

MINUTES OF THE MEETING OF JANUARY 27, 2003

The regular meeting of Canton City Council was held on Monday, January 27, 2003, at 7:30 P.M. in the Canton City Council Chamber. The meeting was called to order by President of Council Ray Denczak. The roll call was then taken (as follows) by Clerk of Council Debbie Vanckunas. The invocation was given by Councilmember Richard A. Mallonn II, followed by the Pledge of Allegiance led by President of Council Denczak.

PRESIDENT DENCZAK: With a quorum being present, the Chair calls this meeting of Canton City Council to order. Before we start, the Chair has been given a list of guests this evening. The Chair would like to introduce them—they are Junior Girl Scouts from Troop 763, will you please stand. Rachel Korozan & Patty Baker are in charge of these people. And also Pack 7, Cub Scouts, would you please stand. (*APPLAUSE*) I want to forewarn you young people right now, don't think of ever running for Council President. It's a tough job. (*INAUDIBLE REMARKS BY MEMBER CAS*) ...See what I have to put up with?

MEMBER SMUCKLER: He only suggested that you'd still be there when they got old enough to vote. (*LAUGHTER*)

PRESIDENT DENCZAK: Roll call please.

ROLL CALL: 12 COUNCILMEMBERS PRESENT (BILL SMUCKLER, DONALD E. CASAR, MARY M. BABCOCK, GREG HAWK, KATHLEEN ALTIERI BUCHER, RICHARD A. MALLONN II, CRAIG MASSEY, JOHN R. MROCKOWSKI, DAVID R. DOUGHERTY, RICHARD D. HART, ROSEMARY DIAMOND & JOE CARBENIA)

NO COUNCILMEMBERS ABSENT

AGENDA CORRECTIONS & CHANGES

PRESIDENT DENCZAK: Agenda Corrections & Changes, Members of Council. You're being asked to suspend Rule 22A to add Second Reading of Ordinances 9er through and including 13. The Chair will recognize that motion at this time, Member Smuckler.

MEMBER SMUCKLER: Mr. President, I move we suspend Rule 22A and add second readings of Ordinances 9 through 13 back to the agenda; seconded.

PRESIDENT DENCZAK: Moved and seconded to suspend Rule 22A to add the second reading of Ordinances 9er through 13 to the Agenda. Are there any remarks?... If not, roll call vote please.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinances 9er and, to 13 are a legal part of your agenda. You are being asked to adopt Ordinance 3, 6, and 8A...

MEMBER SMUCKLER: Mr. President...

PRESIDENT DENCZAK: One moment, Member Smuckler, let me get this straight here. *(AFTER PAUSE)*
Member Smuckler?...

MEMBER SMUCKLER: Mr. President, I move that we suspend Rule 22A and add Ordinance 8A to the agenda;
seconded.

PRESIDENT DENCZAK: That's...is there a second? *(AFFIRMATIVE REPLY)* Moved and seconded to suspend
Rule 22A to add Ordinance 8A under first reading to the agenda; are there any remarks?... If not, roll call vote
please.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance 8A is a legal part of your agenda, Member Smuckler. You are being asked
to adopt Ordinance 3, 6 and 8A under first reading. You're being asked to adopt Ordinance 9er under second
reading. I guess that brings us up to date here. Okay.

PUBLIC HEARINGS

PRESIDENT DENCZAK: There is no scheduled public hearing at this time.

PUBLIC SPEAKS (ORDINANCES OR RESOLUTIONS FOR ADOPTION ONLY)

PRESIDENT DENCZAK: Public Speaks under Ordinances or Resolutions for Adoption, there are several people
signed up this evening. *(PAUSE AS THE SIGN-UP SHEET IS EXAMINED—MOST PEOPLE SIGNED
UNDER THE WRONG SHEET)*Okay, we have several people signed under this portion of the Public Speaks.
The first speaker...I hope I'm pronouncing this right...John Blend, is that correct?

MR. BLEND: Mr. Denczak, I'm here representing...

PRESIDENT DENCZAK: State your name and address.

MR. BLEND: 2500 Baum Road SE, Canton, Ohio.

PRESIDENT DENCZAK: Okay, sir, go ahead.

MR. BLEND: Okay. I'm here from the Street Department, 2937, we're in turmoil right now. Okay, we got a
contract. Okay, the City wants us to do this, we want to do what we want to do. I think we ought to just leave the
contract alone, give us a whole year of freeze. Why should we have to pay for our hospitalization? I have a lot of
other people here, about 75 people from the union, they all agree. Why should we have to give up for somebody
else's mistake? Really, that's about what I have to say. I mean I don't want, we don't want to have to go out or I
don't want to have to pay more out of my pay and not get nothing. So that's the only thing I have to say, but if
somebody else down here from the Street Department or Water or Garbage has to say...let them say it. But we're
all sticking together. *(AUDIENCE APPLAUSE)*

PRESIDENT DENCZAK: Please, I realize this is an emotional matter, but please show some decorum here. Is that all you have to say then?...

MR. BLEND: Yes, sir.

PRESIDENT DENCZAK: Okay, thank you. Law Director, are we going to have a problem here?

LAW DIRECTOR MARTUCCIO: Mr. President, Members of Council and Members in attendance here in the audience. I've been asked to make some remarks similar to those that I shared in the Caucus Room. Everyone here has a First Amendment right to be here under the Bill of Rights of the United States Constitution. You have the right to be here, you have the right to listen, you have the right to share opinions up to a point, and let me explain what I mean by that. In Ohio, there's a rule, set of rules, that have been passed under Chapter 4117 of the Ohio Revised Code. That chapter governs collective bargaining between public sector employers, like the City, and public sector employees' unions, like yours. That chapter specifically says that those negotiations that take place between the Administration, which is the Mayor and/or his designees who are appointed by the Mayor to go to the negotiating table, and the elected representatives of the union. Those two sides of the table if you will are charged under Ohio law with negotiating the terms and conditions of an original contract and all the subsequent contracts that come after it. That happened once weeks or months ago when the first tentative agreement was reached between the Mayor's appointees and the union representatives. According to law, that was brought to your membership for a vote, and it was brought here to Council for a vote. All that City Council was allowed to do is either vote for or against the contract that's presented to Council that has been represented as a tentative agreement reached between both sides. Council has no line item veto, Council cannot pick and choose. They're not allowed to say I like this part of the tentative agreement; I don't like this part of the tentative agreement. They have to vote the whole thing up or down by law. In your case, I believe the union voted the tentative agreement down and Council voted it up. So because it was voted down by one side, it didn't take, there was no contract. From there it went to the next step which was fact-finding and both sides presented their issues to the fact-finder. I believe the fact-finder ruled on 11 issues. Those recommendations, where the fact-finder was allowed to make recommendations and split babies and so on, came to Council and it came to the union. And apparently the union voted it down by much more than the 60% that's required to shoot down a fact-finding report. At that point, the union and the Administration and Council were left with two choices—either the Administration and the union renegotiate a new agreement or the union file a 10-day notice, 10-day working notice, in writing, to strike. As I understand it, the Mayor's Administration went back to the table with the union representatives according to the law, according to Chapter 4117, and a new tentative agreement was reached. That's what's going to be in front of Council tonight and I understand that's what was voted upon by your union. So while you have a First Amendment right to express your opinion with regard to public matters of health, safety, welfare and just general concerns, you don't—this Council does not have the right to renegotiate the contract or line item veto things in it that they like or don't like or that you like or don't like. By law all this Council is allowed to do tonight is either vote for or against the tentative agreement. In fact they have up to 30 days to do it once it's been brought to them. They don't have to do it tonight. It had to be brought to them within 14 days of being agreed to. So, again, I don't want to chill your First Amendment rights, but I am saying that if you attempt to negotiate with Council and go around the Administration and go around your union representatives, they could be the basis of an unfair labor practice that could be filed with the State Employment Relations Board. That's what your union representatives threatened to do to a member of our Administration a couple of weeks ago, to a member of our council rather, a couple of weeks ago when something was being discussed, simply discussed. So, again, there's a careful balance here, you are citizens of the United States and Ohio—you have First Amendment rights, but we've all got to live by Chapter 4117 and Council does not have the right to pick and choose one item over another. We either have to vote the whole tentative agreement up or down. Thank you for letting me explain that.

PRESIDENT DENCZAK: Should we continue with this?... (*INAUDIBLE RESPONSE*) The next speaker is Leon Campbell Sr.

MR. CAMPBELL: I'm not here...

PRESIDENT DENCZAK: State your name and address please.

MR. CAMPBELL: Leon Campbell Sr, 2409 9th Street SW, Canton, Ohio. I'm not here to speak basically on a contract or to negotiate at all. But I am a city worker, I've been a resident of Canton, Ohio all my life. I love the city, and I'm a concerned citizen on what's going on with the work force. You know, all I look at it is I just want to be treated fairly. I want you people which control the city, we like to think of us as city residents. I mean I love this city, I don't want anything to happen to the City or anything, but I'm here as a concerned citizen. You know, I'm concerned at this moment. I have a son just had a kidney transplant, I have a wife which donated a kidney to him...a wife with one kidney, I'm concerned, I'm concerned. I'm down here, I'm not to negotiate, you know, I'm not down here to make anybody look bad whatsoever. I am their union vice president, but I am...I wasn't brung here by the union itself. I'm here as a concerned citizen at this moment, I mean, and you know, it's, I'm concerned about all the people in the city—workers have families. I raised two kids, one just had a kidney transplant, these kids is precious. Everybody want our kids to be here, just like these beautiful young kids are here today. You know, we just want to be thought about as people and me too. You know, I want the best things done for this city, what's best for the city would be best for us as residents. And I'm speaking on behalf as a resident. Thank you. (*AUDIENCE APPLAUSE*)

PRESIDENT DENCZAK: The next speaker is Lisa Mearkle, am I pronouncing that correct?

MS. MEARKLE: Lisa Mearkle, 307 - 25th Street SW, Canton, Ohio. I'm here also as a concerned citizen for the health benefits, I am a breast cancer survivor and also with this that I'm bringing too is I'm concerned about the health benefits myself. If we are not asking for anything from the city itself, then I don't see why we have to pay the city more than what we are not getting back for us. What I was concerned also about is that they're splitting up the Sewer and Street Department and they're building a new facility in each spot. The two places would be Water Pollution Control Center and the Civic Center. What's going to happen to their buildings when they leave? Are they going to be condemned, are you going to put anything else in these new buildings? And as for trying to get the City of Canton rebuilt, I haven't really seen anything but just a makeup work on it. Even you're going to take away our Rib Burn off downtown and want to go put it someplace else. How are we going to get the people back in the City of Canton? Thank you. (*AUDIENCE APPLAUSE*)

PRESIDENT DENCZAK: The next speaker is Dan Ballard...is that correct? ...David.

MR. BALLARD: Good evening everyone, my name is David Ballard, my address is 2442 - 16th NE. I'm here as a citizen concerned about the contract of 2937. It's not that we're coming to ask for anything, we're not asking you guys to negotiate a contract for us, we're just asking for a fair, you know, practice on our behalf. You know 9/11 was a big day in America and you know police and fire do a lot for America, you know, in New York City and we praise them. You know, we don't ask you to take nothing from them and we don't ask you to give them, to them no better than us, they did a great job, you know, but after the smoke cleared, it was you know back to America being America again. When the smoke was there, everybody was you know God Bless America, this and that, you know. You know, we're (*WORD HERE NOT UNDERSTANDABLE*) too, you know, 'cause it wasn't just police and fire in New York, it was service workers, everybody. We're service workers, we're just looking for a fair shake, we're not asking the City to give us nothing, we'd like to have our same contract, you know, we're not asking for a big

raise. If we're not going to get no raise, how about doing something like Columbus Day for us or something, you know, we're not asking for a whole lot, we don't want no big changes, we just want to be fair. That's all we ask. And a lot of (*WORDS HERE NOT UNDERSTANDABLE*) point our finger at the city or nobody, we're just asking you to take care of us because we take care of the city. We get up late at night, you know, even though it's overtime, nobody has ever come up there at 3:00 in the morning, got out of bed, got in a truck with us and plowed the snow. They say stuff, they treat us bad a lot of times, but we have to take it you know. What the constituents say, they're our boss, you know, we're dealing with it, but we still get our job done. But we just ask you guys to treat them fair and just look at us as your family. We don't want to pay for health care 'cause that's taking out of our pockets. That's all we ask the city to do for us, treat us fair. (*AUDIENCE APPLAUSE*)

PRESIDENT DENCZAK: The next speaker is Jeffrey Snead, is that correct?

MR. SNEAD: That's correct. Jeffrey Snead, 1022 - 49th Street NW. I'm just a concerned citizen about the contract. And we're asking for fairness with our contract and I'd like to say I really enjoyed the beautiful prayer to open this up with. Americans, all of us sticking together. And we don't see on our side the fair shake that we need to make this city. We make this city run, looking around our city when I'm driving around, we keep the city clean for everyone, we keep the streets clean, everything is taken care of. And I think we're overlooking those things. We open our heart up as a union, I mean we just open our heart up and didn't ask for anything, and then we receive back that things are going to be taken from us and we just don't feel it's fair. And we don't feel the unity and love that we should have. More business than love in here. And we just want to have some equal love that we give out to the city every day. Every day. We sacrifice in every department and we just want that sacrificed back, we're not even asking for money. We just wanna kinda stay even here until the city get over the hump. We know 9/11 effected everyone and we want to work with everyone, but we just want to have some love shown back to us. Thank you. (*AUDIENCE APPLAUSE*)

PRESIDENT DENCZAK: The next speaker is Ray Stauffer. Is that Stauffer or Stouffer?

MR. STAUFFER: Stauffer.

PRESIDENT DENCZAK: Stauffer, okay.

MR. STAUFFER: My name's Ray Stauffer, I live at 2314 - 21st Street. Mr. Miller I have a question for you. Why do you want to split up the Street and Sewer Department? I've been there for 15 years and now you want to split us up. Why? We do the same job. Answer that question for me, please.

PRESIDENT DENCZAK: Do you wish to respond?

SERVICE DIRECTOR MILLER: Well, since it's not going to get ruled out of order as a question, I'll go ahead and answer it. We are looking at putting a foreman and 10 to 12 people down at Water Pollution for the collection part of the sanitary sewer system function. The reason we're looking at doing that is because we are looking to eliminate two salaries in personnel up at Civic Center and put Kevin Monroe, who's the Public Works Superintendent, over the Civic Center. Right now you have Bob Patt up there, as the Director or the Manager, you had Joe Burnosky up there up until the first of the year until he got the buyout up there. Rather than replace those two people, which is about \$150,000, all told with their benefits, we felt that it would be more efficient to transfer that function over to Kevin and then transfer the collection function system down to Tracy Mills. That money would come out of Water Pollution rather than General Fund. It also would allow us to build a facility out of Water Pollution money down at the Water Pollution facility for the vactors. We have five of those if I recall correctly. We have the small trucks as well.

That would free up space because every year we have Park Department coming in wanting to put equipment under roof. We have Street Department stuff that sits outside sometimes, mowers and that type of thing, and we have Rec Department stuff outside. That would allow us a better opportunity to bring trucks and vehicles back inside rather than sitting them out in the weather. It's about saving money and trying to become more efficient and trying to manage that part of the function a little bit better as far as General Fund dollars are concerned.

MR. STAUFFER: Well if you're going to save money, you're going to hire an assistant to go with this department, is that right?

SERVICE DIRECTOR MILLER: It's anticipated that we would have to hire another assistant superintendent down there to do collections.

MR. STAUFFER: Then how are you going to save money on that?

SERVICE DIRECTOR MILLER: Because that's one assistant versus two people in the General Fund at Civic Center, and also it's coming out of Water Pollution Funds rather than General Fund so it saves...

MR. STAUFFER: But you're taking one of our general foremen from down there that's been doing the job for how long...? Why would he need an assistant? That's \$60,000 or so, whatever it is, that starting wage...I don't know. But that's \$60,000 roughly.

SERVICE DIRECTOR MILLER: To clarify that again. We had a separate Street and Sewer Department before you came on board, Ray, for years and years. You had Larry Stuckey on one side, you had Al Corsi on the other. That was determined to be not as efficient as it could, they combined the two. Basically we're looking at getting more efficient and getting leaner. We're trying to find ways to do more with less employees. We would one more assistant superintendent, but that would come out of a non-General Fund or an Enterprise Fund. We would have two less people in General Fund, and we would have one less foreman in General Fund as well as some other functions. So that's something that we're looking at. Again, it hasn't been finalized. This is something that's a management decision and we started talking with the union about. We haven't finalized it. We haven't determined exactly how we're going to do it. We are looking at all facets of it, but we have to do things differently or this City's going to be bankrupt and there won't be a job for you, me or anybody else as far as that's concerned.

MR. STAUFFER: Now you're saying that you want to do more for less. And you're going to split these two departments up. We're down to like 45 people in my department to clear your streets, to patch your holes, to clean your sewer lines. And now you're going to take 17 people out of this department just to go strictly clean sewer lines. That's it. What are you going to do with the rest of the streets out there that's not going to be taken care of?

SERVICE DIRECTOR MILLER: That's something that we're negotiating with the union on how we deal with overtime for snow. Right now, the initial discussions have been that the people that will be down at Water Pollution would have a sector of the city that they would deal with in snow and be called in to do that or switched over if it's their normal shift to do that work in that sector of the city. But again this is part of negotiations and something that we're dealing with with the union leadership and something we're working our way through. It's a decision that we can make as managers but we're working through as the consequences with the union and discussing that. That's something that's right now being negotiated with the union. It's one of the things that hasn't been on the front burner 'cause right now, the overall thing that's been on the front burner has been the contract.

MR. STAUFFER: Okay, well, thank you, but in my personal opinion you ought to leave it alone. It's been working

this way forever. I mean why would you want to drive down to Water Pollution and then have to drive five miles to get to your job, maybe ten miles to get to your job on the other side of the city of Canton? I don't see where we're saving any money when we're right there in the heart of it. We can get to anywhere, almost, in the city. But you're going to split, you want to split this department up...I don't see it. But, thank you. Now as a concerned citizen, I don't understand how you can sit there and take or want to take money out of my local union without doing the same thing to everybody else. I understand I'm not what you call one of your college grads, I call them white shirts. They're paying their benefits. I understand that and I'm glad for them. They're making \$60,000 a year. I'm not making \$60,000 a year, ladies and gentlemen, I'm not. I have a wife, I have two kids, I got a house, I got a car payment. You're taking money out of my pocket and you're not giving me a raise. Thank you. (AUDIENCE APPLAUSE)

PRESIDENT DENCZAK: The final speaker is Willie Clark.

MR. CLARK: Good afternoon, Council. My name is Willie Clark, I live at 1713 Maple Avenue NE, I'm an employee of the City of Canton Sanitation Department. Probably one of the worst departments there is. Mr. Miller, what we don't understand is about General Fund's self-sustaining departments. If Sanitation, which will have to separate them, because that's what you guys do is separate this building from Water, Sewer, or Street. If we are a self-sustaining department, then we are in the black, not in the red. I can't see why we can't get a raise. But no, that won't happen because we all goes in the same boat. If we don't sink, the rest of them sink. Now the other thing is that we are asking for to leave the contract exactly the way it has been for the 17 years that I worked for the city, which are dedicated employee. Like I said again, we got the worst job "using" that Sanitation, looked upon as the lower demeanor of anything going on in the city. And which, as my colleague said, we're not white collar workers, we don't make \$30,000 a year. To take anything from my paycheck in the course of the next year, two years, is a minus for me. Just alone, cable went up '03. If I don't get a raise, I'm minus \$50 right there. We aren't going to take about along with water, electric, gas...but yet you expect me to maintain a standard of living on the salary that I makes now. And all we just asked was to be fair with the city is not accept a raise and leave our raise just where it's at. And that's as fair as we can get. But, no, you want us to pay part of our health care, part of our whatever.

SERVICE DIRECTOR MILLER: Let me address an issue that's come up repeatedly now and without getting myself in trouble with an unfair labor practice. You talk about leaving the contract alone and not making any changes. Leaving the contract alone would mean that you folks would have to pay the increase, in Article 31, to AFSCME Health Care Plan because the City's picking up that cost from \$99.75 to \$141.75. That's where the \$19.38 came in from fact-finding and where it came in in negotiations. Because that is something that you folks came to the table and requested that the City pick up the increase in the AFSCME health care costs. That's \$42 a month. All right, and that's the \$19.38...or if you take off the AFSCME legal care, it's the \$17.08. The second thing is, if we leave health care alone at this point in time and don't do anything, we have a 1.5 million dollar increase in costs for 2003. That's why the changes were implemented in the health care part of the program. And those are the two things that we're talking about here tonight consistently that leave alone, leave it alone...if we leave it alone, you folks are going to have to pick up the increase out of your pocket to pay to AFSCME. Because AFSCME's not going to let the rate stay at \$99.75. It didn't let the rate stay at \$99.75 for 3449, it's not going to let them stay at that rate for 2937. Their costs went up by 42% for your AFSCME Health Care Plan, not our plan. Our plan's going up too, but just the AFSCME Health Care Plan has gone up \$42 a month for all the employees. That's what we asked to be picked up. We originally started off at \$32.52, which is what the total increase for AFSCME is this year. If there were no changes and nothing else happened, the cost of health care for AFSCME employees, for you, and for everybody else in 2937, goes up 1800...\$20.10 per employee for 2003. That's what we're looking at and that's what we have to take care of; otherwise, the only way to handle it is continue to do layoffs.

MR. CLARK: Well, do I hear double talk here from AFSCME, which is first and you guys are second. That's, to me that's double talk. Basically what I'm understanding from you now is that in 2001, 2002—that 35 or 40 dollars would take what you gave me in raise, which was \$35, that's for the fiscal year 2002. That means that was no raise. Now I'm back to 2001, which was about \$13 a hour. So, by we saying leave it alone, we didn't ask for a raise, and when I say double talk from AFSCME, I never heard that before, that we're picking up, AFSCME want to pick this up from us. And the only reason you combated it, or not just you, when I say you, the City would say the only problem we have with the contract is the health care. That's what I hear. And that's what always put to me on the floor at my meeting, that you guys are not going to budge. So are you saying it's AFSCME's fault? That's what you're saying.

SERVICE DIRECTOR MILLER: We're saying...

PRESIDENT DENCZAK: Sir, I'm sorry but under Council Rules, your 3 minutes are up.

MR. CLARK: I wasn't aware I had a time limit. I've been hearing people that are talking, so anyway...

PRESIDENT DENCZAK: I did not dock any time from you.

MR. CLARK: Okay, I honor that.

PRESIDENT DENCZAK: I did not dock any time from you.

MR. CLARK: I'm with that, I'm with that. Thank you very much. (*AUDIENCE APPLAUSE*)

INFORMAL RESOLUTIONS

PRESIDENT DENCZAK: Informal Resolutions. It will not be necessary to excuse members. Let the journal show that all members of Council are present.

PRESIDENT DENCZAK CALLED UPON CLERK OF COUNCIL VANCKUNAS TO READ RESOLUTIONS #11 THROUGH #14 BY TITLE, AS SHOWN BELOW. THE RESOLUTIONS ARE ON FILE IN THEIR ENTIRETY IN THE COUNCIL OFFICE WITH THE AGENDA ITEMS FILE DATED January 27, 2003.

11. SUBMITTED BY COUNCIL-AS-A-WHOLE COMMITTEE: APPROVING THE APPOINTMENT OF WARD 2 COUNCILMEMBER KATHLEEN ALTIERI-BUCHER TO THE DOWNTOWN CANTON SPECIAL IMPROVEMENT DISTRICT'S BOARD OF TRUSTEES FOR 2003. - ADOPTED BY COUNCIL

MEMBER SMUCKLER: Mr. President, could I ask for a two-minute recess.

PRESIDENT DENCZAK: Two minute recess until the audience clears.

AT 8:23, COUNCIL RECESSED TO ALLOW AUDIENCE MEMBERS TO CLEAR THE COUNCIL CHAMBER. PRESIDENT DENCZAK RECONVENED THE MEETING AT 8:26 P.M.

PRESIDENT DENCZAK: Council is reconvening after the two-minute recess. Council Members, take your seats please.

MEMBER SMUCKLER: Mr. President, I move we adopt Resolution #11; seconded.

PRESIDENT DENCZAK: Moved and seconded that you adopt Resolution #11; are there any remarks under this resolution?...

MEMBER SMUCKLER: Mr. President, as I stated in Caucus, I have worked tirelessly trying to come up with a solution to this problem. I've talked to Tarek...I understand and talked with Mr. Roach. Mr. Roach has done a wonderful job at this position. I understand that he has not missed a meeting; he keeps me well informed as Majority Leader, especially on the parking situation in the downtown area—he does his job of what we request to do. But I also know that this Council has taken a position in the past that if a Councilmember wants a position and is prepared to serve on a position, that since they are duly elected, they ought to take precedent that I am going to continue to support that position. I would hope that down the road some other position would open up and that we could have other people that want to serve. Unfortunately in some boards and committees, we don't have that type of participation. In this one, we do. And I am not taking anything away from Mr. Roach—done more than an adequate job. I just feel we ought to honor the councilperson's request, especially from that area, to sit on that board. Thank you.

MEMBER DIAMOND: Mr. President, I spoke with Member Altieri when she had called me in reference to this. And I don't doubt for a minute that she would be an excellent addition to the board. She has a commitment to her area and to the City, and I think she would have a very active participation on the board. However, the bylaws do not state that we must put somebody from the City Council on that board, they don't even state that the person needs to live in the City of Canton. We have somebody who was very valuable as a member of Canton City Council for many years, somebody who's been appointed to that board since its inception, sits on two subcommittees and has not missed on meeting since the beginning. And I, despite some, one of our own wanting to take over that position, I don't think it's fair to remove an active person who has participated so fully and is so concerned and has projects that he would like to complete, I don't think it's right to remove that person just because we can. I would support Member Altieri in the future should a vacancy occur, but I think Mr. Roach has done not an adequate job, but an outstanding job on that board. And I would urge Councilmembers to allow him to continue that participation. Thank you.

PRESIDENT DENCZAK: Are there any other remarks?... The question you are voting on now is Resolution #11. Roll call vote please.

NO FURTHER REMARKS

ROLL CALL: 6 YEAS, 5 NAYS, 1 ABSTENTION

(SMUCKLER, HAWK, MASSEY, MROCZKOWSKI, DOUGHERTY, & HART VOTED YES. CASAR, BABCOCK, MALLONN, DIAMOND, & CARBENIA VOTED NO. ALTIERI ABSTAINED)

PRESIDENT DENCZAK: Upon the advice given me by the Law Director, with the abstention vote, the appointed member is Member Altieri to the SID Board. It's passed by a majority vote.

12. SUBMITTED BY MASSEY, CRAIG, WARD 4 COUNCILMEMBER: JOINING WITH MAYOR WATKINS IN SUPPORT OF RE-NAMING ALLEN SCHOOL IN MEMORY OF FORMER COUNCILMEMBER CHARLES EDE. - ADOPTED BY COUNCIL

MEMBER SMUCKLER: Mr. President, I move to adopt Ordinance #12; seconded.

PRESIDENT DENCZAK: Moved and seconded that you adopt Ordinance #12; are there any remarks under this resolution?... If not, by voice vote, all those in favor, signify by saying aye—those opposed, no.

NO REMARKS

ADOPTED BY UNANIMOUS VOICE VOTE

PRESIDENT DENCZAK: Resolution #12 is adopted.

13. SUBMITTED BY SMUCKLER, BILL, MAJORITY LEADER: COMMENDING RETIRING CITY COUNCIL EMPLOYEE DONNA WEISS. - ADOPTED BY COUNCIL

MEMBER SMUCKLER: Mr. President, I move we adopt Ordinance...I'm sorry, Resolution #13; seconded.

PRESIDENT DENCZAK: Moved and seconded that you adopt Ordinance #13; are there any remarks under this resolution?... Very well, by voice vote, all those in favor, signify by saying aye—those opposed, no.

NO REMARKS

ADOPTED BY UNANIMOUS VOICE VOTE

PRESIDENT DENCZAK: Resolution #13 is adopted.

14. SUBMITTED BY SMUCKLER, BILL, MAJORITY LEADER: APPROVING THE REAPPOINTMENTS OF SAM SLIMAN, BILL SHERER, MARK DREYER, TOM SCHERVISH, STEVE KATZ & JOE CARBENIA AS MEMBERS OF THE ANNEXATION BOARD FOR A 2-YEAR TERM RETROACTIVE EFFECTIVE 1/1/02 THROUGH 12/31/03. - ADOPTED BY COUNCIL

MEMBER SMUCKLER: Mr. President, I move we adopt Resolution #14; seconded.

PRESIDENT DENCZAK: Moved and seconded that you adopt Ordinance 14; are there any remarks under this ordinance?... Very well, by voice vote, all those in favor, signify by saying aye—those opposed, no.

NO REMARKS

APPROVED BY MAJORITY VOICE VOTE (CARBENIA ABSTAINED)

PRESIDENT DENCZAK: Ordinance #14 is adopted with one abstention.

COMMUNICATIONS

PRESIDENT DENCZAK: All Communications are received as read.

NOTE: ALL COMMUNICATIONS WHICH FOLLOW, LISTED BY AGENDA TITLE, ARE ON FILE IN THEIR ENTIRETY IN THE COUNCIL OFFICE WITH THE AGENDA ITEMS FILE DATED January 27, 2003.

26. AUDITOR KIM R. PEREZ, CITY OF CANTON: REQUEST FOR ADDITIONAL AMENDED

CERTIFICATE DATED 1/1/03. - REFERRED TO CLERK OF COUNCIL

27. AUDITOR KIM R. PEREZ, CITY OF CANTON: REQUEST FOR ADDITIONAL AMENDED CERTIFICATE DATED 1/21/03. - REFERRED TO CLERK OF COUNCIL
28. HEALTH BENEFITS ADMINISTRATOR ROSE BRESSON, CITY OF CANTON: DECEMBER 2002 MONTHLY COMPARATIVE REPORT OF INSURANCE CLAIMS & JANUARY-DECEMBER 2002 PAID CLAIMS & COMPARATIVE REPORT. - RECEIVED & FILED
29. HEALTH COMMISSIONER BOB PATTISON, CANTON CITY HEALTH DEPARTMENT, 420 MARKET AVENUE NORTH, CANTON, OHIO 44702: CANTON CITY HEALTH DEPARTMENT 2001 ANNUAL REPORT. - RECEIVED & FILED
30. KRUPAR, THOMAS, 1431 HOWENSTINE DRIVE SE, EAST SPARTA, OHIO: REQUESTING ZONE CHANGE FROM R-1a SINGLE FAMILY RESIDENTIAL TO PB-1 PLANNED OFFICE BUSINESS @ 3625 W. TUSC FOR A PHYSICAL THERAPY OFFICE. - REFERRED TO THE PLANNING COMMISSION
31. MAYOR RICHARD D. WATKINS, CITY OF CANTON: SUBMITTING RECOMMENDATIONS FOR 2003 CAPITAL IMPROVEMENT PROGRAM & REQUESTING INTERFUND TRANSFERS & SUPPLEMENTAL APPROPRIATIONS FROM CAPITAL IMPROVEMENT FUND, \$2,608,008, ETC. - REFERRED TO LAW DIRECTOR (See O#2, 1st Rdg)
32. MAYOR RICHARD D. WATKINS, CITY OF CANTON: ADVISING OF JEFFREY McDANIELS' RE-APPOINTMENT TO SMHA BOARD FOR A 5-YR TERM EFFECTIVE 2/1/03 THRU 1/31/07. - RECEIVED & FILED
33. PLANNING COMMISSION, CITY OF CANTON, SHEILA K. THARP-BARRINO, SECRETARY: RECOMMENDING APPROVAL OF AMENDMENTS TO THE ZONING MAP PER THE COMPREHENSIVE PLAN. - REFERRED TO LAW DIRECTOR **Pub Hrg 2/24/03 @ 7:32 PM**
34. PLANNING COMMISSION, CITY OF CANTON, SHEILA K. THARP-BARRINO, SECRETARY: RECOMMENDING DENIAL OF ZONE CHANGE REQUESTED BY TOM & HELEN SINCLAIR FROM R-1a SINGLE FAMILY RESIDENTIAL TO PR-3 PLANNED GARDEN & TOWNHOUSE RESIDENTIAL FOR A TRIPLEX @ 118 ARLINGTON SW. - REFERRED TO LAW DIRECTOR **Pub Hrg 2/24/03 @ 7:30 PM**
35. SAFETY DIRECTOR JOSEPH J. CONCATTO, CITY OF CANTON: REPORT OF EMERGENCY REPAIR WORK PERFORMED AT FIRE STATION #9; ESTIMATE IN AMOUNT OF \$50,000 FOR PAYMENT TO JOHN PICARD, ARCHITECT, & GAETANO CONSTRUCTION TO COMPLETE THE WORK. - REFERRED TO FINANCE COMMITTEE CHAIRMAN
36. SERVICE DIRECTOR MICHAEL L. MILLER, CITY OF CANTON: REQUEST TO ENTER INTO CONTRACT WITH BENEFIT SERVICES, INC. & COMPANION LIFE INSURANCE COMPANY FOR CITY'S HEALTH BENEFIT PLAN FOR A 1-YR PERIOD EFFECTIVE 2/1/03. - REFERRED TO LAW DIRECTOR (See O#3, 1st Rdg)

37. TREASURER ROBERT C. SCHIRACK, CITY OF CANTON: COMPARATIVE REPORT OF INCOME TAX CASH RECEIPTS AS OF 12/31/02. - RECEIVED & FILED
38. TREASURER ROBERT C. SCHIRACK, CITY OF CANTON: COMPARATIVE REPORT OF DEPOSITS AND PAY INS FOR MONTH OF DECEMBER 2002 TO AMBULANCE LOCK BOX ACCOUNT. - RECEIVED & FILED
39. TREASURER ROBERT C. SCHIRACK, CITY OF CANTON: COMPARATIVE REPORT OF PARKING METER REVENUE FOR MONTH OF DECEMBER 2002. - RECEIVED & FILED
40. TREASURER ROBERT C. SCHIRACK, CITY OF CANTON: REQUEST TO AMEND CHAPTER 181 OF CODIFIED ORDINANCES IMPOSING TAX ON PASS-THROUGH ENTITIES. - REFERRED TO LAW DIRECTOR (See O#4, 1st Rdg)
41. WILLIAMS, BRUCE, AGENT FOR PETITIONER, CITY OF CANTON PLANNING DEPARTMENT: SUBMITTING I-77/FAIRCREST ANNEXATION PETITION DOCUMENTS. - RECEIVED & FILED CC: LAW DIRECTOR (See O#5, 1st Rdg)

ORDINANCES & FORMAL RESOLUTIONS FOR FIRST READING

PRESIDENT DENCZAK: We're now under Ordinances & Formal Resolutions for their first reading and referral. Let the journal show that all ordinances are being given their reading as required by State Law. Ordinance #1 please.

NOTE: PRESIDENT DENCZAK CALLED UPON CLERK VANCKUNAS TO READ THE FOLLOWING ORDINANCES #1 THROUGH #8A FOR THE FIRST TIME BY TITLE ONLY AND ANNOUNCED THE COMMITTEE REFERRAL, AS FOLLOWS. ORDINANCES #3 & 6 WERE ADOPTED AFTER THEIR FIRST READINGS.

- #1 (1ST RDG) AN ORDINANCE AUTHORIZING THE CITY AUDITOR TO ESTABLISH THE 4548 25TH STREET NW STORM SEWER, GP 1066 FUND; AMENDING APPROPRIATION ORDINANCE NO. 236/2002, AS AMENDED, BY MAKING THE SUPPLEMENTAL APPROPRIATIONS HEREIN DESCRIBED; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to the Finance Committee
- #2 (1ST RDG) AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 236/2002, AS AMENDED, BY MAKING THE SUPPLEMENTAL APPROPRIATIONS AND INTERFUND TRANSFERS HEREIN DESCRIBED; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to the Finance Committee
- #3 (1ST RDG) **ADOPTED AS ORDINANCE NO. 8/2003** AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO PROFESSIONAL SERVICES CONTRACTS FOR HEALTH CARE BENEFITS ADMINISTRATION AND STOP-LOSS INSURANCE FOR CITY EMPLOYEES AND THEIR DEPENDENTS; AND

DECLARING THE SAME TO BE AN EMERGENCY

Referred to the Finance Committee

- #4 (1ST RDG) AN ORDINANCE AMENDING PART NINE- TAXATION CODE, OF THE CODIFIED ORDINANCES OF THE CITY OF CANTON; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to the Judiciary Committee
- #5 (1ST RDG) A RESOLUTION APPROVING THE STATEMENT OF SERVICES TO BE PROVIDED TO THE PROPERTY OWNERS IN THE I-77/FAIRCREST ANNEXATION AREA, THE APPROXIMATE DATE SERVICES WILL BE PROVIDED, PROCEDURE FOR INCOMPATIBLE ZONING USES UPON ITS BEING ANNEXED TO THE CITY OF CANTON, OHIO; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to the Annexation Committee
- #6 (1ST RDG) **ADOPTED AS ORDINANCE NO. 9/2003** AN ORDINANCE SUSPENDING WAGE INCREASES FOR MANAGEMENT AND NON-BARGAINING UNIT PERSONNEL; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to the Personnel Committee
- #7 (1ST RDG) AN ORDINANCE AMENDING CHAPTER 151, EMPLOYMENT PROVISIONS, OF THE CODIFIED ORDINANCES OF THE CITY OF CANTON
Referred to the Judiciary Committee
- #8 (1ST RDG) AN ORDINANCE AUTHORIZING THE MAYOR AND/OR DIRECTOR OF PUBLIC SERVICE TO FILE AN APPLICATION TO THE STATE OF OHIO TO PARTICIPATE IN THE CLEAN OHIO REVITALIZATION FUND, APPLY FOR FINANCIAL ASSISTANCE AND ADMINISTER THE FUNDS RECEIVED; AUTHORIZING THE MAYOR AND/OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CONTRACT FOR PROFESSIONAL ENVIRONMENTAL SERVICES IN ACCORDANCE WITH THE REQUIREMENTS OF THE CLEAN OHIO REVITALIZATION FUND APPLICATION; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to the Community & Economic Development & Finance Committees
- #8A (1ST RDG) AN ORDINANCE APPROVING A ONE-YEAR COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY OF CANTON AND AFSCME LOCAL 2937/OHIO COUNCIL 8; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to the Personnel Committee

PRESIDENT DENCZAK: At this time, the Chair is going to declare an in-house recess for the committees to meet in regards to Ordinance 3, 6 and 8A. You're now in recess.

AT 8:36 P.M., COUNCIL RECESSED FOR COMMITTEE MEETINGS ON ORDINANCES 3 & 6, WHICH WERE RETURNED TO THE AGENDA FOR ADOPTION. ORDINANCE #8A WAS DISCUSSED UNDER EXECUTIVE SESSION LATER IN THE MEETING. PRESIDENT DENCZAK RECONVENED THE COUNCIL MEETING AT 8:54 P.M.

PRESIDENT DENCZAK: Council is reconvening after the committee meetings. All right, start talking.

MEMBER SMUCKLER: Have I ever stopped? Mr. President, in order to have the committee meeting, you first have to have the executive session on the contract, so I didn't want to start parading everybody across the hall until we voted to go into executive session and that's why we need that recorder on.

PRESIDENT DENCZAK: So you do not want to discuss this ordinance....?

MEMBER SMUCKLER: Until we have the executive session. But my suggestion, Mr. President, we have to have another executive session too. If we could combine them both, clean up the rest of the agenda for people that are here for agenda items, and then deal with this with the other executive session at the end of the meeting, this might make it a little bit smoother rather than going into two executive sessions.

PRESIDENT DENCZAK: So you want to....?

MEMBER SMUCKLER: Dispose of the rest of the agenda first before we come back to 8A.

PRESIDENT DENCZAK: All right.

MEMBER SMUCKLER: Thank you.

PRESIDENT DENCZAK: We're back in session. What the Majority Leader has asked for is we continue with the rest of the agenda and then come back to the committee on Ordinance 8A. Now you wish to place 3 and 6 back on the agenda...?

MEMBER SMUCKLER: Mr. President, I move to suspend Rule 22A and add Ordinances 3 and 6 back to the agenda; seconded.

PRESIDENT DENCZAK: Moved and seconded to suspend Rule 22A to add Ordinances 3 and 6 to the agenda; are there any remarks?... If not, roll call vote please.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance 3 and 6 are a legal part of your agenda.

#3 **ADOPTED AS ORDINANCE NO. 8/2003** AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO PROFESSIONAL SERVICES CONTRACTS FOR HEALTH CARE BENEFITS ADMINISTRATION AND STOP-LOSS INSURANCE FOR CITY EMPLOYEES AND THEIR DEPENDENTS; AND DECLARING THE SAME TO BE AN EMERGENCY

MEMBER SMUCKLER: Mr. President, I move we suspend statutory three readings of Ordinance #3; seconded.

PRESIDENT DENCZAK: Moved and seconded to dispense with the three readings of Ordinance #3; are there any remarks?... If not, roll call vote please.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

PRESIDENT DENCZAK: You've heard the three readings, Member Smuckler.

MEMBER SMUCKLER: Mr. President, I move we adopt Ordinance #3; seconded.

PRESIDENT DENCZAK: Moved and seconded that you adopt Ordinance #3; are there any remarks under this ordinance?... Very well, roll call vote.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance #3 is adopted.

#3 ADOPTED AS ORDINANCE NO. 8/2003

#6 **ADOPTED AS ORDINANCE NO. 9/2003** AN ORDINANCE SUSPENDING WAGE INCREASES FOR MANAGEMENT AND NON-BARGAINING UNIT PERSONNEL; AND DECLARING THE SAME TO BE AN EMERGENCY

MEMBER SMUCKLER: I move we suspend statutory three readings of Ordinance #6; seconded.

PRESIDENT DENCZAK: There is a move to dispense with the three readings of Ordinance #6; are there any remarks?... If not, roll call vote please.

NO REMARKS

ROLL CALL: 11 YEAS, 1 NAY (CARBENIA VOTED NO)

PRESIDENT DENCZAK: Ordinance #6...you've heard the three readings, Member Smuckler.

MEMBER SMUCKLER: Mr. President, I move that we adopt Ordinance #6; seconded.

PRESIDENT DENCZAK: Moved and seconded that you adopt Ordinance #6; are there any remarks under this ordinance?

MEMBER DIAMOND: Mr. President, pursuant to Rule 36, I hereby move to amend Agenda Item No. 6 by the substitution of one word as follows: In Section 1, the first line, substitute the word "December" for March in order to change the effective duration of this ordinance through December 31st of 2003; seconded.

PRESIDENT DENCZAK: Do you have that in writing?... The question before you now is the amendment as stated by Member Diamond. Are there any remarks?

LAW DIRECTOR MARTUCCIO: Mr. President, just so City Council understands this amendment, please, I'm not presupposing you don't, but the consequences are long term. This amendment, if this amendment gets voted up, if a majority of you vote for this amendment, it will change the wage freeze from only til December 31st through the entire year. If this amendment is adopted, you will freeze all management wages and the steps for the whole year. If you defeat the amendment, then you'll proceed to the ordinance as written which freezes them through March 31st. Thank you for allowing me to explain that.

PRESIDENT DENCZAK: Are there any further remarks on the amendment?

MEMBER DIAMOND: Mr. President, I would just ask that we do the same for the management employees as

we've done for the union employees. And every union that we have gone to and asked for a zero percent increase with a one-year contract, I think that we should do the same for management. And I have a question, Mr. President, to the Law Director. If this...does this ordinance have to be, whether it's the amendment or the ordinance, do you have to have x-number of votes for this to have the emergency clause, and if it doesn't have the emergency, do raises then go into effect?

PRESIDENT DENCZAK: It requires 8 votes for the emergency.

LAW DIRECTOR MARTUCCIO: Mr. President, you're correct, it takes 8 votes either way, whether it's as amended or as originally written. Eight votes have to pass something tonight or the ordinance doesn't work and the raises go into effect, they're eligible.

AUDITOR PEREZ: Mr. President, just two corrections that I've heard spoken. First of all, there is no pay raises for management. There is not a pay raise for management anywhere on the books. No one in management will get a pay raise. There are step increases. The correction to what Ms. Diamond, Councilwoman Diamond, has said is we're going to do to management what we've done to the unions. But the only thing you've done to the unions is frozen the wage at the top scales. They are still going through their steps. So if what she said is true, then you want to vote down this amendment and go with the package and let us finish sitting down and go over everything. There is not one pay raise going to any management person. The only step increases are going to 51 people. Out of the 51, I think 26 of them are in one and two, and the other 25 are in steps 3 and 4. So just to be clear, there is, you did not freeze step increases in the unions, in any contract—police, FOP...they all get, once they hit that certain time, they get a move. And Law Director, please correct me if I'm wrong, in the other AFSCME union and the current AFSCME proposal, step increases are not frozen. The only thing frozen is the top step. And we have nothing on the books to give anybody a raise at the top steps.

MEMBER DIAMOND: Mr. President, the Auditor is correct. We are unable, this Council, to negotiate with any of the unions, so we cannot stop them from receiving their step increases. However, I think the reason that the unions and the Administration agreed to one year was to wait to see what the economy would be like. What I am saying is I think that should be considered for management also. We don't have enough money to pay our bills. We by virtue of the negotiation with the Administration and the unions, we must pay those step increases. If you don't have enough money to pay your bills, when you have a situation where you're able to hold off raises in order to make certain that we don't have more layoffs, to make certain that we don't reduce services, then it's our responsibility to do that. If we're waiting for a year for the other contracts to see what money we have, why then wouldn't we do the same thing for management?

PRESIDENT DENCZAK: Any other remarks?

MEMBER MROCKOWSKI: Mr. President, the Finance Committee has gone over this issue many times. We have looked at what we need to do, what...how we are going to address it. And I asked my fellow Councilmembers to give us til March 21st to get a fair and equitable plan and so that all management non-union people would be treated with the respect that's necessary and it will give us the time to find out where the budgetary...where the budget sits and how we can apply that information into what we're trying to do with this group of employees.

PRESIDENT DENCZAK: Any other remarks on the amendment?... The question you're voting on now is the amendment. By voice vote, all those in favor, signify by saying aye....Roll call vote please.

NO FURTHER REMARKS

ROLL CALL: 2 YEAS, 10 NAYS

(HART & DIAMOND VOTED YES. SMUCKLER, CASAR, BABCOCK, HAWK, ALTIERI, MALLONN, MASSEY, MROCKOWSKI, DOUGHERTY & CARBENIA VOTED NO.)

PRESIDENT DENCZAK: Boy, was that shot down. The amendment has been defeated, soundly defeated. The question before you now is the ordinance as originally submitted. Are there any remarks on the ordinance as originally submitted?... If not, roll call vote please.

NO FURTHER REMARKS ROLL CALL: 9 YEAS, 3 NAYS
(SMUCKLER, CASAR, BABCOCK, HAWK, ALTIERI, MALLONN, MASSEY, MROCKOWSKI, & DOUGHERTY VOTED YES. HART, DIAMOND & CARBENIA VOTED NO)

PRESIDENT DENCZAK: The ordinance as originally submitted has passed with the emergency clause.
#6 ADOPTED AS ORDINANCE NO. 9/2003

MEMBER CARBENIA: Mr. President, I'm sorry I missed the count of that last vote.

PRESIDENT DENCZAK: You missed it?

MEMBER CARBENIA: I meant, what the total was please?....

PRESIDENT DENCZAK: Oh.

MEMBER CARBENIA: I thought there was somebody that said nay instead of yea.

PRESIDENT DENCZAK: Did you say yea or nay?... 3 people voted no....Hart, Diamond, Carbenia. Is that right?...

ORDINANCES & FORMAL RESOLUTIONS FOR SECOND READING

PRESIDENT DENCZAK: Ordinances for their second reading. Ordinance #9 please.

NOTE: PRESIDENT DENCZAK CALLED UPON CLERK VANCKUNAS TO READ THE FOLLOWING ORDINANCES #9 THROUGH #13 FOR THE SECOND TIME BY TITLE, AS FOLLOWS. ORDINANCE #9 WAS ADOPTED AFTER ITS SECOND READING.

#9 (2ND RDG) **ADOPTED AS ORDINANCE NO. 10/2003** AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 236/2002, AS AMENDED, BY MAKING THE SUPPLEMENTAL APPROPRIATIONS HEREIN DESCRIBED; AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT DENCZAK: Member Smuckler, are you going to adopt #9?... The Clerk just read it.

MEMBER SMUCKLER: Mr. President, I move we suspend statutory three readings of Ordinance #9; seconded.

PRESIDENT DENCZAK: Moved and seconded to dispense with the three readings of Ordinance #9; are there any remarks?... If not, roll call vote please.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

PRESIDENT DENCZAK: You've heard the three readings, Member Smuckler.

MEMBER SMUCKLER: Mr. President, I move we adopt Ordinance #9; seconded.

PRESIDENT DENCZAK: Moved and seconded that you adopt Ordinance #9; are there any remarks under this ordinance?... Very well, roll call vote please.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance #9 is adopted.

#9 ADOPTED AS ORDINANCE NO. 10/2003

- #10 (2ND RDG) AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 236/2002, AS AMENDED, BY MAKING THE SUPPLEMENTAL APPROPRIATIONS HEREIN DESCRIBED; AND DECLARING THE SAME TO BE AN EMERGENCY
- #11 (2ND RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CONTRACT WITH COMPMANAGEMENT, INC. FOR WORKERS' COMPENSATION ADMINISTRATIVE SERVICES; AND DECLARING THE SAME TO BE AN EMERGENCY
- #12 (2ND RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CONTRACT WITH THE CANTON JOINT RECREATION DISTRICT FOR FIELD MAINTENANCE TO THURMAN MUNSON MEMORIAL STADIUM; AND DECLARING THE SAME TO BE AN EMERGENCY
- #13 (3ND RDG) AN ORDINANCE AUTHORIZING THE CITY AUDITOR TO ESTABLISH THE 4538 MARKET AVENUE SANITARY SEWER FUND; AMENDING APPROPRIATION ORDINANCE NO. 236/2002, AS AMENDED, BY MAKING THE SUPPLEMENTAL APPROPRIATION HEREIN DESCRIBED; AND DECLARING THE SAME TO BE AN EMERGENCY

ORDINANCES & FORMAL RESOLUTIONS FOR THIRD READING

PRESIDENT DENCZAK: Ordinances and Formal Resolutions for their third reading. Ordinance #14 please.

NOTE: PRESIDENT DENCZAK CALLED UPON CLERK VANCKUNAS TO READ THE FOLLOWING ORDINANCES #14 THROUGH & INCLUDING #19 FOR THE THIRD & FINAL TIME BY TITLE, AS FOLLOWS.

- #14 (3RD RDG) **ADOPTED AS ORDINANCE NO. 11/2003** AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE AND/OR DIRECTOR OF PUBLIC SAFETY TO

ADVERTISE, RECEIVE BIDS AND ENTER INTO CONTRACT FOR SUPPLY ITEMS, MATERIALS AND PROFESSIONAL SERVICES FOR THE CITY OF CANTON'S OPERATIONS DURING THE 2003 CALENDAR YEAR; AUTHORIZING ALTERNATIVELY THE PURCHASE OF SAID ITEMS PURSUANT TO THE STATE COOPERATIVE PURCHASING AGREEMENT AND/OR ODOT PURCHASING AGREEMENT; AND DECLARING THE SAME TO BE AN EMERGENCY

MEMBER SMUCKLER: Mr. President, I move we adopt Ordinance #14; seconded.

PRESIDENT DENCZAK: Moved and seconded that you adopt Ordinance 14; are there any remarks under this ordinance?... Very well, roll call vote please.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance #14 is adopted.

#14 ADOPTED AS ORDINANCE NO. 11/2003

#15 (3RD RDG) **ADOPTED AS ORDINANCE NO. 12/2003** AN ORDINANCE AUTHORIZING THE CITY AUDITOR TO ESTABLISH THE 4547 SHORB AVENUE & 4TH STREET, N.W. ROADWAY IMPROVEMENT G.P. 1050 FUND; AMENDING APPROPRIATION ORDINANCE NO. 236/2002, AS AMENDED, BY MAKING THE SUPPLEMENTAL APPROPRIATIONS HEREIN DESCRIBED; AND DECLARING THE SAME TO BE AN EMERGENCY

MEMBER SMUCKLER: Mr. President, I move we adopt Ordinance 15; seconded.

PRESIDENT DENCZAK: Moved and seconded that you adopt Ordinance #15; are there any remarks under this ordinance?... Very well, roll call vote please.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance #15 is adopted.

#15 ADOPTED AS ORDINANCE NO. 12/2003

#16 (3RD RDG) **ADOPTED AS ORDINANCE NO. 13/2003** AN ORDINANCE AUTHORIZING THE CITY OF CANTON TO ACCEPT DONATION OF REAL PROPERTY; AND DECLARING THE SAME TO BE AN EMERGENCY

MEMBER SMUCKLER: Mr. President, I move we adopt Ordinance #16; seconded.

PRESIDENT DENCZAK: Moved and seconded that you adopt Ordinance 16; are there any remarks under this ordinance?... Very well, roll call vote please.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance #16 is adopted.

#16 ADOPTED AS ORDINANCE NO. 13/2003

#17 (3RD RDG) **ADOPTED AS ORDINANCE NO. 14/2003** AN ORDINANCE ESTABLISHING THE FAIR MARKET VALUE OF REAL PROPERTY IN CONJUNCTION WITH THE SCENIC RAILROAD STATION PROJECT; AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO NEGOTIATE AND PURCHASE SAID PARCEL AT THE ESTABLISHED FAIR MARKET VALUE; AND DECLARING THE SAME TO BE AN EMERGENCY

MEMBER SMUCKLER: Mr. President, I move we adopt Ordinance #17; seconded.

PRESIDENT DENCZAK: Moved and seconded that you adopt Ordinance 17; are there any remarks under this ordinance?... Very well, roll call vote please.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance #17 is adopted.

#17 ADOPTED AS ORDINANCE NO. 14/2003

#18 (3RD RDG) **ADOPTED AS ORDINANCE NO. 15/2003** AN ORDINANCE AMENDING EXHIBIT A TO ORDINANCE NO. 236/2002; AND DECLARING THE SAME TO BE AN EMERGENCY

MEMBER SMUCKLER: Mr. President, I move we adopt Ordinance #18; seconded.

PRESIDENT DENCZAK: Moved and seconded that you adopt Ordinance 18; are there any remarks under this ordinance?...

MEMBER MROCKZKOWSKI: Mr. President, again I want to remind City Council Members that this ordinance, if passed, again will be sort of an issue as far as I'm concerned of taxpayers' money. I believe that the Police Department of the City can better manage the park. We certainly don't need to fund and pay two people to do what can be done by, very efficiently, by our present Police Department. So I'm urging that Councilmembers vote no on this issue.

MEMBER CASAR: Mr. President, I don't think we can, as I said in Caucus, I don't think we can take a chance and gamble on the fact is that we may not have any policemen down there in the near future. Being the fact, as Member Mrockzkowski said, because of a General Fund shortness and so forth, we may as policemen, some are called to service, some are retiring, some are taking the buyout or will take it. As officers become less scarce and we have to move them around the City, we're not sure that we will have a policeman in the parks. By the policemen that are there now under the control of the Park Department, we know that the policeman will be patrolling the parks, he's done an excellent job. And I feel that we cannot gamble with the fact is we may not have any policemen there. And I feel we should leave it as it is and in my opinion, it's not a double standards, or as Mrockzkowski said we're shirking responsibility or money, however you say it, I think it's just we're basically assuring the safety and welfare of the citizens of Canton. And also visitors that use our parks and make sure they are safe. And this officer has done a great job of doing that. He's well received by the people in the area. I happen to live in that area, I know the job he does. People I speak to...and I think that we must keep him there to ensure the safety of our citizens.

SAFETY DIRECTOR CONCATTO: Mr. President, I would just like to, for the record, state that the Mayor and myself and the Administration concurs with the Finance Committee that this position should be eliminated. We

believe that the approximately \$70,000 that we're talking about here can be better used in putting it in the Police budget in that we could better assure a police officer to be in the parks with this type of budget added to the Police Department.

MEMBER HART: Mr. President, just a quick question for the Safety Director. Are the patrol cars prohibited at all from going through the parks enforcing the, you know, local statutes? I mean the zone cars, they can go through the parks?...correct?

SAFETY DIRECTOR CONCATTO: Mr. President, yes, they can go through the parks, they're not restricted.

MEMBER HART: Okay, and again from my observation going through Stadium Park, I guess my frustration is that, you know, I've seen the police officer there walking, I've seen police cars as I drive through the town in different areas going through the parks. You know, again, Officer Thristino, according to residents, you know, at least Stadium Park has done an excellent job, has gotten out and has done I think a good job of public relations, making people feel very safe there, but I guess, I think it's a little bit of a misnomer to think that, you know, that the parks are going to be totally unmanned and an unsafe place to be.

SAFETY DIRECTOR CONCATTO: Mr. President, this is not about Officer Thristino; this is about a budget. This is about better use, where we can better use the \$70,000. It is the opinion of the Finance Committee and the Administration that them funds can be better used in the Police Department where we can still assure the presence of the police in the parks.

MEMBER CARBENIA: Mr. President, I have six parks in my ward alone, and I know they have many miles to do. But, I've seen the job that they've been doing and Officer Thristino has done a great job. I think that we need to continue that because of the cuts that have been made and the future cuts that the Director wants to make, along with some retirees, retirings and people going overseas—we're short in the Police Department. And I feel that we need to vote for this issue.

PRESIDENT DENCZAK: Any other remarks?... The question you're voting on now is Ordinance #18; roll call vote please.

NO FURTHER REMARKS

ROLL CALL: 8 YEAS, 4 NAYS

(SMUCKLER, CASAR, BABCOCK, HAWK, ALTIERI, MALLONN, MASSEY & CARBENIA VOTED YES.
MROCZKOWSKI, DOUGHERTY, HART, & DIAMOND VOTED NO)

PRESIDENT DENCZAK: The ordinance passes with the emergency.

#18 ADOPTED AS ORDINANCE NO. 15/2003

#19 (3RD RDG) **ADOPTED AS ORDINANCE NO. 16/2003** AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A CONTRACT RENEWAL WITH THE OHIO MUNICIPAL LEAGUE JOINT SELF-INSURANCE POOL IN AN AMOUNT NOT TO EXCEED \$160,000.00 FOR GENERAL LIABILITY AND COMPREHENSIVE AUTOMOBILE LIABILITY INSURANCE COVERAGES; AND DECLARING THE SAME TO BE AN EMERGENCY

MEMBER SMUCKLER: Mr. President, I move we adopt Ordinance #19; seconded.

PRESIDENT DENCZAK: Moved and seconded that you adopt Ordinance 19; are there any remarks under this ordinance?... Very well, roll call vote please.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance #19 is adopted.

#19 ADOPTED AS ORDINANCE NO. 16/2003

ORDINANCES & FORMAL RESOLUTIONS – POSTPONED MATTER

PRESIDENT DENCZAK: Postponed matter please.

ALL PORTIONS OF THE FOLLOWING ORDINANCE WERE ADOPTED AT THE DECEMBER 23, 2002 COUNCIL MEETING, WITH THE EXCEPTION OF SECTION 3 WHICH WAS POSTPONED TO JANUARY 27, 2003:

#20 **ADOPTED AS ORDINANCE NO. 246/2002 ON 12/23/2002** AN ORDINANCE SUSPENDING WAGE INCREASES FOR MANAGEMENT AND NON-BARGAINING UNIT PERSONNEL; AMENDING CHAPTER 151, EMPLOYMENT PROVISIONS, AND REPEALING CHAPTER 152, RESIDENCY, OF THE CODIFIED ORDINANCES OF THE CITY OF CANTON; AND DECLARING THE SAME TO BE AN EMERGENCY

THE FOLLOWING SECTION 3 OF ORDINANCE NO. 246/2002 WAS POSTPONED TO 2/24/2003: *Section 3. Subsection (b) to Section 151.08, Overtime and Compensatory Time for Nonexempt and Exempt Employees, of the Codified Ordinances of the City of Canton be and the same is hereby amended to read as follows:*

- (1) Professional, administrative, executive and other employees who are exempt from the Fair Labor Standards Act of 1938, as amended, shall be entitled to one compensatory hour for each full hour actually worked in excess of and contiguous with their regularly scheduled work day. No fractional portions of hours shall be used to compute compensatory time, except for off-duty compensatory time earned through an approved call-back, which shall be computed in quarter hours. Employees may not accrue more than 120 hours of unused compensatory time for overtime hours worked.*
- (2) Compensatory time entitlements shall be approved by the appointing authority and shall be properly recorded as to when it was earned and when it was used on a biweekly basis when the payroll is submitted. The records on file in the Auditor's office shall be final.*
- (3) Exempt employees may use accrued compensatory time with the approval of the appointing authority taking into account the scheduling needs of the department.*
- (4) Upon termination of employment, employees with unused compensatory time shall be paid at their final regular rate for a maximum of 120 hours. Any accrued but unused hours in excess of 120 hours are forfeited upon termination of employment.*

MEMBER SMUCKLER: Mr. President, I move we postpone Ordinance...

PRESIDENT DENCZAK: Put it before the body.

MEMBER SMUCKLER: Mr. President, I move we adopt Ordinance #20; seconded.

PRESIDENT DENCZAK: Moved and seconded that you adopt Ordinance #20; are there any remarks under this ordinance?

MEMBER SMUCKLER: Mr. President, I move we postpone Ordinance #20 until 2/24/03; seconded.

PRESIDENT DENCZAK: Moved and seconded to postpone this until February 24th, year 2003; are there any remarks?... If not, by voice vote, all those in favor, signify by saying aye—those opposed, no.

NO REMARKS

MOTION APPROVED BY UNANIMOUS VOICE VOTE

PRESIDENT DENCZAK: Ordinance 20 is postponed until February 24th, year 2003.

ANNOUNCEMENT OF COMMITTEE MEETINGS

PRESIDENT DENCZAK: Announcement of Committee Meetings please.

MEMBER MASSEY: Mr. President, Community & Economic Development will meet February 3rd at 6:30.

MEMBER MROCKOWSKI: Mr. President, Finance Committee will meet at the same time, same place.

MEMBER CARBENIA: Mr. President, Annexation Committee will meet the same time, same place.

MEMBER DOUGHERTY: Mr. President, Public Property Capital Improvement will meet that evening also, same time.

MEMBER SMUCKLER: Mr. President, Judiciary will meet at 6:15 on Monday....before the other committee meetings. (*TIME CHANGED TO 6:00 P.M. UNDER MISCELLANEOUS BUSINESS*)

PRESIDENT DENCZAK: That's February the 3rd.

MEMBER SMUCKLER: February 3rd.

PUBLIC SPEAKS (OPEN FORUM--CITY BUSINESS ONLY)

PRESIDENT DENCZAK: No one signed up for Public Speaks, Open Forum—a speaker did ask to have his name removed.

MISCELLANEOUS BUSINESS

PRESIDENT DENCZAK: Member Smuckler, we are now under Miscellaneous Business. Is there any Miscellaneous Business?...

MEMBER SMUCKLER: Mr. President, I just want to correct a committee meeting time because Law Director Martuccio just reminded me that this also involves terminal leave, so I would like to change the meeting til 6:00 on Monday, February 3rd so we don't back into Council Meeting. That's a Judiciary meeting.

MEMBER CASAR: Mr. President, I'd like to ask the Law Director a question if I may please. Law Director Martuccio, I received a letter today from Shell Energy, like I'm sure a lot of citizens out there received it in regards to the contract that we have through the City of Canton, that we have with Shell, that the City of Canton has with Shell. Could you, do you have any, could you enlighten me in regards to what's happening in regards to the contract? We're now paying 4.29 per mcf through February 28th and then I understand that it's going to go, according to the letter I received, it's going to go to 6.81 mcf—now that doesn't include transportation costs or whatever. My question to you, so I got on the phone today and I called Dominion, they're at 5.40 now—February 2nd they're going to 6.01. But on March 1st, Shell, who we have our contract with for one year, they're going to 6.81. Now are we going to, are you going to negotiate or try and negotiate a better price or are the constituents going to have to opt out and go back with Dominion because that'll be 80 cents less per mcf?

LAW DIRECTOR MARTUCCIO: Mr. President, Member Casar. Your showing me that letter a little bit earlier this evening was the first I had seen of it. I need some time to talk with Shell, to look at our contract again. Because, as you recall, many citizens in Canton went with an opt in program last year with Shell and were brought into an opt out program that the voters authorized. And last year we aggregated and voters had the chance, voters were automatically...residents were automatically included unless they opted out. Now, Shell guaranteed a certain rate for the 5 coldest months of the year and that rate was...4.29 may have been a rate that some people negotiated on their own, but I know in October it was around that area. But for the months of November, December, January and February, it'll be 4.98...

MEMBER CASAR: I beg to differ with you, I paid my bill and it was 4.29 mcfs.

LAW DIRECTOR MARTUCCIO: I understand, but I'm talking about the opt out contract that most of the residents were taken into.

MEMBER CARBENIA: Point of order.

PRESIDENT DENCZAK: State your point of order.

MEMBER CARBENIA: I thought that the 4.29 we were paying was negotiated by you with Shell Energy, not individually.

LAW DIRECTOR MARTUCCIO: It was negotiated, the price, the 4.98 is the price that was struck in the market, commodities trading markets one day with the Service Director. That price was guaranteed for the 5 coldest months of the year. What Shell did in their contract—and that price, by the way, has been and will be lower than what Dominion is doing during these cold months. What Shell also said, though, in its contract was during the warm months, they reserve the right to charge something approaching market value where people are using a lot less mcf's than they are in the winter. If someone wants to opt out during the winter months, it costs \$25. If they want to wait

til after March I believe there may not be a fee. I will find out more about this, Mr. Casar, and try and have this answer for you.

MEMBER CASAR: You said Dominion would pay more, that's not true...

PRESIDENT DENCZAK: One moment...does that clarify your question and point of order?

MEMBER CARBENIA: Yes, sir, thank you.

MEMBER CASAR: Because I also called Dominion and through both of these phone calls, I probably waited a total of an hour to speak to these individuals today, but as of February 2nd until the end of April, April 30th or 31st, how many days in April?...Dominion's price is going to be 6.01 per mcf. As of March 1st, Shell is going to be 6.81. So we're going to be paying 80 cents more if we decide to stay with this contract, so my question to you and I hope you have a week that you could start negotiating this because, you know that's a lot of money. I mean just take my bill for instance, just to use it as an example, my December bill, now this is just for mcf, was \$192. And at the new rate it would be \$305. So I'm saying this Council went along with Shell through your negotiations and through your, to get this contract. And to want to go ahead and raise it, it would come out to about 58.5, almost 59% increase. I think we better get with Shell and talk with them cause in good faith this City went with them, so I'm hoping that you will get with them right now and at least hold the rates to what Dominion's at because if not, everyone's going to have to opt out and go back. And I would want to see us keep opting in and out, you know, cause it was, I didn't like the way it was done anyhow, opt in and opt out. I think there should have been an opportunity for people, I don't think we should have had that opt out situation as it was presented. So if you'd check it, I'd certainly appreciate it.

LAW DIRECTOR MARTUCCIO: Yes, Member Casar. As it turns out, it was a majority of the voters, in fact about 70%, who said they wanted to opt out program.

MEMBER CASAR: Yeah, but that was because it was written that way on the ballot.

LAW DIRECTOR MARTUCCIO: Right.

MEMBER CASAR: That's what I'm saying, I don't think the...it should not have been presented to the voters that way I guess is what I want to say.

LAW DIRECTOR MARTUCCIO: State law, PUCO required that language. I will get back to you. But I do know this as a fact, that Shell did reserve the right to charge closer to market rates in the warm months, because the average consumer uses about 135, 150 mcf a year. Most of that, like 100 of it, is in the cold months, the other 30 being in the warm months. So even if they do charge more in the warm months, on balance, people will have saved more during the cold months when they use most of their mcf. That's part of their plan.

MEMBER CASAR: I agree with what you're saying and that would be good, but that is not what they're telling you. They're telling us in the letter I received today as of March 31st, my contract ends in February I'm sorry, March 1st, it will now be for 12 consecutive months billing cycle, it will be 6.81. They don't say anything about cold months, they say 6.81 per mcf. That's the point I'd like to get clarified.

LAW DIRECTOR MARTUCCIO: I understand.

MEMBER CASAR: And also when I spoke with them today, they say well because this country may go to war...I

said what's that have to do with natural gas? We get our gas from Texas or somewhere South, we don't ship natural gas in. So what I'm saying, they're doing the same thing with natural gas as they're doing to us at the pumps, the same thing.

PRESIDENT DENCZAK: Is there any other Miscellaneous Business?

SAFETY DIRECTOR CONCATTO: Mr. President, just real quickly, just to let Council know that the Administration has ceased the skunks and racoon trapper program and the cat trapper program—at a cost that we felt was too high. So we have ceased doing those programs for 2003.

MEMBER SMUCKLER: Mr. President, I move that City Council go into executive session under the State Sunshine Law to discuss the AFSCME labor contract, and also to discuss pending litigation on the sexually-oriented bookstore—everybody on this side of the aisle plus the Auditor, the Budget Director, and the Deputy Auditor, and anyone else that, with the Administration, that I may be missing here; seconded.

PRESIDENT DENCZAK: Moved and seconded for the people as mentioned to go into executive session to discuss Ordinance 8A and the pending litigation in the porn business. Any comments?... Roll call vote please.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

PRESIDENT DENCZAK: You are cleared to go into executive session; make sure you return.

AT 9:31 P.M., COUNCIL ADJOURNED INTO EXECUTIVE SESSION TO DISCUSS THE AFSCME 2937 TENTATIVE AGREEMENT & PENDING LITIGATION IN THE SEXUALLY-ORIENTED BUSINESSES LEGISLATION. PRESIDENT DENCZAK RECONVENED THE MEETING AT 10:11 P.M.

MEMBER SMUCKLER: Mr. President, I move we reconvene Canton City Council; seconded.

PRESIDENT DENCZAK: Moved and seconded to reconvene from executive session; any remarks?... If not, roll call vote please.

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS (MALLONN EXCUSED)

NOTE: MEMBER MALLONN WAS EXCUSED FOR THE DURATION OF THE COUNCIL MEETING AT 9:31 P.M. WHEN COUNCIL WENT INTO EXECUTIVE SESSION.

PRESIDENT DENCZAK: 10:11, we're back in session.

MEMBER SMUCKLER: Mr. President, there won't be a motion to take any further action on Ordinance 8A.

PRESIDENT DENCZAK: First of all, there has been no committee meeting on this. It was referred to the Personnel Committee, and then at that time you did not have a committee meeting, you asked to go into executive session.

MEMBER SMUCKLER: Right, and at this time, we're not calling a committee meeting, correct?... Mr. President, I move we adjourn; seconded.

PRESIDENT DENCZAK: Moved and seconded that you adjourn. Roll call please.

NO REMARKS PERMITTED ON THIS MOTION -- ROLL CALL VOTE: 11 YEAS, 0 NAYS (MALLONN EXCUSED)

PRESIDENT DENCZAK: This meeting is adjourned. (SOUNDS GAVEL)

ADJOURNMENT TIME: 10:13 P.M.

ATTEST:

DEBRA VANCKUNAS
CLERK OF COUNCIL

APPROVED:

RAY DENCZAK
PRESIDENT OF COUNCIL