr. Snyder: You know Mr. Engineer I can in good conscious notice that there's not a street in my ward that's on a priority. You go up Fair Oaks from Rose Lane to Glenwood it's like driving over a hill. Rose Lane the street - he's talking about Mississippi, Mississippi is in better shape than most any street in my ward. Glenwood's terrible, Everhard is terrible and I won't vote for a list streets that I don't get a street done in my ward.

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Mr. Foltz: Hey Rick, is that true?

Mr. McLaughlin: Yea, he's got some bad ones down there.

Mr. Snyder: It's impossible.

Mrs. Magel: Inaudible...and there's bad...

Mr. Snyder: I represent those people, those people have been deprived for 15 years...

Mr. McLaughlin: He's got some bad ones.

Mr. Snyder: and I will not vote for any street improvement in this city if I do not get equal representation on my streets. Now that's that simple. I submitted a list, none of those streets appeared. It's only incumbent upon the administration to work with me to get those streets fixed. He's asked to have Mississippi fixed, there's maybe 6 houses on that street. If they go down to Middlesworth I pushed it off again till next year. You go on - you go on Rose Lane you can take some of the highest priced houses in the city and thing looks like it belongs - I don't know where it belongs. That's ridiculous. And Fair Oaks if you drive over it the whole street's imploded - Woodland's imploded. I don't think that's very fair and I will not stand for it. I'm sorry. That's it.

Mrs. Magel: Oh wait, wait...

Mr. McLaughlin: Inaudible...do we have an answer to that? I mean, god I have - you're saying there's only 6 houses on there? Jon, I agree with you except you got the K of C, which draws a lot of business down there.

Mr. Snyder: That's fine Rick. I'm telling you...

Mr. McLaughlin: I know, but Jon I I agree...

Mr. Snyder: You're not going to move a street out of my ward...

Mr. McLaughlin: Would you let me finish? Would you let me finish?

Mayor Rice: Inaudible... which ones are on...inaudible...

Mr. Snyder: Please.

Mr. McLaughlin: Okay, thank you. And I agree with you, that's what I'm going to say. I do agree with you that, no you do not have representation on this list. I told you that before. I think there's some streets down there that needs to be done. But I think we have to have a better priority system. I've mentioned to Kathy already I think what, you know what the fairest thing to do is take the 250 divide it by the 4 wards, you got 62 - \$62,500 and let ward person pick out a street and see where we're at after that. You got \$62,500 in your ward to deal with streets, let's see what we're going to do. And then what's fair, is fair. But I'm just...

Mrs. Magel: We have no precedent for that.

Mr. McLaughlin: I know.

Mrs. Magel: And...

Mr. McLaughlin: But there's some things that you got treated and I agree with Jon everybody's got to be treated fair.

Mrs. Magel: Rick, that could take us...

Mr. McLaughlin: Inaudible...

Mrs. Magel: Inaudible...problems elsewhere.

Mr. McLaughlin: But look what you're doing now, you're taking Ward 4 and you're almost, you're making it a priority 3. I mean you've got to be fair.

Mrs. Magel: Alright, I'd like this to come back to committee. Mr. Engineer, \$250,000 will take us approximately through this list or...

Mr. Benekos: I don't know yet. We haven't broken those down...

Mrs. Magel: Right.

Mr. Benekos: until we prioritized them. Last year we did...

Mr. Lindower: There's not enough money...

Mr. Benekos: 14 streets.

Mr. Lindower: There's not enough money...inaudible...

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Mr. Benekos: But you know they're varying lengths and varying widths.

Mrs. Magel: At but - at what cost? 250?

Mr. Benekos: At 200,000.

Mrs. Magel: At 200 you did 14. Okay. That's fair.

Mr. Benekos: But if I could respond to Mr. Snyder's comments.

Mr. Snyder: Please.

Mr. Benekos: We do Fair Oaks and Kolp and they're not...

Mr. Snyder: That's on - that's on the opposite side...

Mr. Benekos: Yea.

Mr. Snyder: of Glenwood.

Mr. Benekos: Yea.

Mr. Snyder: You go down that street it rolls.

Mr. Benekos: Right. That portion is scheduled on the 5 year plan. That needs to be rebuilt. If we resurface it that will happen again - it's a base failure. So we do - we did estimate that last year for the capital improvement budget and it did make last year's list. It will be on again for this year. Wilkshire is on the 5 year plan. Everhard and Glenwood, those will be major resurfacing projects - that would eat up the whole budget. And we can put those on next year for a capital.

Mayor Rice: They ought to go on the 5 year plan is what they ought to go.

Mr. Benekos: And then Elmwood is on the 5 year plan. Lipton is not on the 5 year plan, but it does need curb and gutter and that would be a major project. And James Street is on the 5 year plan. So you know...

Mrs. Magel: James...

Mr. Benekos: We didn't ignore those. We you know we looked at them.

Mr. Snyder: I realize on the 5 year plan...

Mr. Foltz: Wait, wait, wait a minute...

Mayor Rice: Many of them are on the 5 year plan Jon.

Mr. Foltz: Are we saying

Mayor Rice: We're not going to go...

Mr. Foltz: are we saying we're going to pave roads that are on the 5 year plan?

Mayor Rice: No, no, no, no.

Mr. Osborne: Is this out of committee yet?

Mayor Rice: Understand something.

Mr. Foltz: Cause that makes no sense at all.

Mayor Rice: Which I mentioned...

Mr. Osborne: Is this out of committee yet?

Mrs. Magel: Not technically.

Mr. McLaughlin: No.

Mayor Rice: which I mentioned last week.

Mayor Rice: to everybody...

Mr. Osborne: Is Doug on your committee?

Mr. Foltz: Yes, I'm on - I'm...

Mrs. Magel: Yes.

Mr. Osborne: I'm confused here.

Mr. Snyder: Excuse me. Wait a minute.

Mrs. Magel: You've been confused.

Mr. Snyder: Mayor please - the Mayor's talking.

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Mayor Rice: As I mentioned last week guys which number one, this is just simply our like miscellaneous paving program. With all due respect and I don't disagree with Jon with Everhard Road or Glenwood, I don't believe the intent of this paving program is to do a major street like that. This is really to be able to go out and fix up some of the small jobs, to get them by for a few more years. Of - many of those streets in the southwest end, many of them are on that 5 year plan. And as I mentioned last week, we don't intend to put those on this paving program if two years from now we're going to be tearing them up to do infrastructure, curb and gutter and rebuild the whole street. That just doesn't make sense economically for us to spend money on those streets now to get you know put that kind of money into it and then tear it up two years later. So I think Jim's very well aware of the needs of many of those streets, but again those are - many of them that have been submitted to us are already scheduled to be rebuilt completely or they've got waterline problems and issues like that. What we're trying to be - do and I remember hearing this for years, the biggest thing that aggravates residents, is you go out and you pave a street and next year you go out and tear it up to put in a waterline or to do curb and gutter. We've got to be - I understand those need done, but we got to be smart and responsible about in that we're not spending money foolishly and turn around and have to tear up those same streets another year or two down the road. So we're trying to balance those. You know Ever - Everhard Road and Glenwood quite honestly I think ought to go on the 5 year plan somewhere, even if you want to do it next year or whatever. But with that big of project I don't know how you do that on a budget of \$250,000 for asphalt topping. So what we're - what he's trying to do - what Jim's trying to do is balance things out here and manage these things hopefully cost effectively and so we don't waste money like I said don't a street now and then tearing it up next year. So certainly we want to get as many streets done, you know, if we want to get more, let's put more money in the budget then and do you know do a half a million dollars worth. I mean it's all a fact - it's all in relationship to the monies you got and we've got \$250,000 to work with, which is not a lot of money, especially if you start looking at a street like Everhard.

Mrs. Magel: Okay, I...

Mayor Rice: So you got - you got to balance the need versus the money you've got to spend on it too and look down the road. That's why I asked you Rick on Mississippi you - do you - do you want to patch it? Do you want to - do you want to rebuild it? But point is if we're going to repave it this year we just want to be up front with you and tell you...

Mr. McLaughlin: I a - I totally understand.

Mayor Rice: we would not be in favor of putting a thing on the 5 year plan 2 years down and tear it up to put curb and gutter.

Mr. McLaughlin: I totally understand

Mayor Rice: Okay.

Mr. McLaughlin: but we've - we've - we've been on this for Mississippi now for four years.

Mayor Rice: Oh I know that - I know that.

Mr. McLaughlin: You know it's either...

Mayor Rice: Well that's why I'm asking. We're willing...

Mr. McLaughlin: I know we keep...

Mayor Rice: We want your input as to how you want to manage it.

Mr. McLaughlin: Right. And I'll tell you what I'm going to make a phone call this week and ask truthfully a, if we spend the money on Mississippi then if they tear it after they go in there then I'm going to say hey you guys are going to pay for it. I want to know what your plans are. I mean come on I - you know...

Mr. Foltz: Well that's right Rick, it's...

Mr. McLaughlin: We keep - we keep putting this thing off waiting and hoping the thing's going to happen.

Mr. Foltz: Right.

Mr. McLaughlin: I mean and I mean I got people and I understand there's only 6 houses, but I've got more traffic on Mississippi with the K of C with stuff going in and out of there from weekends and everything on there's more traffic traveling Mississippi than it is on a residential street.

Mayor Rice: Mississippi has got to be up there at the top of the list as one of the worst streets in the city. There's no doubt, it's not good.

Mr. McLaughlin: You know and I - I'm saying it's...

Mayor Rice: Certainly not good.

Mr. McLaughlin: it's - we've got to and I agree with you I've got to have priorities of what are we going to do with this thing. But I can't keep saying, you know keep telling people and you know they use that hey it's going to happen, it's going to happen, it's going happen.

Mayor Rice: Right.

Mr. McLaughlin: After four years it hasn't happened, you know.

Mayor Rice: True.

Mr. Foltz: Kathy.

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REGULAR

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held

Monday, June 10,

2002

(YEAR)

Mrs. Magel: Like I said - one thing I'd like to add to this is Jim, I think you see - you see the wider picture with the 5 year plan. For instance if I had my choices I - 7th Street definitely needs resurfaced. However, if you would - you're letting me know that's going to have a waterline, now I think the waterline is more important. And I guess that's what you're saying, you're trying to prioritize all the projects. So instead of the four council people just a...

Mr. Lindower: Don't even start it.

Mrs. Magel: on the floor here arguing during a meeting, I would like everybody - I know by now everybody gave their roads to you and I take it into your hands Jim to prioritize it the best way.

Mr. Foltz: Kathy...

Mr. McLaughlin: May I make a suggestion - oh, go ahead.

Mr. Foltz: As vice chairman of this committee - someone mentioned I wasn't even on the committee, what Mayor Rice alluded to earlier exactly happened to me with Terrace. Terrace has been on the curb and gutter project list - everyone's got their streets they want to do. Obviously the...inaudible...says to get everything done at a certain point at some time in the future. We're very progressive of doing that as a city. I think I talked about this last week. I think one year when John was still here, I think this had to be three years ago - four years ago, they wanted to pave Terrace. And I said why would we pave Terrace it needs curbed and guttered. You've got Applegrove that's going to start - at that point we knew eventually that was going to happen. And why pave something you're going to tear up again and then want to come back and curb and gutter it? It just made no sense at all. And that has to be the mind set on some of these streets. If we're talking about curb and guttering the street in five years, why would we put - patch with asphalt. Don't you know grind and relay asphalt. That just - that's a waste of taxpayers dollars. And that's that's - you want to drive by Terrace that's probably the worse street in my ward. But it needs curbed and guttered so why - you know why asphalt it? That's a long stretch of a road. In Middlesworth, you know there's some areas there that need done and people have them in their different wards. Rick, you've got a lot of concrete streets. Jon, you have a lot of concrete streets. I've been a proponent of concrete streets when it wasn't very popular with the former mayor. But I think you need to do some things in the neighborhoods to keep aesthetically looking the way they are and structurally and if they're spending more money on it hey, that's a trade off. You do a concrete street versus maybe getting two streets paved. That's just the way it is. There's no simple solutions to this. But I totally agree with Mayor Rice you don't - you don't pave a street that doesn't have curb and gutter and come back five years later and tear it up. And Rick that's a decision you got to make down there. You know I support you in curb and gutter there next year but...

Mr. McLaughlin: I know...

Mr. Foltz: you know if it - if they're not ready to go on it and you asphalt it and then I'm not support coming back and curb and guttering that project in five years because we - we have too many other streets to take care of.

Mr. McLaughlin: Well I agree with - I agree.

Mr. Foltz: And we - I think we should all see that mind set.

Mr. McLaughlin: Yea, I have no problem with that. All I say is we've got to do something with that down there. I don't care if we tear it - you know repave it for the time being and leave it like that for another five to seven years or put it on the schedule next year and curb and gutter it and get it out of the way. And you know as well as I do that storm sewer has to be rebuilt off of - from Main Street on down into Willoway. We're doing the Willoway section this year. You know, I'm just saying there's choices...

Mr. Foltz: Yea.

Mr. McLaughlin: we got to make and you're right. You know...

Mr. Foltz: That's right and you can't do everything at once.

Mr. Snyder: And it wouldn't be very practical to put curb and gutter on a street their going to put all new cut throughs on plus a new street within the next four to five years.

Mr. Foltz: Well...

Mr. McLaughlin: Well you don't know that. You keep saying four to five years, but you don't know that. I'm just saying...

Mr. Snyder: Well, it's going to happen.

Mayor Rice: We said that three, four years ago there we've been waiting...inaudible...

Mr. McLaughlin: Yea, you said that three or four years - yea, I've heard a lot of things. But I'm just saying if we're not then we need to look at...inaudible...

Mrs. Magel: A decision needs to be made.

Mr. McLaughlin: Right.

Mr. Foltz: You're right.

Mr. McLaughlin: And that's what I'm saying is you keep saying every year we keep saying if this happens, if that happens. Well if this and nuts and candy and whatever I mean who knows what's going to happen in five to ten years. I mean you've got to make a decision and I mean we keep saying if this happens and if this happens and this happens - well if this is a perfect world it would be great, but it's not.

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(YEAR)

Mrs. Magel: Did all ward members have their say? Some had more.

Mr. Foltz: I'm done.

Mr. McLaughlin: Can I make a suggestion?

Mrs. Magel: Yea.

Mr. McLaughlin: Say one last time we table it, give him - since he's back from vacation and he was going for a week, we give this one last - one last weekly period to see if we can come up with a resolution to make everybody happy. Because I guarantee if you pass this thing there's going to be still people that vote it down. And I'd rather have somebody giving it one more time to try to have a happy media into see what we can come up with. Because there's...

Mrs. Magel: Rick, I understand what you're saying and with all - that's where I was saying I have a clear conscious. I did my best to say...

Mr. McLaughlin: You're right.

Mrs. Magel: everybody to give their roads...

Mr. McLaughlin: You did.

Mrs. Magel: I gave you ample opportunity. I asked everyone give it to me, give it to David, give it to Jim, just make a list so that we wouldn't end up at this place. This is June 10th. And actually I would like to even put this as an emergency. We're not going to get any roads done if we have four ward members who aren't going to take the expertise of the City Engineer. I think next week - it's almost like the water. You think we can honestly come to a...

Mr. McLaughlin: Well look how long it took us for the water. To be honest with you it didn't take us - it wasn't something overnight. It took us weeks.

Mrs. Magel: I understand. But we never came to a resolution if you know what I mean and I don't think we will here either. I think we'll just every week have a spitting match over a different road. That's just how I feel. Doug.

Mr. Foltz: Well I agree. I think it's - he's worked on it. We're to the point - I'm not trying to preclude anybody from getting anything done in their ward obviously, but if his arguments stand - you know he's the city engineer.

Mrs. Magel: Inaudible...

Mr. McLaughlin: Wish others would say that about the Finance Director then. But you keep saying he's the City Engineer.

Mrs. Magel: Well...inaudible....

Mr. Foltz: But that's...

Mr. McLaughlin: Well we have a - we have a Finance Director.

Mr. Foltz: that's interpretive. That's interpretive.

Mr. McLaughlin: I know, I know.

Mr. Foltz: That's interpretive.

Mr. McLaughlin: I'm just making it as a comment.

Mrs. Magel: Anyway we've said our piece and went on.

Mr. McLaughlin: Okay.

Mrs. Magel: And that's what our...

Mr. McLaughlin: Okay.

Mrs. Magel: Dave, do you have any other thing to add?

Mr. Lindower: No I a - I have Jim's answer. I was unaware that that waterline was scheduled. When did you say it was going to be done again Jim?

Mr. Benekos: They showed it on the 5 year plan for next year and that just might be a carryover. I need to talk with the water crews and see the condition of the waterline and when they are planning on replacing it.

Mr. Lindower: There is some new construction going on that street too that's going probably cause the gas company to come out and dig some more holes again. So...

Mr. Benekos: Right.

Mr. Lindower: I think one of the things that I need to do is keep after the administration and make sure the gas company is patching that street properly. They're doing a real poor job of it.

Mr. Benekos: Yea.

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Mrs. Magel: That's what you said.

Mr. Foltz: They've done that everywhere in the city.

Mr. McLaughlin: Okay.

Mr. Lindower: Inaudible...gas company.

Mrs. Magel: Ward 4.

Mr. Snyder: I won't support that list. I just won't. I told you that.

Mrs. Magel: Yea.

Mr. Snyder: I just won't do it.

Mr. Foltz: Jon, you won't support it knowing that you have curb and...

Mr. Snyder: No sir, if I don't get a road...

Mr. Foltz: Wait. You know if you can have curb and gutter in that street in four or five years you're not going to support it?

Mr. Snyder: No, I'm not saying yes.

Mr. Foltz: You want to waste the tax payers' dollars?

Mr. Snyder: I'm saying I at least should have road. And there are roads in my ward that will have curb and gutter for next five or six years. I feel that my constituents there are just as entitled to have one of their roads done as anybody else. I mean they pay taxes. Why should they not have a road done? I mean it's the same priority.

Mr. Foltz: It's not...

Mr. Snyder: I mean that's just the way I feel. It's not a curb and gutter street that we're talking about. We're talking about streets that aren't going to get curb and gutter. And I feel that I'm not represented there and that's my obligation to represent those people. So I won't vote for it.

Mr. McLaughlin: I've just got one last comment.

Mayor Rice: Well Jon, can I - can I ask if there's 11 - there's 4 wards in the city, there's 11 streets on the list and granted we don't know exactly until we - unless we move forward with this legislation we'll never know what's it's going to cost. You know if all 4 wards got three streets that's 12 streets. So I mean I understand where you're coming from, but I think you are being represented. And again, I think - again if you read your ordinances first to be able to go out and advertise and receive bids and try to start getting some streets done.

Mr. Snyder: Mayor, that's true, but if you look on the list I have one street on the list that's a priority 3. So the possibility of that street being done is pretty low.

Mrs. Kiesling: And Pearl Southwest is actually Pearl Southeast.

Mr. McLaughlin: Yea, that's southeast.

Mrs. Kiesling: That's not Ward 4.

Mayor Rice: Oh, yea. Okay.

Mr. Osborne: Yea, the original list said Pearl Southeast.

Mrs. Kiesling: And what is this Kolp? Is this Cole?

Mr. Lindower: Kolp

Mr. McLaughlin: Kolp.

Mrs. Kiesling: C o l e or - where the heck is it?

Mr. Snyder: Kolp Southwest.

Mr. Osborne: I couldn't find it.

Mrs. Kiesling: I cannot find it - I found Cole - C o l e between.

Mr. Lindower: Kolp's down here right off of South Main Street.

Mr. Snyder: Yea, it's right here by the church.

Mrs. Kiesling: Alright. Good lord it's not on this map.

Mr. Snyder: It's a little alley I think...

Mr. Osborne: Well if I can get my two cents worth in. I've been waiting for everybody else here. I drove over every one of these roads today or the other day. I can't understand why Ellesmere and Lupe and Postiy are even there. I put in for a McKinley, it's in terrible shape. Pearl Southeast is an alley

Mrs. Kiesling: Yea.

Mr. Osborne: that runs from McKinley to Bachtel and it's in fine shape. I don't know why you're paving an alley. The Fair Oaks that you were talking about south of Glenoak - oh, I'm sorry, Glenwood, that should be an emergency today. I'll tell you it's it's like continuous speed bumps.

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Mrs. Kiesling: But they want to rebuild it.

Mr. Foltz: He just said Chuck it had to be...

Mrs. Kiesling: He need to rebuild it.

Mayor Rice: It needs to be rebuilt.

Mr. Foltz: rebuilt. Why put money on it you're going to waste?

Mr. Osborne: They ought to be rebuilding it this year then because I'll tell you...

Mr. Foltz: We don't have money to do that.

Mr. McLaughlin: We don't have money to do it.

Mr. Foltz: We have to be reasonable here.

Mr. Osborne: Well it's in terrible shape. I've had - I've had some calls on that one. So I'm not going to support this list at all either. None of those three streets up there on the north part of the city should be on this list; they're in fine shape.

Mr. Foltz: Well I disagree with you saying they're fine. But I'm...

Mrs. Magel: We - I think...

Mr. Foltz: like I said Terrace is my worst street but I'm not going to pave it when it needs curbed and guttered in the next few years.

Mr. Osborne: Well we're paving a street just - I don't know why we're paving those three. I'd be glad to ride up there with you and then show you McKinley...

Mr. Foltz: You don't have to ride - I'm familiar with my ward.

Mr. McLaughlin: And I think I put McKinley on my list too. That - I put a question mark like when on the list I gave to Kathy...

Mrs. Magel: Yes.

Mr. McLaughlin: and the James - I...

Mr. Osborne: It gets heavy traffic with the Hoover traffic in and out every morning.

Mr. Benekos: McKinley's on the 5 year plan.

Mr. Osborne: and it...

Mr. McLaughlin: It is on the 5 year plan?

Mr. Benekos: It's listed for next year.

Mayor Rice: Yea and I think...

Mrs. Magel: Check - check your facts out with the 5 year plan.

Mayor Rice: you folks need to get out your 5 year plan and refresh your memory as to what's on the 5 year plan. And we are not going to put a street on this list, for the umpteenth time, that is scheduled to be redone on the 5 year plan. Now if you folks want to mandate that go right ahead, but this administration is not going to waste tax payer dollars by doing a street this year and redoing the same street two years down the road. I feel and Jim feels that that is completely financially irresponsible. We have no intention to do that.

Mr. Osborne: What do you need to do to...

Mayor Rice: So I think before people start throwing out...you know more importantly I think than driving the streets would be sit down and look at your 5 year plan and compare it to the lists you folks gave us and take off the ones that are on the 5 year plan. Either that or take it off the 5 year plan. But we're not going to do the same roads twice every other year - that is just foolishness.

Mr. Osborne: Well these streets that we're talking about.

Mayor Rice: So you got to know what you're talking about and you got to compare your other lists to - before you're screaming about roads that are on the 5 year plan.

Mrs. Magel: Not to mention it has to be appropriated money.

Mayor Rice: You know number - you know, what do you want to do? I mean I don't think we're being completely reasonable here folks.

Mr. Osborne: Well these streets we're talking about they aren't going to last five years. You're going to just I guess continue to patch them. McKinley is already patched pretty heavy. What's what's in store for McKinley waterlines or?

Mr. Benekos: I'd have to look. But it's on the list for 2003.

Mr. McLaughlin: For re - it's for...

Mr. Benekos: Does it have curb and gutter?

Mr. McLaughlin: Yes it does. It's it's - the curb and gutter on there right now is terrible...

Mr. Snyder: Okay.

Mr. McLaughlin: it's been there for almost 35 years or more.

Mayor Rice: Those old streets...inaudible...

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Mr. McLaughlin: Yea...

Mr. Benekos: So it's possibility to replace the curb and gutter.

Mr. Osborne: Well the curb and gutter's fine I think.

Mr. McLaughlin: In places a lot of the curb is terrible.

Mr. Benekos: Waterline replacement...

Mr. Osborne: So you just continue to patch them and just bear with it huh?

Mr. Benekos: and a sewer line replacement.

Mayor Rice: Until we - until it comes up for its turn on the 5 year plan that's the whole purpose of a 5 year plan.

Mr. Osborne: Well I'd love to go up with this entire group and show people Ellesmere, Lupe and Postiy. There's nothing wrong with those streets.

Unidentified: Posty.

Mr. Osborne: In fact that's a newer part of town - it's a newer development.

Mrs. Kiesling: Much newer than James and Ambler and...inaudible...

Mr. Osborne: Much newer than the heart of this city.

Mr. Foltz: I think Democracy Chuck was done like last year or the year before and that made a world of difference up there. It is a newer part of town, but the streets are probably 25 years old. But they don't need curb and gutter.

Mr. Osborne: I'd like to go up there and have you show me where it needs the paving.

Mr. Foltz: You know what the beautiful thing is? I didn't submit a list.

Mr. McLaughlin: Inaudible...just table this thing for one more week.

Mrs. Magel: Inaudible...

Mr. Foltz: I don't have to. I've had some of these on the list for seven years, but I don't argue about every little street.

Mrs. Kiesling: Let us all go...inaudible...streets.

Mr. Foltz: I'm very protective of my ward, but I'm not gonna...

Mr. Osborne: Unfortunately some of us...

Mrs. Magel: Inaudible...been done.

Mr. Foltz: I'm not gonna - I'm not gonna sit there and pave roads that we're going to tear up five years from now.

Mr. Osborne: Some of us have to argue about every little street because we're not getting any.

Mr. Snyder: Wait a minute wait. Chairman, losing control of this meeting here.

Mrs. Magel: Alright.

Mr. Snyder: Let's call the question please.

Mrs. Magel: Let - I'd just say let's take it for a vote. And..

Mr. Snyder: There's a motion on the floor I believe.

Mrs. Magel: There is?

Mr. Snyder: Is there not? Did it - did it - have been read but no motion?

Mr. McLaughlin: No.

Mrs. Magel: No, there's no motion.

Mrs. Bittle: Just had the...

Mr. Snyder: Just been read?

Mr. Snyder: Alright, may I have a motion to adopt the first reading of Ordinance 65-02?

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Mrs. Magel moved and Mr. Foltz seconded to **adopt the first reading** of Ordinance No. 65-02.

All members present voting:

Yes: Foltz, Lindower and Magel.

No: Osborne, Snyder, Kiesling and McLaughlin.

Mrs. Bittle: Four no and three yes.

Mr. Snyder: Okay. May I have a motion to read by title only first reading of Ordinance 66-02.

Mayor Rice: The street program...inaudible...got all kinds of time.

12. Mr. McLaughlin moved and Mrs. Kiesling seconded to **read by title only, first reading** of Resolution No. 66-02. All members present voting:

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

No: 0

Resolution No. 66-02 - First Reading

A resolution declaring the intent to appropriate property for the improvement of Portage Street, within the corporate limits of the City of North Canton, Ohio, by widening Portage Street and declaring the same to be an emergency.

Mr. Snyder: Is this that new...inaudible...?

Mr. Batista: No. I would like to have this resolution adopted. There are ongoing negotiations with the property owner, but I think we do have to move forward.

Mr. Snyder: Okay. That's relative to that property on the corner of Portage and...

Mr. Osborne: Wise.

Mr. Snyder: Wise - the old Strouble property. And may I have a motion to adopt the first of Ordinance 66-02.

Mr. Osborne: Motion.

Mr. McLaughlin: You mean the first resolution.

Mr. Snyder: The first resolution. Thank you.

Mr. Osborne moved and Mr. McLaughlin seconded to **adopt the first reading** of Resolution No. 66-02. All members present voting:

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

No: 0

Mr. McLaughlin moved and Mr. Osborne seconded to **suspend the rules** for Resolution No. 66-02. 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** Resolution No. 66-02. All members present voting:

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

No: 0

REPORTS:

Mr. Snyder: Director of Law any report?

Mr. Batista: No report.

Mr. Snyder: Director of Administration.

Mr. Held: No report.

Mr. Snyder: Mr. Mayor.

Mayor Rice: No report.

Mr. Snyder: Mr. Engineer.

Mr. Benekos: No report.

Mr. Snyder: Madam Clerk.

Mrs. Bittle: No report.

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REPORTS - COUNCIL:

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

Mr. Snyder: Member Lindower.
Mr. Lindower: No report. I'd like - Jim, could I ask you what the status is on the zoning books - where they are - are they available yet?
Mr. Benekos: They have a portion that's been received for us to review and we'll be doing that probably next week when we get the rest of it in.
Mr. Lindower: any idea on time? Couple weeks or what?
Mr. Benekos: I couldn't say. Hopefully within a couple weeks, but we've been saying that for a year now.
Mr. McLaughlin: That's one of my questions too is, do we have a time line that we'd like to start reviewing these by September the 1st? Since we're going on...
Mrs. Kiesling: That's going to be the earliest...inaudible...
Mr. McLaughlin: Since we're going on vacation here in July and being off for a couple weeks - five weeks, it would be nice over that five week period if we had a book to go through it and to study it if it was possible and to see what changes there were.
Mr. Benekos: Right. I believe D.B. Hartt is not available until July...
Mr. McLaughlin: Okay.
Mr. Benekos: for a meeting. So it doesn't look like we're going to be able to get it.
Mr. McLaughlin: Okay, just asking that question. I thought since we had the -

Mr. Snyder: Chairman McLaughlin.
Mr. McLaughlin: Yea, the last thing I have is do we have any news from Plain Township on Bob-O-Link? I mean what is the status? Just asking the question. Do we know what the status is, have they had their hearings out there - their hearings for their zoning and - okay, just asking the question.
Mayor Rice: Not that I'm aware of - not that I'm aware of.
Mr. McLaughlin: I've been out - I've been in and out and I haven't heard the status and I just asked that question. Nobody would give me - nobody knew the answer. Okay, thank you very much.

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

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

Mr. Snyder: Member Osborne.
Mr. Osborne: I'd like to get an update on the pipeline. I understood you to tell me here a few weeks ago that they were going to be working double maybe triple crews and through the weekend. I noticed this last weekend they didn't work. So have we adjusted our completion time?
Mayor Rice: I believe they did work on Saturday and laid quite a bit of pipe on Saturday. So they work this weekend - all day Saturday.
Mr. Osborne: Well I guess I missed - I guess I missed it.
Mayor Rice: You must of missed it.
Mr. Osborne: Are we still shooting for the...
Mayor Rice: They were out there - I drove by and I saw them working myself.

Mr. Osborne: Are we shooting for 1st of July still?
Mayor Rice: We are still shooting for what we said originally and that was we hoped to have the - our goal is now and always has been to get the pipeline in place and hooked up before we have a shortage of water this summer and we still plan to do that.
Mr. Osborne: Cause the contract...
Mayor Rice: Contrary to - contrary to statements being made no one ever guaranteed a July 1 deadline. Although we do expect to have it done very close to that time frame.

Mr. Osborne: Is the contractor under any penalty if he goes beyond a certain date?
Mayor Rice: Not that I'm aware of. I don't believe there's a penalty in there.
Mr. Benekos: No.
Mr. Osborne: I'm sorry.
Mayor Rice: Not - I do not believe there's a penalty clause in the contract.
Mr. Osborne: Okay.
Mayor Rice: There was no date established in the contract for ultimate completion.

Mr. Osborne: Okay, that's all I have.

Mr. Snyder: As you know pursuant to that I noticed in tonight's paper, The Repository, there was a very favorable editorial to the city and to the administration. Did you see that Mayor on the...

RECORD OF PROCEEDINGS

Minutes of COUNCIL OF THE CITY OF NORTH CANTON REGULAR

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, June 10,

2002

(YEAR)

Mayor Rice: I'm sorry but I have not had a chance to read the paper yet.

Mr. Snyder: Inaudible...

Mayor Rice: I haven't been home to read it yet.

Mr. Snyder: Inaudible...it was...

Mayor Rice: Inaudible...home

Mr. Snyder: opinion. It was - it was very well written and it was - it was favorable to that.

Mr. McLaughlin: Can I ask the favor of having Council put in one. Cause I didn't - I didn't get the paper either. Would you be so kind?

Mr. Snyder: Yes, it basically said...

Mr. McLaughlin: I mean would you - could you just make a copy and stick it in everybody's box?

Mr. Snyder: Oh yea. But basically what it said was due to the fact - something about the clouds are opening up and through all the problems of pollution and all the problems in East Maple the city is now moving ahead and went ahead with the waterline to assure the residents. And it said at the very end to close, which I'll give you a copy, through all the trials and tribulations the administration has done what it was supposed to do and that was protect the citizens and provide them with water going forward to the future. So it was a well written editorial. It was very objectionable - objective so. But I will get a copy and...

Mr. McLaughlin: I'd like to see Channel 3 here saying that.

Mr. Snyder: Well I don't know about that - I don't know...

Mrs. Kiesling: Inaudible...

Mr. McLaughlin: Okay.

Mr. Snyder: But that's my only comment.

FINAL CALL FOR NEW BUSINESS:

Mr. Snyder: Is there anyone else in the audience wishing to speak? Last call for speaks. Seeing none I'll 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, Kiesling, Lindower and Magel.

No: 0

The meeting ended at 8:01 p.m.

PRESIDENT OF COUNCIL

ATTEST:

CLERK OF COUNCIL