

**MINUTES OF THE MEETING OF FEBRUARY 10, 2003**

*The regular meeting of Canton City Council was held on Monday, February 10, 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 John Mroczkowski, 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 TAKEN BY CLERK OF COUNCIL:

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: Members of Council, to bring your Agenda up to date, you're being asked to suspend Rule 22A to add the Second Reading of Ordinances 7 through and including #13. You're being asked to suspend Rule 24B to add Informal Resolution #16. At this time, the Chair will recognize Rule 24B suspension, Member Smuckler.

MEMBER SMUCKLER: Mr. President, I move we suspend Rule 24B to add Informal Resolution #16 to the agenda; seconded.

PRESIDENT DENCZAK: Moved and seconded to suspend Rule 24B to add Resolution #16 to the agenda; are there any remarks?... If not, by roll call.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

PRESIDENT DENCZAK: Informal Resolution 16 is a legal part of your agenda. 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 to the agenda; seconded.

PRESIDENT DENCZAK: Moved and seconded to suspend Rule 22A to add Ordinances 7 through 13 under second reading; 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. To further bring your agenda up to date, Members of Council, you're being asked to amend Ordinance #11 and adopt Ordinance 11 under Second Readings. You're going to be asked to amend Ordinance 17 under Third Readings. This brings your agenda up to date.

### **PUBLIC HEARINGS**

PRESIDENT DENCZAK: There are no public hearings scheduled 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.

### **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. Resolution #15.

***PRESIDENT DENCZAK CALLED UPON CLERK OF COUNCIL VANCKUNAS TO READ RESOLUTIONS #15 and #16 BY TITLE, AS SHOWN BELOW. THE RESOLUTIONS ARE ON FILE IN THEIR ENTIRETY IN THE COUNCIL OFFICE WITH THE AGENDA ITEMS FILE DATED FEBRUARY 10, 2003.***

15. BY BABCOCK, MARY M., COUNCILMEMBER-AT-LARGE: COMMENDING 2003 CANTON POLICE OFFICER OF THE YEAR LT. DENNIS M. PELLEGRINO. - ADOPTED BY COUNCIL

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

PRESIDENT DENCZAK: Moved and seconded that you adopt Resolution #15; are there any remarks?...

MEMBER BABCOCK: Mr. President, I'd like to have it read please.

PRESIDENT DENCZAK: Clerk Vanckunas, would you please read the resolution?

READ BY CLERK OF COUNCIL VANCKUNAS: An Informal Resolution By: Mary M. Babcock, Councilmember-at-Large Dated: February 6, 2003. Whereas, Because it is a problem which affects us all in a very negative way, Canton citizens must be challenged to help prevent crime. The Canton Exchange Club, in cooperation with the Canton Police Department, the Stark County Prosecutor's Office & the Stark County Sheriff's Department sponsored the annual *Crime Prevention Week Award Breakfast* on Tuesday, February 4<sup>th</sup>, to kick off *Crime Prevention Week 2003*. The Breakfast affords the opportunity to recognize the selfless, dedicated services performed by top law officers who contribute beyond measure to preserving & protecting the quality of life within our

community; and Whereas, This year's "Canton Police Officer of the Year" is Lt. Dennis M. Pellegrino who was appointed to full-time duty in 1973, working assignments in Patrol, Traffic & Vice. In 1981, he was promoted to Sergeant and supervised Patrol & Traffic. Promoted to the rank of Lieutenant in 1984, he was assigned as commander of the Vice Unit, & the same year was appointed as lead police advisor of the Canton Police Youth Corps. From 1992 through '96, he was Agent-in-Charge of the Stark County Metropolitan Narcotics Unit. He became commander of the SWAT Unit in 1998. During the years 2000 through 2002, he was assigned full-time to the Stark County Violent Crimes Task Force as a Special Federal Officer & Special U.S. Deputy Marshall under the direction of the FBI. In April of 2002, he was appointed contact officer with the Joint Terrorism Task Force formed by the FBI's Cleveland Division regarding domestic & international terrorism. Currently, he is assigned as Lieutenant of Training in the Canton Police Training Bureau; and Whereas, Lieutenant Pellegrino is a seasoned, well-trained, competent officer, having completed many hours of specialized training & receiving instructor's certificates in several areas. He is the recipient of numerous professional awards & recognitions including a Recognition Award from the Stark Regional Community Corrections Center, Certificate of Appreciation from the DEA, Commendation from the Director of the FBI, Outstanding Performance Award from the International Narcotic Enforcement Officer's Association, Letters of Commendation from the U.S. Attorney General's Office & the Ohio Governor's Office of Criminal Justice Services, & recipient of the Public Servant of the Year Award; and Whereas, A graduate of Canton Lincoln High School, Dennis Pellegrino received an Ohio Basic Peace Officer Training Certificate from Kent State University's Student Police Academy, an Associate Degree of Applied Science in Criminal Justice Technology, & a Bachelor of Science Degree in Technical Education from the University of Akron. He is a man of duty, intellect & commitment. Now, Therefore, Be It Resolved: That we, the elected Members of the Council of the City of Canton, Ohio, do hereby go on public record as commending and congratulating LT. DENNIS M. PELLEGRINO for being recognized as this year's "Canton Police Officer of the Year" and for his resolution of purpose toward a citizenry he is sworn to serve & protect. Thank you, Lieutenant, for a job well done. (APPLAUSE)

PRESIDENT DENCZAK: Member Babcock, you're getting the cart before the horse, here. This may not be adopted, you know. Are there any further remarks under this resolution?...

MAYOR WATKINS: Mr. Chairman, I have had the opportunity of knowing Dennis and Debbie and the family for a long time, worked with him closely on a lot of projects and I've got tremendous respect for the entire family. I want to add my personal congratulations.

PRESIDENT DENCZAK: Any other comments?

MEMBER HART: Mr. President, I have a son that was in the Youth Corps and upon his completion of the Marine Corps in July, he'll be attending Ohio State University planning on majoring in law enforcement. And a lot of his choice has to do with the influence he had. So, thank you.

PRESIDENT DENCZAK: Any other remarks?... If not, the question you're voting on now is the resolution. By voice vote, all those in favor, signify by saying aye; those opposed, no.

NO REMARKS

ADOPTED BY UNANIMOUS VOICE VOTE

PRESIDENT DENCZAK: The Resolution is adopted. Now, Member Babcock...

MEMBER BABCOCK: (HER REMARKS ARE INAUDIBLE BECAUSE THE MICROPHONE IS TURNED OFF—SHE IS MAKING THE PRESENTATION TO LT. PELLEGRINO)

LT. PELLEGRINO: Thank you, Mary, and thank you Council, Mayor and Directors. I was chosen from a lot of good other officers that could have easily have taken the place. And all I have to say is I'm proud to be a Canton policeman and also a resident of the City of Canton. Thank you. (*APPLAUSE*)

MEMBER CARBENIA: Mr. President, I'd also like to thank Mr. Pellegrino, Lt. Pellegrino. He's done a great job. I've known him for quite a few years and even though he lives in the southwest end and went to Lincoln who, he's still a good guy and he deserves it, and we're very proud of you.

PRESIDENT DENCZAK: Lieutenant, I have a question to ask you. If a person goes through two traffic lights and claims that they slid through, does the police accept that as a alibi?

LT. PELLEGRINO: It depends.

PRESIDENT DENCZAK: Not me. I'm not going to say who it was...I'm not that kind of hairpin. (*LAUGHTER*) Thank you. Resolution #16, please.

**(RULE 24B SUSPENDED TO ADD RESOLUTION #16)**

16. BY THE PERSONNEL COMMITTEE: APPROVING THE APPOINTMENT OF SHARON HART TO THE FAIR HOUSING COMMISSION EFFECTIVE 1/1/03-12/31/07. - ADOPTED BY COUNCIL

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

PRESIDENT DENCZAK: Moved and seconded that you adopt Resolution #16; are there any remarks under this resolution?... If not, by voice vote please, all those in favor, signify by saying aye—those opposed, no.

NO REMARKS

ADOPTED BY UNANIMOUS VOICE VOTE

PRESIDENT DENCZAK: Resolution #16 is adopted.

**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 10, 2003.***

49. AUDITOR KIM R. PEREZ, CITY OF CANTON: MONTHLY REPORT BY FUND FOR 1/1/03-1/31/03. - RECEIVED & FILED

50. AUDITOR KIM R. PEREZ, CITY OF CANTON: YEARLY REPORT BY FUND FOR 1/1/03-1/31/03. - RECEIVED & FILED

51. LAW DIRECTOR JOSEPH MARTUCCIO, CITY OF CANTON: SUBMITTING AN ORDINANCE AMENDING O.8/2003 TO INCLUDE NAME OF STOP-LOSS INSURER. - RECEIVED & FILED (See O#1, 1<sup>st</sup> Rdg)

52. LAW DIRECTOR JOSEPH MARTUCCIO, CITY OF CANTON: SUBMITTING AN ORDINANCE CONTAINING AMENDMENTS TO SEXUALLY-ORIENTED BUSINESS ORDINANCE. - RECEIVED & FILED (See O#2, 1<sup>st</sup> Rdg)
53. LIQUOR CONTROL DIVISION, STATE OF OHIO, 6606 TUSSING ROAD, PO BOX 4005, REYNOLDSBURG, OHIO 43068-9005: NOTIFICATION THAT HOLIDAY BAR & LOUNGE, INC., DBA NANCY O'S LOUNGE, 3055 MAHONING RD NE, HAS REQUESTED A STOCK TRANSFER RE: D1, D2, D3, D3A LIQUOR PERMIT. - REFERRED TO INTERGOVERNMENTAL & PUBLIC SERVICE COMMITTEE
54. LIQUOR CONTROL DIVISION, STATE OF OHIO, 6606 TUSSING ROAD, PO BOX 4005, REYNOLDSBURG, OHIO 43068-9005: NOTIFICATION THAT PETER G. PAPACOSTAS, DBA CANTON AGORA SOCIAL CLUB, 520 4<sup>TH</sup> STREET NE, HAS REQUESTED A NEW D1, D3 LIQUOR PERMIT. - REFERRED TO INTERGOVERNMENTAL & PUBLIC SERVICE COMMITTEE
55. MUNICIPAL COURT ADMINISTRATOR MICHAEL E. KOCHERA, CANTON CITY HALL, 218 CLEVELAND AVENUE SW, CANTON, OHIO 44702: SUBMITTING 2002 ANNUAL REPORT FOR CANTON MUNICIPAL COURT. - RECEIVED & FILED
56. PRESIDENT OF COUNCIL RAY DENCZAK, CANTON CITY COUNCIL, CANTON, OHIO: REQUESTING SERVICE DIRECTOR MEET WITH LOCAL 2937 TO DISCUSS THE DEADLOCK THAT INITIATED A STRIKE NOTICE. - RECEIVED & FILED
57. SERVICE DIRECTOR MICHAEL L. MILLER, CITY OF CANTON: SUBMITTING 2002 ANNUAL REPORT FOR WPCC. - RECEIVED & FILED
58. SERVICE DIRECTOR MICHAEL L. MILLER, CITY OF CANTON: REQUEST TO WITHDRAW LEGISLATION FOR AULTMAN HEALTH FOUNDATION'S REQUEST FOR EASEMENT ON A PORTION OF DARTMOUTH AVENUE SW. - LAW DIRECTOR
59. TREASURER ROBERT C. SCHIRACK, CITY OF CANTON: COMPARATIVE REPORT OF DEPOSITS & PAY INS FOR MONTH OF JANUARY 2003 TO AMBULANCE LOCK BOX ACCOUNT. - RECEIVED & FILED
60. TREASURER ROBERT C. SCHIRACK, CITY OF CANTON: COMPARATIVE REPORT OF PARKING METER REVENUE FOR MONTH OF JANUARY 2003. - RECEIVED & FILED
61. TREASURER ROBERT C. SCHIRACK, CITY OF CANTON: REQUESTING AMENDMENT OF CITY CODE CHAPTER 125.02.00 RE: NSF CHECK FEE FROM \$10 TO \$25. - REFERRED TO LAW DIRECTOR
62. TREASURER ROBERT C. SCHIRACK, CITY OF CANTON: COMPARATIVE REPORT OF INCOME TAX CASH RECEIPTS AS OF 1/31/03. - RECEIVED & FILED

**ORDINANCES & FORMAL RESOLUTIONS FOR FIRST READING**

PRESIDENT DENCZAK: We are now under Ordinances & Formal Resolutions for the first reading and referral. Ordinance #1 please. 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 ORDINANCE NO. 8/2003 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
- #2 (1ST RDG) AN ORDINANCE AMENDING CHAPTER 787, SEXUALLY ORIENTED BUSINESSES OF THE CODIFIED ORDINANCES OF THE CITY OF CANTON; AND DECLARING THE SAME TO BE AN EMERGENCY  
Referred to the Judiciary Committee
- #3 (1ST RDG) AN ORDINANCE ESTABLISHING THE FAIR MARKET VALUE OF ONE PARCEL OF CITY-OWNED REAL PROPERTY; AUTHORIZING THE SALE AND CONVEYANCE OF SAID PROPERTY PURSUANT TO THE CITY'S RESIDENTIAL LAND DISPOSITION PROGRAM; AND DECLARING THE SAME TO BE AN EMERGENCY  
Referred to the Community & Economic Development & Public Property Capital Improvement Committees
- #4 (1ST RDG) AN ORDINANCE AUTHORIZING THE CITY OF CANTON TO ACCEPT DONATION OF REAL PROPERTY; AND DECLARING THE SAME TO BE AN EMERGENCY  
Referred to the Community & Economic Development & Public Property Capital Improvement Committees
- #5 (1ST RDG) AN ORDINANCE ESTABLISHING THE FAIR MARKET VALUES OF REAL PROPERTY IN CONJUNCTION WITH THE 35<sup>TH</sup> STREET N.E. STORM SEWER PROJECT; AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO NEGOTIATE TEMPORARY EASEMENTS AND LAND IMPROVEMENTS AT THE ESTABLISHED FAIR MARKET VALUES; AND DECLARING THE SAME TO BE AN EMERGENCY  
Referred to the Community & Economic Development & Environmental & Public Utilities Committees
- #6 (1ST RDG) AN ORDINANCE ESTABLISHING THE FAIR MARKET VALUE OF ONE PARCEL OF CITY-OWNED REAL PROPERTY; AUTHORIZING THE SALE AND CONVEYANCE OF SAID PROPERTY PURSUANT TO THE CITY'S RESIDENTIAL LAND DISPOSITION PROGRAM; AND DECLARING THE SAME TO BE AN EMERGENCY  
Referred to the Community & Economic Development & Public Property Capital Improvement Committees

## 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 #11 WAS ADOPTED AFTER ITS SECOND READING.***

- #7 (2ND 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
- #8 (2ND 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
- #9 (2ND 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
- #10 (2ND RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ADVERTISE, RECEIVE BIDS AND ENTER INTO CONTRACT FOR THE 4<sup>TH</sup> STREET NE STREET IMPROVEMENT PROJECT, GP 1052; AND DECLARING THE SAME TO BE AN EMERGENCY
- #11 (2ND RDG) **ADOPTED AS ORDINANCE NO. 23/2003** 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

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

PRESIDENT DENCZAK: There is a move 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?... I understanding there's an amendment?... Is there an amendment?...

MEMBER SMUCKLER: *Pursuant to Rule No. 36, I hereby move to amend Agenda Item No. 11 by the addition of the tentative agreement modifications attached as Exhibit B. The changes address a possible 60-day extension of the term of the agreement and a conditional potential wage increase.* And that amendment is before every member of Council in writing; seconded.

PRESIDENT DENCZAK: Moved and seconded to amend Ordinance #11 per the copy before each of you; are there any remarks?... Are there any remarks?... If not, the question you are voting on now is the amendment. By voice vote, all those in favor, signify by saying aye—those opposed, no.

NO REMARKS

AMENDMENT APPROVED BY UNANIMOUS VOICE VOTE

PRESIDENT DENCZAK: The amendment has passed. The question before you now is the ordinance as amended. Are there any remarks under this ordinance as amended?... Very well, roll call vote please.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance #11 as amended has been adopted. **ADOPTED AS ORD. NO. 23/2003**

#12 (2ND 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)

#13 (2ND 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 (CITY-WIDE ZONING MAP AMENDMENTS)

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

#14 (3RD RDG) **ADOPTED AS ORDINANCE NO. 24/2003** AN ORDINANCE AUTHORIZING THE CITY AUDITOR TO ESTABLISH THE 4548 25<sup>TH</sup> 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

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. 24/2003**

#15 (3RD RDG) **ADOPTED AS ORDINANCE NO. 25/2003** 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

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. 25/2003**

#16 (3RD RDG) **ADOPTED AS ORDINANCE NO. 26/2003** AN ORDINANCE AMENDING PART NINE- TAXATION CODE, OF THE CODIFIED ORDINANCES OF THE CITY OF CANTON; 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. 26/2003**

#17 (3RD RDG) **ADOPTED AS ORDINANCE NO. 27/2003** AN ORDINANCE AMENDING CHAPTER 151, EMPLOYMENT PROVISIONS, OF THE CODIFIED ORDINANCES OF THE CITY OF CANTON

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?...

MEMBER SMUCKLER: Mr. President, I move to amend the ordinance that's in writing before every member of

City Council.

**AMENDMENT:** Pursuant to Rule No. 36, I hereby move to amend Section 3 to Agenda Item No. 17. Section 3, which provides for the terminal pay of employees hired between January 1, 1973 and December 31, 1983, is amended as written below, the purpose being to treat all similarly situated employees in the same manner.

**151.092 TERMINAL PAY FOR EMPLOYEES HIRED BETWEEN JANUARY 1, 1973 AND DECEMBER 31, 1983.**

(a) Employees who were hired between January 1, 1973 and December 31, 1983, who retire prior to January 1, 2008, will receive a maximum of 150 days (1200 hours) of their accrued unused sick leave upon retirement at the employee's current rate of pay at the time of retirement.

(b) The estate of a deceased employee who dies while in the employ of the City shall be entitled to receive payment according to the terms of subsection (a).

(c) Employees covered by this section who elect to continue employment with the City beyond the time period set forth in subsection (a) shall thereafter be subject to Section 151.091.

(d) This section shall terminate on January 1, 2008, whereupon all employees shall be subject to Section 151.091.

PRESIDENT DENCZAK: Moved and seconded to amend this ordinance per the copy before each of you. Are there any remarks under the amendment?... The question you're voting on now is the amendment. By voice vote, all those in favor, signify by saying aye—those opposed, no.

NO REMARKS

AMENDMENT APPROVED BY UNANIMOUS VOICE VOTE

PRESIDENT DENCZAK: The amendment has passed; the question before you now is the ordinance as amended. Are there any remarks under this ordinance as amended?... Very well, roll call vote.

NO FURTHER REMARKS

ROLL CALL: 11 YEAS, 1 NAY (CARBENIA)

PRESIDENT DENCZAK: Ordinance #17 as amended has been adopted.

**#17 ADOPTED AS ORDINANCE NO. 27/2003**

#18 (3RD RDG) **ADOPTED AS ORDINANCE NO. 28/2003** 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

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?... Very well, roll call vote please.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance #18 is adopted.

**#18 ADOPTED AS ORDINANCE NO. 28/2003**

**ANNOUNCEMENT OF COMMITTEE MEETINGS**

PRESIDENT DENCZAK: Announcement of Committee Meetings please.

MEMBER SMUCKLER: Mr. President, Judiciary Committee will meet 5 p.m. February 18<sup>th</sup> on Tuesday. It'll be in here...it'll be in here. Attorney Langdon will be in from Cincinnati to discuss this ordinance, not only in the committee meeting, but also with the neighborhood group that will, I've been rest assured by one person that left, that the neighborhood group will be there that evening also.

MEMBER MROCKOWSKI: Mr. President, Finance Committee will meet February 24<sup>th</sup> at 6:30 p.m.

MEMBER MASSEY: Mr. President, Community & Economic Development will meet the 24<sup>th</sup> of February, 6:30.

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

MEMBER HAWK: Environmental will meet February 24<sup>th</sup> at 6:30.

**PUBLIC SPEAKS (OPEN FORUM--CITY BUSINESS ONLY)**

PRESIDENT DENCZAK: No one has signed up for Public Speaks under City Business Only.

**MISCELLANEOUS BUSINESS**

PRESIDENT DENCZAK: We're now under Miscellaneous Business. 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: 8:07 P.M.

ATTEST:

APPROVED:

DEBRA VANCKUNAS  
CLERK OF COUNCIL

RAY DENCZAK  
PRESIDENT OF COUNCIL