

MINUTES OF THE MEETING OF FEBRUARY 24, 2003

The regular meeting of Canton City Council was held on Monday, February 24, 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 David Dougherty, 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:

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

1 COUNCILMEMBER ABSENT (JOHN R. MROCKOWSKI)

AGENDA CORRECTIONS & CHANGES

PRESIDENT DENCZAK: To bring your Agendas up to date, Members of Council, you're being asked to add Communication #90 to the agenda. Communication 90 is from the Health Department, it's a request to purchase one Dodge automobile from Federal funds. If you add that to your agenda, it will be referred to the Law Director. At this time, the Chair will recognize Rule 22A suspension for Communication 90, Member Smuckler.

MEMBER SMUCKLER: Mr. President, I move we suspend Rule 22A and add Communication #90 and Ordinances 13 through 18 for second reading to the agenda; seconded.

PRESIDENT DENCZAK: Moved and seconded to suspend Rule 22A to add Communication #90 and second reading of Ordinances 13 through and including #18 to the agenda; are there any remarks?... If not, roll call vote please.

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

PRESIDENT DENCZAK: Communication #90 and Ordinances 13 through and including #18 are a legal part of your agenda. You're being asked to suspend Rule 24B to add Resolution #17, Member Smuckler.

MEMBER SMUCKLER: Mr. President, I move we suspend Rule 24B and add Resolution #17 to the agenda; seconded.

PRESIDENT DENCZAK: Moved and seconded to suspend Rule 24B to add Resolution #17 to your agenda; are there any remarks?... If not, roll call vote please.

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

PRESIDENT DENCZAK: Communication #90...I'm sorry, Resolution 17 is a legal part of your agenda. This brings your agenda up to date, Members of Council.

RECOGNITION

PRESIDENT DENCZAK: We have two scheduled public hearings. Before we go into the public hearings, let the Chair recognize a group of young people here from the Tiger Cub Pack—will you please stand. (*APPLAUSE*) Welcome to Council, you are welcome here at any time.

PUBLIC HEARINGS

PUBLIC HEARING #1, SINCLAIR ZONE CHANGE

PRESIDENT DENCZAK: We have a scheduled public hearing, it was to be held at 7:30. It's a request by Tom and Helen Sinclair to rezone Lot #1060 located at 118 Arlington Avenue SW from R-1A to PR-3 for a legal triplex. The Planning Commission recommends denial. The Chair now opens this to the public—is there anyone in the audience wishing to speak for or against this zone change, please come forward?... Is there anyone in the audience wishing to speak for or against this zone change, please come forward?...

MRS. SINCLAIR: My name's Helen Sinclair and we purchased the property not knowing that it had been changed back to a single family. We purchased it as a 3-unit. And we wish to have it changed back.

PRESIDENT DENCZAK: Anyone else wishing to speak for against this zone change, please come forward?... Anyone else wishing to speak for or against this zone change, please come forward?... Anyone in the audience wishing to speak for or against this zone change, please come forward?... Apparently not. The Chair declares the public hearing over in regards to this matter. The matter now rests in the hands of Council; the ordinance will follow later. Member Mallonn, do you wish to go to the ordinance?...after we finish the rest.

PUBLIC HEARING #2, ZONING MAP AMENDMENTS

PRESIDENT DENCZAK: The second public hearing was scheduled for 7:32. It's a request to change district boundaries of Zoning Map pursuant to the Comprehensive Plan. The Planning Commission recommends approval. The Chair opens the public hearing in regards to this matter now. Is there anyone in the audience wishing to speak for or against this changing of district boundaries, please come forward?... Is there anyone in the audience wishing to speak for or against changing the district boundaries, please come forward?... Is there anyone in the audience wishing to speak for or against this changing of district boundaries, please come forward?... Apparently not; the Chair declares the public hearing over in regards to this matter. The matter now rests in the hands of Council—the ordinance will follow later. At this time, the Chair will exercise a choice to go to the ordinances so we can dispose of the request for the zone change for a legal triplex.

ORDINANCES & FORMAL RESOLUTIONS FOR THIRD READING

PRESIDENT DENCZAK: So, we are now under Ordinances for their third reading. Ordinance #23—let the journal show that all ordinances being read tonight are read according to State law. Ordinance #23 please.

NOTE: PRESIDENT DENCZAK CALLED UPON CLERK VANCKUNAS TO READ THE FOLLOWING ORDINANCE #23 FOR THE THIRD & FINAL TIME BY TITLE, AS FOLLOWS.

#23 (3RD RDG) **ADOPTED AS ORDINANCE NO. 29/2003** 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)

MEMBER SMUCKLER: Mr. President, I move we adopt Ordinance #23; seconded.

PRESIDENT DENCZAK: Moved and seconded that you adopt Ordinance 23; are there any remarks?... The Chair wishes to inform Council that the ordinance is written in the positive and if the ordinance is to be...if the zoning is to be changed for a legal triplex, you will vote yes. If you don't agree with the rezoning of the lot, you will vote no. Is that understood?

MEMBER SMUCKLER: Mr. President, Question to the ward councilman, I am assuming, Member Mallonn, that you would like us to vote in the affirmative for this?

MEMBER MALLONN: That is correct, sir.

MEMBER SMUCKLER: Thank you.

PRESIDENT DENCZAK: Okay, if you are in favor of the triplex plan, you will vote yes. If you are opposed to it, you will vote no. If there are no remarks, roll call vote please.

NO FURTHER REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance #23 is adopted; the triplex is a legal zone change.

O#23 ADOPTED AS ORDINANCE NO. 29/2003

PUBLIC SPEAKS (ORDINANCES OR RESOLUTIONS FOR ADOPTION ONLY)

PRESIDENT DENCZAK: We're back to the original place on the agenda. We have one person signed up to speak under Ordinances & Resolutions for Adoption....Shawn O'Brien. Is Shawn O'Brien here?... (PAUSE AS MR. O'BRIEN COMES TO THE MICROPHONE) State your name and address please.

MR. O'BRIEN: My name is Shawn O'Brien, President of O'Brien Lumber and Construction Company, 216 Navarre Road, Canton, Ohio. I would like to strongly support the re-mapping districts for the, that City Planning has been working on and urge their approval at this particular time. Thank you.

INFORMAL RESOLUTIONS

PRESIDENT DENCZAK: Under Informal Resolutions, at this time a resolution excusing members from Member Smuckler.

MEMBER SMUCKLER: Mr. President, I move we excuse Member Mroczkowski this evening; seconded.

PRESIDENT DENCZAK: Moved and seconded that Member Mroczkowski...(TIMER SOUNDS)...that's the tone you'll hear when your 3 minutes are up.

MEMBER SMUCKLER: I thought that was your cell phone, Member Denczak.

PRESIDENT DENCZAK: I thought I was going to get up and go to work here. It's moved and seconded that Member Mroczkowski be excused; are there any remarks?... If not, roll call vote please.

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

PRESIDENT DENCZAK: Let the journal show that Member Mroczkowski is excused. Resolution #17 please.

PRESIDENT DENCZAK CALLED UPON CLERK OF COUNCIL VANCKUNAS TO READ RESOLUTION #17 BY TITLE, AS SHOWN BELOW. THE RESOLUTION IS ON FILE IN ITS ENTIRETY IN THE COUNCIL OFFICE WITH THE AGENDA ITEMS FILE DATED February 24, 2003.

17. BY THE PERSONNEL COMMITTEE OF COUNCIL: APPROVING THE REAPPOINTMENT OF JACK HAWK TO THE COMMUNITY REINVESTMENT AREA HOUSING COUNCIL EFFECTIVE 3/1/03-2/28/06. - ADOPTED BY COUNCIL

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

PRESIDENT DENCZAK: Moved and seconded that you adopt Resolution #17; 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 #17 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 24, 2003.

63. AULTMAN HEALTH FOUNDATION, 2600 SIXTH STREET SW, CANTON, OHIO 44710: REQUEST A ZONE CHANGE FROM R-1A TO PB-1 FOR THE RELOCATION OF THE HELIPAD @ AULTMAN HOSPITAL. - REFERRED TO PLANNING COMMISSION

64. BRISBEN DEVELOPMENT INC., 7800 EAST KEMPER ROAD, CINCINNATI, OHIO 45249, AGENT FOR VIENNA WOODS II LIMITED PARTNERSHIP: REQUEST A ZONE CHANGE FROM R-1A TO B-1 FOR THE VIENNA WOODS II DEVELOPMENT ON MILL ROAD SW. -

REFERRED TO PLANNING COMMISSION

65. LIQUOR CONTROL DIVISION, STATE OF OHIO, 6606 TUSSING ROAD, PO BOX 4005, REYNOLDSBURG, OHIO 43068-9005: NOTIFICATION THAT E BURY INC., DBA TAILGATORS SPORTS PUB @ 3000 ATLANTIC BOULEVARD UNIT A, HAS REQUESTED AN OWNERSHIP TRANSFER OF D2, D2X, D3, D3A, D6 LIQUOR PERMIT. - INTERGOVERNMENTAL & PUBLIC SERVICE COMMITTEE
66. LIQUOR CONTROL DIVISION, STATE OF OHIO, 6606 TUSSING ROAD, PO BOX 4005, REYNOLDSBURG, OHIO 43068-9005: NOTIFICATION THAT RISER FOODS CO., DBA GIANT EAGLE FUEL STATION @ 104 RAFF RD SW, HAS REQUESTED A NEW C1, C2 LIQUOR PERMIT. - INTERGOVERNMENTAL & PUBLIC SERVICE COMMITTEE
67. LIQUOR CONTROL DIVISION, STATE OF OHIO, 6606 TUSSING ROAD, PO BOX 4005, REYNOLDSBURG, OHIO 43068-9005: NOTIFICATION THAT 1550 GARFIELD AVE SW INC., DBA MIKE & MIKE'S PLACE @ 1550 GARFIELD AVE SW, HAS REQUESTED AN OWNERSHIP TRANSFER OF D5 LIQUOR PERMIT. - INTERGOVERNMENTAL & PUBLIC SERVICE COMMITTEE
68. LIQUOR CONTROL DIVISION, STATE OF OHIO, 6606 TUSSING ROAD, PO BOX 4005, REYNOLDSBURG, OHIO 43068-9005: NOTIFICATION OF HEARING TO BE HELD 3/12/03 @ 11:30 AM RE: RENEWAL OF LIQUOR PERMIT FOR FRAME'S TAVERN, DBA FRAME'S TAVERN INC @ 1600 BRYAN AVE SW, 1ST FLOOR & BASEMENT. - INTERGOVERNMENTAL & PUBLIC SERVICE COMMITTEE
69. LIQUOR CONTROL DIVISION, STATE OF OHIO, 6606 TUSSING ROAD, PO BOX 4005, REYNOLDSBURG, OHIO 43068-9005: NOTIFICATION OF HEARING TO BE HELD 3/12/03 @ 10:30 AM RE: LIQUOR PERMIT FOR LA TIENDA HISPANA OVIEDOS CORP, DBA LA TIENDA HISPANA OVIEDOS @ 909 12TH STREET NW. - INTERGOVERNMENTAL & PUBLIC SERVICE COMMITTEE
70. MAYOR RICHARD D. WATKINS, CITY OF CANTON: ADVISING OF THE APPOINTMENTS OF PATRICIA PERKINS, MARTHA WOJTOWICZ & GEORGE DAVIS TO 3-YEAR TERMS ON THE AREA AGENCY ON AGING ADVISORY COUNCIL. - RECEIVED & FILED
71. MAYOR RICHARD D. WATKINS, CITY OF CANTON: ADVISING OF THE APPOINTMENT OF SAMUEL J. SLIMAN AS CHAIRMAN OF THE ANNEXATION BOARD FOR CALENDAR YEAR 2003. - RECEIVED & FILED
72. MAYOR RICHARD D. WATKINS, CITY OF CANTON: REQUEST REAPPOINTMENT OF JACK HAWK TO A 3-YEAR TERM ON THE COMMUNITY REINVESTMENT AREA HOUSING COUNCIL. - PERSONNEL COMMITTEE (See Resolution #17)
73. MAYOR RICHARD D. WATKINS, CITY OF CANTON: REQUEST SUPPLEMENTAL APPROPRIATIONS, REDUCTIONS IN APPROPRIATIONS & INTERFUND TRANSFERS IN AMOUNT OF \$22,264,655.98, ETC TO FULLY FUND OPERATIONS IN THE GENERAL FUND FOR YEAR 2003. - LAW DIRECTOR (See O#2, 1st Rdg)

74. MAYOR RICHARD D. WATKINS, CITY OF CANTON: REQUEST SUPPLEMENTAL APPROPRIATIONS & INTERFUND TRANSFERS FOR 2003 MOTOR VEHICLE PURCHASES. - LAW DIRECTOR (See O#3, 1st Rdg)
75. MAYOR RICHARD D. WATKINS, CITY OF CANTON: REQUEST TO AMEND MANAGEMENT/NON-BARGAINING UNIT PERSONNEL O.164/2001 TO DELETE UNFILLED POSITIONS & REORGANIZE CITY OPERATIONS. - LAW DIRECTOR (See O#4, 1st Rdg)
76. PLANNING COMMISSION, CITY OF CANTON, SHEILA K. THARP-BARRINO, SECRETARY: RECOMMENDING APPROVAL OF AMENDMENTS TO CITY CODE SECTION 1161 FOR INCREASE OF ZONING PERMIT FEES AS REQUESTED BY ZONING INSPECTOR & LAW DEPARTMENT. - LAW DIRECTOR (See O#5, 1st Rdg)
77. PLANNING COMMISSION, CITY OF CANTON, SHEILA K. THARP-BARRINO, SECRETARY: RECOMMENDING APPROVAL OF THE REQUEST BY SERVICE DIRECTOR MILLER TO VACATE A PORTION OF WERTZ AVE NW SOUTH OF 13TH STREET NW . - LAW DIRECTOR (See C#83 & O#6, 1st Rdg) **PUB HRG 3/10/2003 @ 7:30 PM**
78. PLANNING COMMISSION, CITY OF CANTON, SHEILA K. THARP-BARRINO, SECRETARY: RECOMMENDING APPROVAL OF THE REQUEST BY EVERETT & SUSAN DANIELS TO REPLAT PART OF LOT #35828 INTO 2 RECONFIGURED LOTS, LOCATED EAST OF LOGAN AVE & SOUTH OF 47TH STREET NW. - LAW DIRECTOR (See O#7, 1st Rdg)
79. PLANNING COMMISSION, CITY OF CANTON, SHEILA K. THARP-BARRINO, SECRETARY: RECOMMENDING APPROVAL OF THE REQUEST BY COOPER & ASSOCIATES ON BEHALF OF THE CANTON SCHOOL EMPLOYEES FEDERAL CREDIT UNION TO REPLAT OUTLOTS 256 & 257 LOCATED EAST OF MARKET AVE N & SOUTH OF 14TH ST NE INTO 3 RECONFIGURED OUTLOTS. - LAW DIRECTOR (See O#8, 1st Rdg)
80. SAFETY DIRECTOR JOSEPH J. CONCATTO, CITY OF CANTON: REQUEST TO ACCEPT A RESOLUTION FOR A SHARED EMERGENCY TELEPHONE NOTIFICATION SYSTEM FROM THE MARATHON-ASHLAND PETROLEUM COMPANY. - INTERGOVERNMENTAL & PUBLIC SERVICE COMMITTEE
81. SAFETY DIRECTOR JOSEPH J. CONCATTO, CITY OF CANTON: REQUEST TO PAY A \$26,000 MORAL OBLIGATION TO ANNIHILATION WRECKING INC. FOR ASBESTOS REMOVAL AT DEMOLITION OF PROPERTY @ 1003 12TH ST NW. - LAW DIRECTOR (See O#9, 1st Rdg)
82. SERVICE DIRECTOR MICHAEL L. MILLER, CITY OF CANTON: REPORT OF POWER OUTAGE AT WPCC RESULTING IN A BYPASSING OF RAW SEWAGE INTO NIMISHILLEN CREEK. - FINANCE COMMITTEE CHAIRMAN
83. SERVICE DIRECTOR MICHAEL L. MILLER, CITY OF CANTON: REQUEST TO VACATE A PORTION OF WERTZ AVENUE NW SOUTH OF 13TH ST NW & NORTH OF 12TH ST NW. - PLANNING COMMISSION (See C# 77 & O#6, 1st Rdg) **PUBLIC HEARING 3/10/2003 @ 7:30 PM**

84. SERVICE DIRECTOR MICHAEL L. MILLER, CITY OF CANTON: REQUEST FOR \$350,000 SUPPLEMENTAL APPROPRIATION FROM THE 5410 SANITARY SEWER FUND TO IMPLEMENT THE RESIDENTIAL WATER RUN-OFF IMPROVEMENT PROGRAM. - LAW DIRECTOR (See O#10, 1st Rdg)
85. SERVICE DIRECTOR MICHAEL L. MILLER, CITY OF CANTON: REQUEST TO ENTER INTO \$24,968 AGREEMENT FOR ENGINEERING SERVICES WITH HAMMONTREE & ASSOCIATES; REQUEST AUDITOR ESTABLISH THE 4549 FULTON ROAD/PARK INTERSECTION IMPROVEMENT GP 1077 FUND; & REQUEST \$24,968 SUPPLEMENTAL APPROPRIATION FROM THE 4549 FULTON ROAD/PARK INTERSECTION IMPROVEMENT GP 1077 FUND. - LAW DIRECTOR (See O#11, 1st Rdg)
86. SERVICE DIRECTOR MICHAEL L. MILLER, CITY OF CANTON: REQUEST TO ENTER INTO AGREEMENT WITH STARK COUNTY BOARD OF COMMISSIONERS TO DEVELOP A CONTINUOUSLY OPERATING REFERENCE STATION (CORS) GLOBAL POSITIONING SYSTEM AT WPCC & RECEIVE TRAINING; REQUEST TO AMEND O.236/2002 FOR \$31,000 SUPPLEMENTAL APPROPRIATION FROM THE 5410 SANITARY SEWER FUND & 5201 WATER FUND. - LAW DIRECTOR (See O#12, 1st Rdg)
87. SERVICE DIRECTOR MICHAEL L. MILLER, CITY OF CANTON: RECOMMEND WAIVING THE 2.4 PERCENT INCREASE IN SEWER RATES. - LAW DIRECTOR
88. TREASURER ROBERT C. SCHIRACK, CITY OF CANTON: REPORT OF TREASURER'S OFFICE BANK RECONCILIATIONS & CITY'S OUTSTANDING INVESTMENTS AS OF 1/31/2003.- RECEIVED & FILED
89. WILLIAMS, BRUCE, AGENT FOR PETITIONER, CITY OF CANTON PLANNING DEPARTMENT: NOTICE OF PUBLIC HEARING SET BY COUNTY COMMISSIONERS FOR 4/10/03 AT 7 PM IN COUNCIL CHAMBER RE: I77/FAIRCREST ANNEXATION. - RECEIVED & FILED

RULE 22A SUSPENDED TO ADD:

90. HEALTH COMMISSIONER ROBERT E. PATTISON, CANTON CITY HEALTH DEPARTMENT, 420 MARKET AVENUE NORTH, CANTON OHIO 44702-1544: REQUEST TO PURCHASE A DODGE INTREPID AT COST NOT TO EXCEED \$16,500 FOR CITY HEALTH DEPT FROM FEDERAL FUNDS WHICH MUST BE SPENT BY 3/15/03. - LAW DIRECTOR

ORDINANCES & FORMAL RESOLUTIONS FOR FIRST READING

PRESIDENT DENCZAK: We're now under Ordinances & Formal Resolutions for the first reading and referral. Ordinance #1 please.

NOTE: PRESIDENT DENCZAK CALLED UPON CLERK VANCKUNAS TO READ THE FOLLOWING ORDINANCES #1 THROUGH #12 FOR THE FIRST TIME BY TITLE ONLY AND ANNOUNCED THE COMMITTEE REFERRAL, AS FOLLOWS.

- #1 (1ST RDG) AN ORDINANCE AMENDING SECTION 125.02, NONPAYMENT CHECKS, 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 TO APPROPRIATE ADDITIONAL MONEYS NEEDED FOR THE OPERATING AND CAPITAL EXPENSES OF THE CITY OF CANTON FOR THE REMAINDER OF FISCAL YEAR 2003; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to the Finance Committee
- #3 (1ST RDG) AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 236/2002 TO APPROPRIATE MONEY FOR MOTOR VEHICLE PURCHASES; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to the Finance Committee
- #4 (1ST RDG) AN ORDINANCE AMENDING EXHIBIT A TO ORDINANCE NO. 164/2001, THE CLASSIFICATION PLAN FOR MANAGEMENT AND NON-BARGAINING UNIT PERSONNEL EMPLOYED BY THE CITY OF CANTON; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to the Personnel Committee
- #5 (1ST RDG) AN ORDINANCE AMENDING SECTION 1161.10, FEES FOR ZONING PERMITS, OF THE CODIFIED ORDINANCES OF THE CITY OF CANTON
Referred to the Judiciary Committee
- #6 (1ST RDG) AN ORDINANCE VACATING A PORTION OF WERTZ AVENUE N.W.; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to the Public Safety & Thoroughfares Committee
- #7 (1ST RDG) AN ORDINANCE APPROVING AND ACCEPTING THE REPLATTING AND RENUMBERING OF PART OF LOT NO. 35828; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to the Public Safety & Thoroughfares Committee
- #8 (1ST RDG) AN ORDINANCE APPROVING AND ACCEPTING THE REPLATTING AND RENUMBERING OF PARTS OF OUTLOTS NOS. 256 AND 257; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to the Public Safety & Thoroughfares Committee
- #9 (1ST RDG) AN ORDINANCE AUTHORIZING THE CITY AUDITOR TO PAY A MORAL OBLIGATION IN AN AMOUNT NOT TO EXCEED \$26,000.00 TO ANNIHILATION WRECKING, INC; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to the Finance Committee
- #10 (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

- #11 (1ST RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO AN AGREEMENT WITH HAMMONTREE & ASSOCIATES, LIMITED, IN AN AMOUNT NOT TO EXCEED \$24,968.00 FOR ENGINEERING SERVICES FOR THE FULTON ROAD/PARK INTERSECTION IMPROVEMENT, G.P. 1077; AUTHORIZING THE CITY AUDITOR TO ESTABLISH THE 4549 FULTON ROAD/PARK INTERSECTION IMPROVEMENT G.P. 1077 FUND; 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 Public Safety & Thoroughfares & Finance Committees

- #12 (1ST RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO EXECUTE A PARTICIPATION AGREEMENT WITH THE STARK COUNTY BOARD OF COMMISSIONERS; AMENDING APPROPRIATION ORDINANCE NO. 236/2002, AS AMENDED, BY APPROPRIATING FROM THE UNAPPROPRIATED BALANCE AND ALLOCATING SAME TO ITEMS HEREIN DESCRIBED; AND DECLARING THE SAME TO BE AN EMERGENCY

Referred to the Intergovernmental & Public Service & Finance Committees

ORDINANCES & FORMAL RESOLUTIONS FOR SECOND READING

PRESIDENT DENCZAK: Ordinances & Formal Resolutions for their second reading.

NOTE: PRESIDENT DENCZAK CALLED UPON CLERK VANCKUNAS TO READ THE FOLLOWING ORDINANCES #13 THROUGH #18 FOR THE SECOND TIME BY TITLE, AS FOLLOWS.

- #13 (2ND 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
- #14 (2ND 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
- #15 (2ND 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
- #16 (2ND RDG) AN ORDINANCE AUTHORIZING THE CITY OF CANTON TO ACCEPT DONATION

OF REAL PROPERTY; AND DECLARING THE SAME TO BE AN EMERGENCY

- #17 (2ND RDG) AN ORDINANCE ESTABLISHING THE FAIR MARKET VALUES OF REAL PROPERTY IN CONJUNCTION WITH THE 35TH 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
- #18 (2ND 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

ORDINANCES & FORMAL RESOLUTIONS FOR THIRD READING

PRESIDENT DENCZAK: Ordinances and Formal Resolutions for their third reading.

NOTE: PRESIDENT DENCZAK CALLED UPON CLERK VANCKUNAS TO READ THE FOLLOWING ORDINANCES #19 THROUGH & INCLUDING #24 FOR THE THIRD & FINAL TIME BY TITLE, AS FOLLOWS. ORDINANCE #23 WAS ACTED UPON PREVIOUSLY FOLLOWING THE PUBLIC HEARING--SEE JOURNAL PAGE #104 HEREIN.

- #19 (3RD RDG) **DEFEATED** 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

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?...

MEMBER CASAR: Mr. President, I'd like to ask the Safety Director a question if I may please.

PRESIDENT DENCZAK: Yes.

MEMBER CASAR: Safety Director Concatto, with the proposed increase, could you please give us a break down of what figures we're talking, from what amount for the half hour meters, hour meters...the whole break down, I'd appreciate it.

SAFETY DIRECTOR CONCATTO: Mr. President, Member Casar. We're looking at raising the meters, in general, from 25 cents an hour to 50 cents an hour. That would raise it...there's different increments that we need to get to 50 cents, but it basically doubles the fees. Does that answer your question?

MEMBER CASAR: That is going to be for hour meters or half hour meters or...what?

SAFETY DIRECTOR CONCATTO: It'll be for the one hour meters, and also for the two hour meters.

MEMBER CASAR: And the ones that are presently half hour, they're going to stay at?.....or what are they going to go to?...

SAFETY DIRECTOR CONCATTO: The half hour meters will go to a quarter.

MEMBER CASAR: They'll go to a quarter?

SAFETY DIRECTOR CONCATTO: Yes, sir.

MEMBER CASAR: Well my belief on raising the meters, in my opinion, it'll serve one good function and that'll be more money for the General Fund, which we all know we need. But I do not feel that this is the way we should be going because the reason that, with the meter situation downtown, is because as well know, for a lot of meetings we've had in the past for many, many years—it's the employees, city employees, county employees, office employees, store employees, restaurant employees who all use the meter spaces and they feed the meters all day long. If we increase that, yes, we'll gather some little cash for the General Fund, but that's not solving the problem, with the problem being no parking place when a citizen comes down to Canton, to the City of Canton, to go to the Health Department or Building Department, or the City Hall, to stop in at the jewelry store or whatever. In my opinion, by increasing this will not do anything to alleviate the problem we're having and that's employees feeding the meters so they can park for 8 hours a day. I feel that what we should do is that we should continue the same way we have and if the meters run out, we should mark the tires like we used to do in the old days, come back later, and if the car is still there, the vehicle, it should be towed. And as one member said, Member Hawk said, we should look into buying those boots where you put the boot on the tire and they don't get the car until they pay their \$30 or whatever. I just feel that we're just sugarcoating a problem by increasing the rates. We want to provide parking for the downtown stores and the downtown businesses and to do this, we have to make it friendly for, in other words, get the people that shouldn't on the streets off the streets—put them in parking garages, which we have too many of those already, and utilize those. And the employees, meaning the city, county workers, whatever, they should also put some type of restriction on their employees and watch they don't go out and feed those meters. That's my opinion and I cannot support this increase.

PRESIDENT DENCZAK: Any other remarks?...

MEMBER SMUCKLER: Mr. President, the key word I've used for downtown has been user friendly. Unfortunately we are not user friendly, especially when it comes to parking downtown. I, years ago, proposed to do away with the meters. I have proposed to do surface street parking. And what I'd like to see is a more comprehensive plan than just this plan to do something about the whole parking situation down here. We had a consultant come down to the Chamber, several weeks ago, talk to us about the simplest things of diagonal parking downtown on Market, surface lots, things that this Council has been talking, or at least this Councilman has been talking about for years. And I too, knowing that when you go to Belden Village, you don't have to put money in a meter, when you go to The Strip, you don't have to put money in the meter, and I, too, will not be supporting making it more user unfriendly than we have it already.

PRESIDENT DENCZAK: Any other remarks?..

SAFETY DIRECTOR CONCATTO: Mr. President, this increase in parking meter fees was not created out of some, of myself and the Mayor sitting in the office trying to find ways of making money for the City. This increase was made out of many meetings with the Special Improvement District and other people in the City to try to find a compromise for the difficult situation about parking meters. You have some businesses downtown Canton that don't

rely on parking meters, such as restaurants, during the lunch hour—they don't rely on the parking meters there, so they don't care if their employees park at that meter for two or three hours. We have some businesses downtown, like the jewelry stores and some other businesses, that rely on the parking meters. It is not a one shoe fits everyone. And I met for many, many hours, trying to come up with a plan. And I invite Members of Council, if this fails, and if they want to remove the parking meters, I don't care. If they want to be a part of the planning process, I invite them to be part of the planning process—because that's what this was; this was an effort, we were going to raise the meters because right now a person can parking on the street for 8 hours for \$2. We were going to offer our Millennium Parking Deck, an early day special for those employees for \$2 a day. It is our belief that a person coming downtown would prefer to pay up to 50 cents an hour rather than driving around the block time in and...time and time again to find a parking place. Again, this came from a series of discussions with people that were involved downtown with parking. If this Council does not want to raise the parking meters, so be it. If there is other plans, I'll be glad to be a part of it.

MEMBER HAWK: Mr. President, I'm downtown every day and the problem really is a lack of enforcement. We do have folks parking all day long. One of the histories I was told about a lady who had 65 parking tickets before we finally towed her vehicle. She then ransomed her vehicle out, paid all the fines and necessary costs, and was quite content with that fact. Now she has 6 parking tickets. Why these cars aren't towed when they have 3, and I believe, I was told that that's what we were permitted to do, why these cars aren't booted on the spot. And then we begin costing these scofflaws more money than it costs them to park in a lot. That's the only real way we have to eliminate some of the parking problems. We have to look at it from a two-fold thing—the increase in the parking fees will help reduce that. And I'm not opposed to it. But unless we begin a stricter enforcement, \$2 a day is still awfully cheap to park a car downtown. And I don't think that we'll see that big of a swing in the people who are feeding these meters continuously. We have to look to enforcement. If we need to purchase a boot to lock these things up, so be it. But I will support this measure in an attempt to bring it forward. But I also would like it to be hand in hand with a stricter enforcement program and that we do begin towing these vehicles and getting them out of the street. And that's one way we will clear parking for people who come downtown for short periods of time. Thank you.

PRESIDENT DENCZAK: Any other remarks?...

MEMBER HART: Yeah, Mr. President, you know the situation is again a Catch 22, you know, you want to have user friendly parking, but at the same time it's not for those people that are using the downtown, using the stores for, it seems, the vast majority. It's user friendly for the employees that are working downtown and it's become cheaper for them just to use and take up the spaces that are needed by those people that are going to be visiting the downtown businesses. And, again, it's a good plan because hopefully it'll help alleviate and make parking a little more user friendly downtown. And until, you know, fines are increased to where it's not so financially feasible to have the meter feeders and to hear the stories of where employees will take turns going out all day and, you know, everybody's parking in that line—you know you're never going to have any type of convenient parking for anybody that's using downtown Canton for the short period of time to run into a courthouse, run into a jewelry store or anything else. It's the best thing to do for those residents that need user friendly parking.

PRESIDENT DENCZAK: Any other remarks?... If not, roll call vote please.

NO FURTHER REMARKS

ROLL CALL: 6 YEAS, 5 NAYS – **DEFEATED!!**

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

PRESIDENT DENCZAK: The ordinance is defeated. If it had the emergency, it would have required 8 votes. It

did not have the emergency; however, since it is a formal ordinance, or a resolution, it requires a majority of the Councilmembers. A majority of the Councilmembers would be 7. It only received 6 affirmative votes. Am I right, Law Director?... (INAUDIBLE RESPONSE) I think it's Rule Number....it's Rule Number 30. Okay, that ordinance is defeated.

#20 (3RD RDG) **ADOPTED AS ORDINANCE NO. 30/2003** 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

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

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance #20 is adopted.

#20 ADOPTED AS ORDINANCE NO. 30/2003

#21 (3RD RDG) **ADOPTED AS ORDINANCE NO. 31/2003** 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

MEMBER SMUCKLER: Mr. President, I move we adopt Ordinance 21; seconded.

PRESIDENT DENCZAK: Moved and seconded that you adopt 21; are there any remarks under this ordinance?... Very well, roll call vote please.

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance 21 is adopted.

#21 ADOPTED AS ORDINANCE NO. 31/2003

#22 (2ND RDG) **ADOPTED AS ORDINANCE NO. 32/2003** 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

MEMBER SMUCKLER: Mr. President, I move we adopt Ordinance #22; seconded.

PRESIDENT DENCZAK: Moved and seconded that you adopt Ordinance 22; are there any remarks under this ordinance?... Very well, roll call vote please.

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance #22 is adopted.

#22 ADOPTED AS ORDINANCE NO. 32/2003

PRESIDENT DENCZAK: Ordinance #23 was previously adopted. (*SEE JOURNAL PAGE 104HEREIN*)

#24 (3RD RDG) **ADOPTED AS ORDINANCE NO. 33/2003** 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)

MEMBER SMUCKLER: Mr. President, I move we adopt Ordinance #24; seconded.

PRESIDENT DENCZAK: Moved and seconded that you adopt Ordinance 24; are there any remarks under this ordinance?...

MEMBER SMUCKLER: Mr. President, I move that we amend Ordinance 24 by the written amendment before every Councilmember; seconded.

AMENDMENT: Pursuant to Rule No. 36, I hereby move to amend Agenda Item No. 24 as follows:

1. Substitute Exhibit A with a new Exhibit A which deletes Item 12; and
2. Remove Exhibit A.

AMENDED EXHIBIT A:

<i>ITEM #</i>	<i>LOCATION</i>	<i>ZONING</i>	<i>NEW ZONING</i>	<i>OLD</i>
1	Burnham Hills–Open Space area		OS	R-1a
2	Fulton Road @ Park		OS	No designation
3	South side of Mahoning Road, Hilscher to corporation line		OS	B-3
4	West side of Cleveland North, north of 48 th		R-1	R-4
5	Fulton Road, 4 th to Richard NW–both sides & south side 12 th NW		R-1a	R-4 & R-3
6	Millvale–north of 30 th NE		R-2	B-2
7	Apts on north side of 44 th NW at Norman		R-3	R-4
8	19 th & Spring–south side of 19 th NE, east of Spring		CS	R-1a
9	Hillcrest & Burger, north of HOF Fitness		B-3	I-1
10	NE corner 30 th & Cleveland		B-3	B-4

11	West side of Cleveland Ave, 22 nd to 23 rd NW	B-3	B-4
13	Former Mahoning Road Plaza	B-3	B-6
14	NW corner Washington & Cleveland	B-3 & B-4	B-4 & B-3
15	Kemphorn Auto location	B-4	No designation
16	East side of Market South–south of 7 th Street SW to RR	I-1	B-4
17	Eastbury rezone–separate into two classifications	I-1 & B-4	PI-1

PRESIDENT DENCZAK: It's moved and seconded to amend Ordinance 24 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 please.

NO FURTHER REMARKS ROLL CALL: 11 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance #24, as amended, has been adopted. **ADOPTED AS ORD. NO. 33/2003**

ORDINANCES & FORMAL RESOLUTIONS – POSTPONED MATTER

PRESIDENT DENCZAK: Postponed matter, Member Smuckler.

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 & AGAIN TO FEBRUARY 24, 2003:

#25 **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: Place the issue before the body please....move that you adopt the ordinance.

MEMBER SMUCKLER: Mr. President, I move we adopt Ordinance #25; seconded.

PRESIDENT DENCZAK: Moved and seconded that you adopt Ordinance 25; are there any remarks under this ordinance?

MEMBER SMUCKLER: Mr. President, I move we postpone Ordinance #25 until 3/10/03; seconded.

PRESIDENT DENCZAK: Moved and seconded that you postpone Ordinance 25 til March the 10th, 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 25 is postponed until March 10th, year 2003.

ANNOUNCEMENT OF COMMITTEE MEETINGS

PRESIDENT DENCZAK: Announcement of Committee Meetings please.

MEMBER CASAR: Mr. President, Finance Committee will meet at 6:30, March 3rd, and we will be considering Ordinance #10 and #3. And Ordinance #2, which is the full budget for 2003, I'll call a meeting for, the Chairman will be back, make it March 3rd at 6:00....I mean March 10th at 6:00. And I will remind everyone next week.

PRESIDENT DENCZAK: That's March the 10th at 6:00?

MEMBER CASAR: That's for Ordinance #2. The other 2 will be March 3rd at 6:30.

MEMBER DIAMOND: Mr. President, Personnel will meet at 6:30 on March the 3rd.

MEMBER SMUCKLER: Mr. President, Judiciary will meet at 6:00 on Monday, and I am coaching everyone here

that there's no way to do this amount of ordinances in a short period of time between 6:30 and 7:00, so that's why I'm scheduling mine for March 3rd at 6 p.m.

PRESIDENT DENCZAK: I was just going to bring that up, Member Smuckler, that the length of the referrals is quite considerable here, and it's smart to start at 6:00 next Monday. Any other committees?

MEMBER BABCOCK: Mr. President, Public Safety & Thoroughfares will also meet next Monday at 6:00. Thank you.

PRESIDENT DENCZAK: Any other committees?

MEMBER ALTIERI BUCHER: (INAUDIBLE) *SHE ANNOUNCES AN INTERGOVERNMENTAL & PUBLIC SERVICE COMMITTEE MEETING FOR MONDAY, MARCH 3RD.*

PUBLIC SPEAKS (OPEN FORUM--CITY BUSINESS ONLY)

PRESIDENT DENCZAK: Public Speaks, Open Forum. We have one person signed up to speak, Frank Thristino.

MR. THRISTINO: My name is Frank Thristino, address of 2436 - 30th Street, business. Mr. President, Members of Council and elected officials. Canton parks are assets to the community, providing green space and recreation needed for quality of life. Park Police provides patrol throughout all 59 parks in Canton. We stay aware of the conditions of the parks and the citizens who use them. I have patrolled the parks for 9 years and have almost 30 years' police experience in New York City and Canton, which I bring to the park system. Maintaining the quality of life we now enjoy in Canton's parks requires constant reinforcement of park rules and regulations. For instance, Ben Franklin said "watch the pennies and the dollars will take care of themselves." We perform proactive patrol within the parks. We're always vigilant, we're always inquiring. This is different from reactive patrol that only responds to the fact or an incident after it occurs. Park Police presence deters unruly and illegal behavior in the parks. This is a city-wide problem. Every ward is effected. Mr. Denczak, Ms. Babcock, Mr. Casar, Mr. Smuckler, you are all members-at-large and you are responsible for the whole city. Mr. Hawk, your ward has Monument, Waterworks, Westbrook. Ms. Altieri, you have Nimisilla, Cook, Rowland. Mr. Mallonn, your ward contains Garaux, Green Acres, Mini Park 2. Mr. Massey, you have Crenshaw, Ida, Jackson, Lee, McKinley, #3, #8, #9, #19, Westpark, which is Babcock Field, City Field, and Presley Field. Mr. Dougherty, your ward contains Harmon, Herbruck, Herbruck Annex, Bup Rearick and Warwick Field. Mr. Hart, you have the crown jewel, you have Stadium Park, you have Don Correl, you have Playground D, you have Weis Park. Ms. Diamond, you have Arboretum, Covered Bridge, Martindale, Northview, Roshong, Playground F. And Mr. Carbenia, you have Freddy Bors, Brian's Park, Maple Playground, Schreiber, Vassar and Carl Weiss. I ask you to override the veto tonight to maintain the quality of life presently enjoyed in the parks in Canton's park system and to keep the beautiful green space we have—keep it free from crime, free from illegal activity for Cantonians and all visitors alike. For now and for the future of Canton's residents. Thank you.

MISCELLANEOUS BUSINESS

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

MEMBER SMUCKLER: Mr. President, pursuant to Rule No. 43 in dealing with the Mayor's veto, I would like to reconsider Ordinance No. 15/2003; seconded.

PRESIDENT DENCZAK: Moved and seconded to reconsider Ordinance 15/2003; are there any remarks?... If not, roll call vote please.

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

PRESIDENT DENCZAK: Member Smuckler, Ordinance No. 15/2003 is before the body.

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 that we adopt by overriding the Mayor's veto Ordinance No. 15-2003; seconded.

PRESIDENT DENCZAK: Council is attempting to override the Mayor's veto. The motion is to adopt Ordinance 15/2003; are there any remarks under this reconsideration of the ordinance?

MEMBER SMUCKLER: Mr. President, I believe that the issue isn't who the park policeman is and I'm glad to see that that's not the issue—the issue was, after speaking with Mr. Black of the Park Board, after speaking with the Patrolman assigned to the parks, and after understanding that the Police Chief solely controls who's in the parks and when they're not in the parks, I believe that it's not too much to ask to have one officer assigned to the park system under the auspices of the Park Board. Somewhere in our budget, and I will look like the rest of you will between now and when we pass the budget, that we should be able to continue to find the money that it costs to fund this officer. I will be voting to override the Mayor's veto.

MEMBER CASAR: Mr. President, I too have spoke with members of the Park Board. I live in the area, I'm very familiar with the parks and especially Monument and Stadium Park. I know people don't want to hear this, but I don't want to see us go back to where it was in the 70s...and the problem we had in the parks. And sure our newspaper reported it's not like it used to be. The reason it's not the way it used to be is because we have an officer, a dedicated officer that makes his rounds in the parks...that issues citations when necessary. My concern when this whole thing started, if we lose the officer that's been there doing a great job and we depend only on the City Police Department to patrol the parks when they have the time to get into the parks, that concerns me. Especially with the new chief coming on board, he may see, think that we don't need a Patrolman, and that is very, very, very serious because as long as there's someone available and visible, a policeman's visible, the problems will not be as apt to happen as if nobody was there. I know that Mr. Thristino does a good job, I'd like to see him continue to do the job. And getting to the budget, I spoke with the Park Department, I am a member of the Finance Committee, and the Park Department has slashed over 16%. I think they've done more than their share. And I do not want to see the Park have to take more cuts. We must provide safe parks for our citizens to enjoy; visitors when they come to Canton, they must be safe for them, especially in the Hall of Fame area, so we cannot cut any more from parks. And to take this away, this \$64,000, because the budget is slim—yes, it is. And yes we will work some way somehow to make sure that we have this money to get it to the parks and make sure that it's there so that we can continue to protect the citizens of Canton and the visitors of Canton. And make our parks and keep our parks a safe, wonderful environmental for families to go and enjoy.

MEMBER DIAMOND: Mr. President, thank you, we currently have a Canton Police officer, not who stops in the parks when he has free time, but we have a bid position for an officer to be assigned to the Park Department. That officer has a gun, he has arrest powers, he has a radio to communicate. He has everything that we need within that park system. There was a time when we had no one in the parks over the last several years, for a variety of reasons. And the Canton Police Department responded to calls there. Every department in this City has been asked to cut personnel, to cut spending. It doesn't make sense if you have an officer dedicated to the parks with arrest power, and it's my understanding that the Park Police officer is allowed to issue citations, park citations. But if there are arrests to be made under City ordinances or State ordinances, he has to call a Canton Police officer to come into the park to finalize that arrest. I also understand that the Park Police officer does not have a weapon currently. I think that's unsafe for our police officer. Somebody sees someone in a uniform, they usually assume that they have a weapon. I think that officer is in jeopardy because he does not have a weapon. So when you're in a budget crunch and you have an officer who can do all the things that are required, who's assigned to the Park Department, why would we pay an additional \$64,000 for somebody who can't do all of those duties, not that he's not capable, but because he's not commissioned. Why would we have a duplication of services when we are looking for every penny we can find in this City? And the Park Department may have cut their budget by 16%, but I know there are other departments, I know the Street Department has lost people; they've cut more than 16%. To get this City back on secure financial footing, we have to look, I would like to have as many Park Police officers as possible. We don't have the money for that now. What we need to look at, where to put the resources that we can afford to do the most effective job. If you have someone who doesn't have the arrest powers, nor the weapon needed for some of these arrests, then it's a duplication of services. You would go with the one person that can do those things. So I will not be supporting the \$64,000 to pay for a Park Police officer. Thank you.

MAYOR WATKINS: Mr. President, just as a matter of information, I heard the figure given here that the Park Department had cut their budget by 16%, that's not an accurate figure. The accurate figure is 2.33%.

MEMBER CASAR: Point of information. Last...we just received some figures, but the figures that I had received earlier, it was like 16%. They didn't fill a couple positions that are vacant—now I'm taking that into consideration also, that adds on to it. I don't know if you're doing that or not. If you take the two positions they did not fill along with the other cuts, it comes out to over 16%.

MAYOR WATKINS: But you're asking to fill both positions?

MEMBER CASAR: That are not filled at the present time. And I'm not saying they're going to be filled or not—I'm not privileged to the...I haven't spoke to the Park Department. But I'm saying as of now, they have cut over 16% out of a budget that is to the bone anyhow. That Park Department does more for the money that's appropriated than any other department we have in the City of Canton.

MEMBER ALTIERI BUCHER: Mr. President.....

PRESIDENT DENCZAK: The Mayor still has the floor.

MAYOR WATKINS: Nothing further.

MEMBER ALTIERI BUCHER: I recall of a couple months ago when no one here at this Council wanted to lay off any Police officers at all, and as a matter of fact, we didn't want to reduce that amount of force that was, after we divided the ordinance up on this. For this primary reason, we can't really afford to do this any longer. The issue of a gun, Mr. Greel, who was on the Park Police for many years, had no gun as well. And as a prevention measure,

whether someone has a gun or not a gun at this point, I think that we need as much prevention as we can get. Prevention you cannot put a figure on, you cannot put a dollar figure on this person. As a matter of fact, quite frankly, it may be priceless. Each day, people stick ADT signs out in the front yard and don't have the service, not knowing whether they're going to get robbed or not. But yet they're willing to pay to put the sign out there. As a matter of fact, we had a whole City willing to go on strike a week or two ago because of insurance, because of the prevention aspect of it, to prevent bigger problems or illnesses or sicknesses. As a matter of fact, a month ago, what was it?, Tuesday, February 4th, I went to Crime Prevention Week where they honored all these people here for preventing crime. And the City of Canton was involved in this and the Police Department. On the back pages, I went through here, I noticed my brother's name and his partner on the back. In 1992, they received this award—both of them were shot. One, my brother may have been fatally killed—he never had his gun drawn. Luckily he had a partner that showed up, but they both got shot. Without that partner, he would have been plugged five times by a man he didn't expect to have a gun 'cause he picked him up numerous times. So when we talk about prevention, I think that having these people in the park prevents far more than we can ever put any price tag on at all. We need to all think about this because every time you see a cruiser parked out front, in front of the Federal Building, this is prevention. They're parked there for a reason, so no one else parks there. But they're not...they're unmanned. So when we talk about prevention, we need to address it in the proper manner that we do not believe there is a price on this at all. Thank you.

MEMBER MALLONN: Mr. President, yes, as Chairman of the Parks and Recreation Committee, I would like to see Officer Thristino kept on board. I feel that he does an outstanding job not only for the City of Canton, but the Canton City Parks. If you speak to people who visit the parks, he's very friendly, user friendly. People that visit the parks respect him and he's not only patrolling Monument Park and Waterworks Park and Stadium Park, but he is visiting and patrolling every park that is in each Councilmember's ward. I think he is an asset to our Park Department as well as our Park System, and I would like to see him kept on board. Thank you.

PRESIDENT DENCZAK: Any other remarks?...

MEMBER HART: Mr. President, yeah, it was said I contain the crown jewel of the parks in our park system and you know I guess part of my frustration here is because, you know, the Park Police, unless we hire one Park Policeman for every park and have him there for every shift, it's going to be really impossible to properly, you know, secure the parks. I guess part of my frustration is Stadium Park, the gates there are left open all night, even though it states on the front, you know, that they should be locked up. I can still get complaints from residents that are right along Monument Road looking over at 2 and 3:00 in the morning seeing vehicles, you know, pulling in there. You know, I guess there's issues and, you know, my own opinion is and...is that, you know, there could be a better job done, you know, to keep that crown jewel and those residents that live around there and those residents that use the park a little bit safer. Because, again, unless we hire 50 or 60 or 180 more policemen to keep them there, our parks aren't going to be "totally safe." But yet Officer Thristino's done a nice job, our Park Policeman has done a nice job. I've been down there at the parks as I travel through the City, I see them patrolling all the parks, I see our zone cars that are coming through the parks. And I think we're going to give people that false sense of security if we're going to be running a police state, having, you know, armed Policemen running through our parks all the time. And we do, I think, more than an adequate job of keeping our residents safe now with Officer Thristino and our Canton City Patrolman that's there.

PRESIDENT DENCZAK: Any other remarks?

SAFETY DIRECTOR CONCATTO: Mr. President, first of all, I do believe and correct me if I'm wrong, but this ordinance was introduced by the Finance Chairman, is that not correct?...not by the Administration, but by the

Finance Chairman. So Council is looking at an ordinance that has been introduced by the Finance Committee Chairman for which the, it failed and which the Mayor vetoed...

MEMBER SMUCKLER: No, point of order....point of information.

PRESIDENT DENCZAK: State your point of order.

MEMBER SMUCKLER: It was not...the Finance Chairman, Mr. Mroczkowski was not the sponsor of this ordinance.

PRESIDENT DENCZAK: No, Member Casar was.

SAFETY DIRECTOR CONCATTO: Thank you, I wasn't sure if it was the Finance Chairman or Member Casar.

MEMBER DIAMOND: Point of order.

PRESIDENT DENCZAK: State your point of order.

MEMBER DIAMOND: What happened was the Finance Chairman withdrew the salary of the Park Police officer out of the budget. As it stands right now, there is not a salary for this officer. After that, Member Casar proposed an ordinance to have that salary put back into the budget.

MEMBER CASAR: Mr. President, a further point of order. The reason this wasn't taken care of when we passed the interim budget back in January, I was going to move to reconsider that ordinance that particular night because when we realized it was inadvertently...or the Finance Committee Chairman left it out. I happened to speak to Law Director Martuccio and he told me because it was an emergency, I could not reconsider it that night, or it would have been reconsidered and hopefully it would probably have been taken care of way back in January. That's why we're here tonight with that matter because being that it was an emergency clause, we couldn't reconsider it that night.

SAFETY DIRECTOR CONCATTO: Mr. President, the point I'm making is that the money being removed out of the budget of the Park Department for the Park Police officer was done by the Finance Committee—a committee who has been meeting monthly for the last year and a half to try to get a handle on the finances of this City. Secondly, the idea of that was the money that would be saved from taking that money out of the Park Police, would go to the Police Department so that we don't have to go any further—we've already lost 15 Police officers and 18 Firefighters in the last year. If 2004 does not improve, we're going to have to lay off more. The idea was to be able to keep more Police officers and take that money and put it into the Police budget. That was the, and regardless of whoever's in the parks, the Canton Police Department, since it's in the City still has responsibility for the parks.

MEMBER CASAR: Mr. President, I'd like to ask the Safety Director a question if I may.

PRESIDENT DENCZAK: You may.

MEMBER CASAR: Safety Director Concatto, when this was first brought up back in January, did you or did you not tell this Councilmember that if we eliminated the Park position, the patrolman, that the City Administration, and you, head of the safety forces, would put not one but two full-time City Police officers in the parks?

SAFETY DIRECTOR CONCATTO: Yes. That was before we lost our Police officers to the armed services. They were called up.

MEMBER CASAR: Take this a little further—then did you not tell this Councilman that if we indeed vote to keep the position as the Park Patrolman, we would lose a City Policeman from the parks?

SAFETY DIRECTOR CONCATTO: If the Park Police officer remains, the Park Police position in the Police Department is still a bid position. If we have to lose more Police officers, that's correct, we would probably choose—we still have the responsibility for the parks. Regardless of what we do, we still have to have black and whites in the parks. But that's something that we would have...yes, that's something we would have to consider if we go any further down below the 174 we're at now.

MEMBER CASAR: My final question. Today, February 24th, do we have a City Policeman that's assigned to the Canton City Park Department...parks?

SAFETY DIRECTOR CONCATTO: Officer Henderson by the bid in the last bid sheet I seen, which was a week ago, is still in that position.

MEMBER CASAR: And he is fulfilling that duty in the parks daily?

SAFETY DIRECTOR CONCATTO: I would assume that. I have not...I am not sure of what his responsibility is, but his responsibility is a Park Police officer.

MEMBER CASAR: I take your word on that, but I was under the impression—I was told that he bid off of the job and he was no longer fulfilling those obligations. And that is the reason why I hang my hat on what I said earlier, don't fix something that's...don't try and fix something that's not broken. This has been working good. The Park Patrolman we have—let's keep it as it is.

PRESIDENT DENCZAK: Any other remarks?... The question you are voting on now is override the Mayor's veto. Roll call vote please.

NO FURTHER REMARKS ROLL CALL: 8 YEAS, 3 NAYS
(SMUCKLER, CASAR, BABCOCK, HAWK, ALTIERI, MALLONN, MASSEY & CARBENIA VOTED YES. DOUGHERTY, HART & DIAMOND VOTED NO)

PRESIDENT DENCZAK: The Mayor's veto has been overridden; the law goes into effect immediately as through the Mayor had signed it. We're still 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: 11 YEAS, 0 NAYS

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

ADJOURNMENT TIME: 8:53 P.M.

ATTEST:

APPROVED:

DEBRA VANCKUNAS
CLERK OF COUNCIL

RAY DENCZAK
PRESIDENT OF COUNCIL