

MINUTES OF THE MEETING OF FEBRUARY 3, 2003

The regular meeting of Canton City Council was held on Monday, February 3, 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 Craig Massey, 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. 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. MROCZKOWSKI, 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 7 through and including #13. You're being asked to adopt Ordinances 7 and 11 under second reading. The Chair will now recognize Rule 22A suspension, Member Smuckler.

MEMBER SMUCKLER: Mr. President, I move we suspend Rule 22A and add Ordinances for second reading 7 through 13 back to the agenda; seconded.

PRESIDENT DENCZAK: Moved and seconded to suspend Rule 22A to Ordinances for the second reading 7 to 13 back to the Agenda. Are there any remarks?... If not, roll call vote please.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

PRESIDENT DENCZAK: Rule 22A has been suspended and Ordinances 7 through and including #13 are a legal part of your agenda.

PUBLIC HEARINGS

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

PUBLIC SPEAKS (ORDINANCES OR RESOLUTIONS FOR ADOPTION ONLY)

PRESIDENT DENCZAK: No one has signed up for Public Speaks under Ordinances or Resolutions for Adoption.

MINUTES OF THE MEETING OF FEBRUARY 3, 2003**INFORMAL RESOLUTIONS**

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

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 February 3, 2003.

42. CANTON-STARK COUNTY CRIME LAB, ROBERT E. BUDGAKE, DIRECTOR: SUBMITTING 2002 ANNUAL REPORT. - RECEIVED & FILED
43. MAYOR RICHARD D. WATKINS, CITY OF CANTON: RETURNING OF ORDINANCE 15/2003 AS A VETO. - REFERRED TO THE MAJORITY LEADER
44. MAYOR RICHARD D. WATKINS, CITY OF CANTON: REQUEST AUTHORIZATION OF THE APPOINTMENT OF MS. SHARON HART TO THE FAIR HOUSING COMMISSION EFFECTIVE 1/1/03-12/31/07. - REFERRED TO PERSONNEL CMTE
45. SAFETY DIRECTOR JOSEPH J. CONCATTO, CITY OF CANTON: REQUEST LEGISLATION TO INCREASE PARKING METER RATES IN A METERED PARKING ZONE. - REFERRED TO LAW DIRECTOR (See O#1, 1st. Rdg)
46. SERVICE DIRECTOR MICHAEL L. MILLER, CITY OF CANTON: REQUEST TO CONTRACT WITH ARC3 FOR A VULNERABILITY ASSESSMENT STUDY FOR WATER DEPARTMENT IN AMOUNT OF \$73,727. - REFERRED TO LAW DIRECTOR (See O#2, 1st. Rdg)
47. SERVICE DIRECTOR MICHAEL L. MILLER, CITY OF CANTON: REQUEST TO ADVERTISE, RECEIVE BIDS & CONTRACT, OR PURCHASE THROUGH THE STATE COOPERATIVE PURCHASING AGREEMENT, AN ELECTRONIC ROTARY FILE IN AMOUNT OF APPROXIMATELY \$17,600 FOR THE WPCC. - REFERRED TO LAW DIRECTOR (See O#3, 1st. Rdg)
48. SERVICE DIRECTOR MICHAEL L. MILLER, CITY OF CANTON: REQUEST TO ADVERTISE, RECEIVE BIDS & CONTRACT FOR 4TH STREET NE STREET IMPROVEMENT, GP 1052, FOR STREET RECONSTRUCTION & INFRASTRUCTURE IMPROVEMENTS FROM BELDEN TO HAMILTON NE. - LAW DIRECTOR (See O#4, 1st. Rdg)

MINUTES OF THE MEETING OF FEBRUARY 3, 2003**ORDINANCES & FORMAL RESOLUTIONS FOR FIRST READING**

PRESIDENT DENCZAK: We are now under Ordinances for the 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 #6 FOR THE FIRST TIME BY TITLE ONLY AND ANNOUNCED THE COMMITTEE REFERRAL, AS FOLLOWS.

- #1 (1ST RDG) AN ORDINANCE AMENDING SECTION 353.05(b), USER TO DEPOSIT COINS; TIME LIMITS FOR SPECIFIC DEPOSITS; EXCEPTIONS, OF THE CODIFIED ORDINANCES OF THE CITY OF CANTON
Referred to the Judiciary Committee
- #2 (1ST RDG) AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 236/2002, AS AMENDED, BY MAKING THE SUPPLEMENTAL APPROPRIATION HEREIN DESCRIBED; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to the Finance Committee
- #3 (1ST RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CONTRACT WITH PROFESSIONAL BUSINESS SYSTEMS IN AN AMOUNT NOT TO EXCEED \$15,300.00 FOR THE PURCHASE OF AN ELECTRONIC ROTARY FILE SYSTEM PURSUANT TO OHIO REVISED CODE SECTION 125.04(B); AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CONTRACT WITH PROFESSIONAL BUSINESS SYSTEMS IN AN AMOUNT NOT TO EXCEED \$2,300.00 FOR INSTALLATION; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to the Public Property Capital Improvement & Finance Committees
- #4 (1ST RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ADVERTISE, RECEIVE BIDS AND ENTER INTO CONTRACT FOR THE 4TH STREET NE STREET IMPROVEMENT PROJECT, GP 1052; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to the Public Safety & Thoroughfares and Finance Committees
- #5 (1ST RDG) AN ORDINANCE AMENDING ORDINANCE NO. 55/77, AS AMENDED, KNOWN AS THE CITY OF CANTON ZONING ORDINANCE; AND DECLARING THE SAME TO BE AN EMERGENCY (TOM & HELEN SINCLAIR ZONE CHANGE @ 118 ARLINGTON)
Referred to the Second Reading portion of the next agenda
- #6 (1ST RDG) AN ORDINANCE AMENDING ORDINANCE NO. 55/77, AS AMENDED, KNOWN AS

MINUTES OF THE MEETING OF FEBRUARY 3, 2003

THE CITY OF CANTON ZONING ORDINANCE; AND DECLARING THE SAME TO BE AN EMERGENCY (CITY-WIDE ZONING MAP AMENDMENTS)

Referred to the Second Reading portion of the next agenda

ORDINANCES & FORMAL RESOLUTIONS FOR SECOND READING

PRESIDENT DENCZAK: Ordinances for the second reading. Ordinance #7 please.

NOTE: PRESIDENT DENCZAK CALLED UPON CLERK VANCKUNAS TO READ THE FOLLOWING ORDINANCES #7 THROUGH #13 FOR THE SECOND TIME BY TITLE, AS FOLLOWS. ORDINANCE #7 WAS ADOPTED AFTER ITS SECOND READING.

#7 (2ND RDG) **ADOPTED AS ORDINANCE NO. 17/2003** AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY TO ADVERTISE, RECEIVE BIDS AND ENTER INTO CONTRACT FOR AN INDOOR FIRING RANGE; AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY TO ADVERTISE, RECEIVE BIDS AND ENTER INTO CONTRACT FOR A MECHANICAL SYSTEM FOR THE FIRING RANGE; AND DECLARING THE SAME TO BE AN EMERGENCY

MEMBER SMUCKLER: Mr. President, I move we suspend statutory three readings of Ordinance #7; seconded.

PRESIDENT DENCZAK: Moved and seconded to dispense with the three readings of Ordinance #7; 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 #7; seconded.

PRESIDENT DENCZAK: Moved and seconded that you adopt Ordinance #7; are there any remarks under this ordinance?... Very well, roll call vote please.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance #7 is adopted.

#7 ADOPTED AS ORDINANCE NO. 17/2003

#8 (2ND 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

MINUTES OF THE MEETING OF FEBRUARY 3, 2003

EMERGENCY

- #9 (2ND 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
- #10 (2ND 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
- #11 (2ND RDG) **ADOPTED AS ORDINANCE NO. 18/2003** 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

MEMBER SMUCKLER: Mr. President, I move we suspend statutory three readings of Ordinance #11; seconded.

PRESIDENT DENCZAK: Moved and seconded to dispense with the three readings of Ordinance #11; 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 #11; seconded.

PRESIDENT DENCZAK: Moved and seconded that you adopt Ordinance #11; are there any remarks under this ordinance?... Very well, roll call vote please.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance #11 is adopted.

#11 ADOPTED AS ORDINANCE NO. 18/2003

- #12 (2ND RDG) AN ORDINANCE AMENDING CHAPTER 151, EMPLOYMENT PROVISIONS, OF THE CODIFIED ORDINANCES OF THE CITY OF CANTON
- #13 (2ND RDG) AN ORDINANCE AUTHORIZING THE MAYOR AND/OR DIRECTOR OF PUBLIC SERVICE TO FILE AN APPLICATION TO THE STATE OF OHIO TO PARTICIPATE IN

MINUTES OF THE MEETING OF FEBRUARY 3, 2003

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

PRESIDENT DENCZAK: Before we go into the next segment of the agenda, the Chair has been informed that this past weekend, Councilmember Dougherty's grandmother passed away. So I ask that you all rise for a moment of silent prayer in reverence to her. (AFTER A MOMENT OF SILENCE)Thank you.

MEMBER DOUGHERTY: Thank you, Mr. President.

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 #17 FOR THE THIRD & FINAL TIME BY TITLE, AS FOLLOWS.

#14 (3RD RDG) **ADOPTED AS ORDINANCE NO. 19/2003** 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

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 resolution...or this ordinance?... If not, roll call vote please.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance #14 is adopted.

#14 ADOPTED AS ORDINANCE NO. 19/2003

#15 (3RD RDG) **ADOPTED AS ORDINANCE NO. 20/2003** AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CONTRACT WITH COMPANAGEMENT, INC. FOR WORKERS' COMPENSATION ADMINISTRATIVE

MINUTES OF THE MEETING OF FEBRUARY 3, 2003

SERVICES; 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. 20/2003

#16 (3RD RDG) **ADOPTED AS ORDINANCE NO. 21/2003** 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

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. 21/2003

#17 (3RD RDG) **ADOPTED AS ORDINANCE NO. 22/2003** 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

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. 22/2003

MINUTES OF THE MEETING OF FEBRUARY 3, 2003**ANNOUNCEMENT OF COMMITTEE MEETINGS**

PRESIDENT DENCZAK: Announcement of Committee Meetings please.

MEMBER SMUCKLER: Mr. President, Judiciary will meet next Monday at 6:30 p.m.

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

MEMBER DOUGHERTY: Mr. President, Public Property Capital Improvements will also meet that evening, 6:30.

MEMBER BABCOCK: (INAUDIBLE—SHE ANNOUNCED A PUBLIC SAFETY & THOROUGHFARES COMMITTEE MEETING MONDAY, FEBRUARY 10TH, AT 6:30 P.M. ALSO)

CLERK OF COUNCIL VANCKUNAS: Mr. President, would the Personnel Committee care to call a public hearing, or a committee meeting regarding Communication #44?

MEMBER DIAMOND: Mr. President, yes, same day, same time.

PRESIDENT DENCZAK: That's the Personnel Committee. These committees have set their time for 6:30 for the meeting on February the 10th, here, 2003.

PUBLIC SPEAKS (OPEN FORUM--CITY BUSINESS ONLY)

PRESIDENT DENCZAK: Public Speaks, Open Forum—we have three speakers signed up. Gregory S. Whipkey. State your name and address please.

MR. WHIPKEY: Mr. President, ladies and gentlemen. My name is Scott Whipkey, I live at 1130 - 17th Street NW, Ward 7, Richard's ward. And my question is unexpected, I imagine, for most of us, but it doesn't have to do with what you think. It's been brought to my attention by my neighbors around, and they're wondering if this should be dealt with before it's too late or put on the back burner (WORDS HERE ARE NOT UNDERSTANDABLE).....the Civic Center. A few of my neighbors who have lived in the neighborhood for over 40 years were wondering what's going to happen to it. They seen the downfall with the maintenance and the upkeep. And I have heard it's going to be turned over to Kevin Monroe and he's in charge of the Street Department, Sewer, and that man's really got a handful. I don't know, I haven't talked to him or anything, but everybody was just kinda wondering how it's going to be maintained, whether it's going to be sold or not, and if the maintenance will be, you know, brought up, from like a lot of these people at the car show over the weekend, we thought, man, there's still leaves out front and a couple newspaper boxes tipped over. And they were just wondering basically about that. The dirty windows and the light bulbs on the signs out front, you know, over there where they advertise for whatever shows they have in there. The bulbs are burned out, and the darkness underneath the overpass. Other than that, that's about basically...and they were wondering why we don't have family shows such as like Sesame Street and the concerts they used to have back in the day. Basically, that's about it, I just wanted to see if there's going to be any response to that that I can take back home with me. Thank you very much.

MINUTES OF THE MEETING OF FEBRUARY 3, 2003

SERVICE DIRECTOR MILLER: I'll be glad to respond. Right now is a difficult time of year for us to maintain the outside of the Civic Center because we've got most of the people that normally help with that, Traffic Engineering, Street Department, those type of folks out pushing snow and doing other items so it's really difficult to get out there and do those things. And as far as the inside, we have gone from 14 to 11, I believe we're down to 6 or 7 persons inside maintaining that structure. They're doing the best they can, but right now, again when you have shows back to back, again, it's difficult to keep things clean in-between. We're doing the best we can with the personnel we have left. We do take Street Department personnel over there when we don't have snow in the wintertime and help set up shows and take them down. As far as I know, Sesame Street has been there the last, every year for the last few years. As far as I know, it's expected to be there again this year. And as far as management structure is concerned, we are looking at a realignment of management so that we don't have to replace Bob Patt and Joe Burnosky's salary. Between the two of them, just salary alone, you're looking at probably about \$120,000 a year plus benefits. Kevin will be giving up the sewer maintenance and that will be going down under Tracy, if the plan goes to fruition. That's something we're still examining at this time. If you have any other questions, catch me outside afterwards, I'll be glad to answer them.

PRESIDENT DENCZAK: The next speaker is Daniel L. Paar...Daniel L. Paar....is Daniel L. Paar in the audience?... Apparently not. The next speaker is Gregory Provens....Gregory Provens.....is Gregory Provens in the audience?..... Apparently not.

MISCELLANEOUS BUSINESS

PRESIDENT DENCZAK: We are now under Miscellaneous Business. Is there any Miscellaneous Business?...

MEMBER SMUCKLER: Mr. President, I move that we go into executive session to discuss the, under the State Sunshine Law, to discuss the bargaining contract with AFSCME Local 2937—everybody on this side of the aisle plus Tad over there—to go into executive session—and for pending litigation also.

PRESIDENT DENCZAK: Is there a second? (INAUDIBLE RESPONSE) You second it?.... Moved and seconded that Council go into executive session to discuss the matters as stated by Member Smuckler. Are there any remarks?... If not, roll call vote please.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

PRESIDENT DENCZAK: You're excused to go into executive session. Please remember to return immediately following the executive session.

AT 7:56 PM, COUNCIL ADJOURNED TO EXECUTIVE SESSION TO DISCUSS PENDING LITIGATION & THE AFSCME LOCAL 2937 BARGAINING AGREEMENT. THE MEETING WAS RECONVENED BY PRESIDENT DENCZAK AT 8:33 PM.

MEMBER SMUCKLER: Mr. President, I move that Council reconvene; seconded.

MINUTES OF THE MEETING OF FEBRUARY 3, 2003

PRESIDENT DENCZAK: Moved and seconded that Council reconvene; are there any remarks?.... If not, roll call vote please.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

PRESIDENT DENCZAK: Council is reconvening after the executive session; is there any Miscellaneous Business?....

MEMBER SMUCKLER: 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: 12 YEAS, 0 NAYS

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

ADJOURNMENT TIME: 8:35 P.M.

ATTEST:

APPROVED:

DEBRA VANCKUNAS
CLERK OF COUNCIL

RAY DENCZAK
PRESIDENT OF COUNCIL