

MINUTES OF THE MEETING OF MARCH 10, 2003

The regular meeting of Canton City Council was held on Monday, March 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 Rosemary Diamond, 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. MROCZKOWSKI, DAVID R. DOUGHERTY, RICHARD D. HART, ROSEMARY DIAMOND & JOE CARBENIA)

NO COUNCILMEMBERS ABSENT

AGENDA CORRECTIONS & CHANGES

PRESIDENT DENCZAK: Members of Council, can we have a little decorum here?... To bring your Agenda up to date, Members of Council, you're being asked suspend Rule 22A to add Communications 16 and 17...116 and 117 to the agenda, the second reading of Ordinances 7 through and including #12. You're also being asked to adopt Ordinance number...

MEMBER SMUCKLER: Mr. President, 7 through 12 minus #11.

PRESIDENT DENCZAK: Correct. When you make your motion, please mention that by number. You're also being asked to adopt Ordinance #7 under second readings. At this time, the Chair will recognize Rule 22A for the communications, Member Smuckler.

MEMBER SMUCKLER: Mr. President, I want to suspend Rule 22A to add Communication 116, 177, Ordinances 1 through 10 and #12 to the agenda; seconded.

PRESIDENT DENCZAK: Moved and seconded to suspend Rule 22A according to Member Smuckler; are there any remarks under this motion?...

MEMBER SMUCKLER: Mr. President, I have to amend that. I got a little ahead of myself. I'm sorry, 7 through 10 and #12; seconded.

PRESIDENT DENCZAK: Okay; it's moved and seconded to suspend Rule 22A for Communications 116, 117, and Ordinances 7 to 10, excluding #11, and including #12; are there any remarks?... If not, roll call vote please.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

PRESIDENT DENCZAK: Rule 22A is suspended and Communications 116, 117, Ordinances 7, 8, 9, 10 and 12 are a legal part of your agenda.

PUBLIC HEARINGS

PRESIDENT DENCZAK: We had a scheduled public hearing at 7:30. It's a request by Service Director Miller to vacate part of Wertz Avenue NW along part of Outlot 528. The Planning Commission recommends approval. Is there anyone in the audience wishing to speak for or against this vacation, please come forward..... Is there anyone in the audience wishing to speak for or against this vacation , please come forward..... Is there anyone in the audience wishing to speak for or against this vacation, please come forward..... Apparently not; the Chair declares the public hearing over in regards to this vacation and the matter now rests in the hands of Council. The ordinance, #17, will follow later this evening.

PUBLIC SPEAKS (ORDINANCES OR RESOLUTIONS FOR ADOPTION ONLY)

PRESIDENT DENCZAK: No one has signed up for Public Speaks under Ordinances & 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. At this time, the Mayor's award will be presented by Tracy Mills. Mr. Mills, will you come forward?... (PAUSE AS MR. MILLS & MR. GEORGE ROHDE OF THE WATER POLLUTION CONTROL DEPARTMENT APPROACH THE PUBLIC MICROPHONE)

MR. MILLS: Thank you, Mr. President, Councilmembers. Joining me this evening is Mr. George Rohde, our Industrial Waste Chief. Six years ago, Mayor Watkins created the Mayor's Award for Environmental Quality Control to annually recognize one of our industrial dischargers for their efforts in being a good environmental steward. The five companies that have been previously honored include Frito Lay, Republic Technologies, Canton Plating, Lustrous Metals, and Mercy Medical. It's my pleasure to announce that Republic Storage Systems Company has been selected as the 2002 recipient of this award. At this time, I'd like to read Mayor Watkins' proclamation honoring Republic Storage Systems Company. *WHEREAS, each year the Mayor's Award for Environmental Quality Control is presented to a company that exhibits exceptional merit in environmental concerns by their compliance with the Industrial Pretreatment Program, for their implementation of an overall policy regarding control of industrial wastes, for their pollution prevention actions taken to reduce waste by recycling, reuse and replacing of hazardous substances with non-hazardous products; and WHEREAS, it is, therefore, most fitting and proper that on this occasion the City of Canton is proud to present the 2002 Mayor's Award for Environmental Quality Control to REPUBLIC STORAGE SYSTEMS COMPANY, a manufacturing facility who specializes in the fabrication of lockers, shelving and storage racks, serving the community since 1900 at its facility located at 1038 Belden Avenue NE, and for their efforts on the basis of having no violation for the year 2002 under the City of Canton's Industrial Pretreatment Program; and WHEREAS, REPUBLIC STORAGE SYSTEMS COMPANY has pro-actively pursued compliance for upcoming Federal regulations by planning for and installing a pretreatment system, they are investigating methods for*

the re-use of treated processed wastewater as a method of water conservation and process control, they maintain strict control of chemical inventories with the identification of toxic components and their related waste generation, and have also designed appropriate structures and implemented policies to prevent the release of waste materials to the sewer system. They also recycle batteries, lighting, scrap steel, waste oils and other materials. And today we congratulate all those associated with REPUBLIC STORAGE SYSTEMS COMPANY and we are proud to recognize them for their innovative approach to environmental quality control in our community. NOW, THEREFORE, BE IT RESOLVED THAT I, RICHARD D. WATKINS, MAYOR OF THE CITY OF CANTON, OHIO, do hereby on this 10th day of March 2003 proudly commend REPUBLIC STORAGE SYSTEMS COMPANY and congratulate this outstanding corporate neighbor for their efforts in promoting environmental quality control. And with us this evening, to go along with the...we would like for four members of Republic Storage Systems Company to join me at the podium please. Mr. Ron Schneider the is Manager of Engineering Services, Mr. Robert Eshbach is the Environmental Safety and Engineering Manager, Costel Popovici is the Plant Engineer, and Clint Nicholas is the Wastewater Treatment Plant Operator. And we have a copy of the Mayor's Proclamation as well as a very nice award.

PRESIDENT DENCZAK: Tracy, just a minute. There's a young lady with a camera...do you want to come up here and take a picture? A picture of their back isn't going to do you any good.

MAYOR WATKINS: Mr. President, while these folks are coming forward, I'd like to add my personal commendations to Republic Storage. This is an ESOP that has been tremendously successful, has done a lot of good things, and are in the process right now of expanding their facilities to the tune of 7 and a half million dollars of invested capital. So I think they're to be commended.

MR. Schneider: Thank you very much. (APPLAUSE AS THEY RECEIVE THE AWARD)

MEMBER CARBENIA: Mr. President, I'd also like to thank Republic Technologies for putting the money into our city, but I see now that you're going to be hiring over a hundred and some people—it looks like, from what I understand, in that area. And I'm thankful that somebody's finally bringing some jobs in and your plant has been here a long time and I'm glad that it's a good ESOP plant.

MR. Schneider: Thank you very much. Mayor Watkins, President Denczak and Mayor Richard Watkins' staff, Councilmembers, Tracy Mills and your staff. On behalf of the 600 employees or approximately 600 employees of Republic Storage Systems, we are honored, we are proud, and we thank you very much for this award. You've kind of taken part of my talk away; you did such a great job of describing what we do at Republic. But we manufacture lockers, that's our primary product and we certainly hope to participate in the refurbishing of schools here in Canton and also the building of new schools and provided lockers. And one of the, or a couple of the reasons that we wanted to do the wastewater treatment plan I'd like you to know about—first of all, we wanted to be proactive in meeting the forthcoming regulations. We also, with the previous set up where we discharged our wastewater directly to the City sewer system from our washers where the product is cleaned and prepped prior to painting, we could not cross any galvanized or zinc processes. And galvanic is one of the items that we're working with today to improve the corrosion resistance of the locker products. Zinc phosphate...our current systems are iron phosphate—it's a means of cleaning and treating the product so that the paint adheres to it well. And Zinc phosphate is a step up from that to include the corrosion resistance of the product. So consequently, there was really three reasons that we wanted to be able to do this water treatment plant—one was to meet the forthcoming standards, and the second was to be able to process galvanic product as well as convert some of our washers to zinc phosphate systems. The marketplace today, people are looking for more corrosion resistant lockers, particularly in the athletic rooms or what have you and Republic considers itself one of the key leaders in the locker industry and we plan to stay a leader.

And again, we thank you very, very much for this ward. (APPLAUSE)

PRESIDENT DENCZAK: Thank you gentlemen. Resolution #23 please.

PRESIDENT DENCZAK CALLED UPON CLERK OF COUNCIL VANCKUNAS TO READ RESOLUTIONS #23 & 24 BY TITLE, AS SHOWN BELOW. THE RESOLUTIONS ARE ON FILE IN THEIR ENTIRETY IN THE COUNCIL OFFICE WITH THE AGENDA ITEMS FILE DATED March 10, 2003.

23. BY HAWK, GREG, WARD 1 MEMBER, & ALTIERI-BUCHER, KATHLEEN, WARD 2 MEMBER: SUPPORTING A SURVEY OF HOUSING WITHIN THE BOUNDARIES OF WARDS 1 & 2 (INCLUDING AN AREA IN WARD 2 BEING TRANSFERRED TO WARD 4 AS A RESULT OF REDISTRICTING) AS A COMMUNITY REINVESTMENT AREA. - ADOPTED BY COUNCIL; ALSO SEND TO PLANNING COMMISSION & LAW DIRECTOR

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

PRESIDENT DENCZAK: Moved and seconded that you adopt Resolution 23; are there any remarks under this resolution?... If not, by voice vote, all those in favor, signify by saying aye—those opposed, no.

NO REMARKS

ADOPTED BY UNANIMOUS VOICE VOTE

PRESIDENT DENCZAK: Resolution #23 is adopted.

24. BY MASSEY, CRAIG, WARD 4 MEMBER: RESOLUTION EXTENDING SUPPORT TO THE PROPOSED VIENNA TERRACE SENIOR HOUSING DEVELOPMENT. - ADOPTED BY COUNCIL

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

PRESIDENT DENCZAK: Moved and seconded that you adopt Resolution #24; are there any remarks under this resolution?...

MEMBER MASSEY: Mr. President, I'd like to have the secretary read that.

PRESIDENT DENCZAK: Madam Clerk, will you please read that resolution?

READ BY CLERK OF COUNCIL VANCKUNAS: Submitted By Councilmember Craig Massey of Ward 4 on this 10th day of March, 2003. A RESOLUTION EXTENDING SUPPORT FROM THE CITY OF CANTON TO THE PROPOSED VIENNA TERRACE SENIOR HOUSING DEVELOPMENT. Whereas, The city of Canton supports the belief that every citizen deserves a decent, safe and affordable place to call home; and Whereas, The city of Canton recognizes the need for additional high quality, senior housing for individuals on fixed incomes; and Whereas, The city of Canton wishes to support those development and investment companies committed to building affordable apartments for deserving seniors within our community; and Whereas, Vienna Terrace will be comprised of one hundred (100) senior apartments located west of Cleveland Avenue along I-77 in Qualified Census Tract 7023 in the City of Canton; and Whereas, One

Hundred percent (100%) of the units are set aside for persons 55 and older; and Whereas, It is in the city of Canton's best interests for this development to proceed; Now, Therefore, Be It Resolved: Section 1: That the Council of the City of Canton, Ohio does hereby extend its full support to the Brisben Companies to develop and construct Vienna Terrace Development, an affordable housing development in the city of Canton; and Section 2: That the Clerk of Council be and she is hereby authorized and directed to forward a certified copy of this Resolution to the project owner: Vienna Terrace Seniors Limited Partnership, at 7800 East Kemper Road, Cincinnati, Ohio 45249, and that a copy of this Resolution be spread upon the minutes of the March 10, 2003 Council Meeting.

MEMBER MASSEY: Thank you.

PRESIDENT DENCZAK: Any remarks?... If not, the question you're voting on now is Resolution #24; by voice vote, all those in favor, signify by saying aye—those opposed, no.

NO FURTHER REMARKS

ADOPTED BY UNANIMOUS VOICE VOTE

PRESIDENT DENCZAK: The Resolution is adopted. Members of Council, please excuse me, I hope you can hear me well enough, I'm suffering from a hoarse voice and it's difficult for me to talk. It's very seldom you'll run into a politician who finds it difficult to talk, but I'm in that position right now, so please bear with me.

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 March 10, 2003.

100. AUDITOR KIM R. PEREZ, CITY OF CANTON: MONTHLY REPORT BY FUND FOR 2/01/03-2/28/03. - RECEIVED & FILED
101. AUDITOR KIM R. PEREZ, CITY OF CANTON: YEARLY REPORT BY FUND FOR 1/01/03-2/28/03. - RECEIVED & FILED
102. LIQUOR CONTROL DIVISION, STATE OF OHIO 6606 TUSSING ROAD, PO BOX 4005, REYNOLDSBURG, OHIO 43068-9005: NOTIFICATION THAT MICHAEL ALTIMORE, DBA MILL INN @ 1537 HARRISON SW, HAS REQUESTED A TRANSFER OF OWNERSHIP D2,2X,3 LIQUOR PERMIT FROM DAVID MILLS. - INTERGOVERNMENTAL & PUBLIC SERVICE CMTE
103. MAYOR RICHARD D. WATKINS, CITY OF CANTON: REQUESTING COUNCIL AUTHORIZATION OF THE REAPPOINTMENT OF WESLEY WALTERS TO THE FAIR EMPLOYMENT PRACTICES BOARD FOR THE TERM 3/1/03-2/28/08 - PERSONNEL COMMITTEE
104. MAYOR RICHARD D. WATKINS, CITY OF CANTON: REQUESTING COUNCIL AUTHORIZATION OF THE REAPPOINTMENT OF BERNARD JENKINS TO THE CANTON

HEALTH BOARD FOR THE TERM 4/1/03-3/31/08 - PERSONNEL COMMITTEE

105. PLANNING COMMISSION, CITY OF CANTON, SHEILA K. THARP-BARRINO, SECRETARY: RECOMMENDING APPROVAL OF THE REQUEST BY SERVICE DIRECTOR MILLER TO VACATE PART OF HURSH PL NW SOUTH OF 2ND ST NW, BETWEEN WERTZ AVE & JUNCTION CT NW, ON BEHALF OF THE CANTON PRESERVATION SOCIETY. - LAW DIRECTOR (See C#110 & O#1, 1st Rdg) **PUB HRG 3/24/03 @ 7:30 PM**
106. PLANNING COMMISSION, CITY OF CANTON, SHEILA K. THARP-BARRINO, SECRETARY: RECOMMENDING APPROVAL OF THE REQUEST BY SERVICE DIRECTOR MILLER ON BEHALF OF CANTON CITY SCHOOLS TO VACATE PART OF LAWN AVE SW SOUTH OF 7TH ST SW & NORTH OF 9TH ST SW, & STRASSER PL SW BETWEEN LAWN & PARK SW; AND REPLAT OF LOTS 4137-4144 & 5515-5522 & 34404 LOCATED ON WEST SIDE OF DUEBER AVE SW. - LAW DIRECTOR (See C#111 & O#2, 1st Rdg) **PUB HRG 3/24/03 @ 7:32 PM**
107. SAFETY DIRECTOR JOSEPH J. CONCATTO, CITY OF CANTON: REQUEST TO PAY A \$3,330.10 MORAL OBLIGATION TO JOHN PATRICK PICARD ARCHITECT, & \$38,895 TO GAETANO CONSTRUCTION INC FOR EMERGENCY WORK PERFORMED ON FEBRUARY 26, 2003 AT THE #9 FIRE STATION. - LAW DIRECTOR (See O#3, 1st Rdg)
108. SAFETY DIRECTOR JOSEPH J. CONCATTO, CITY OF CANTON: REQUEST TO ENTER INTO \$52,135.60 CONTRACT FOR THE PURCHASE OF 44 SETS OF GLOBE FIRE SUITS, PBI TURN OUT GEAR, FROM FINLEY FIRE EQUIPMENT CO INC THRU THE STATE COOPERATIVE PURCHASE AGREEMENT; REQUEST TO PURCHASE ADDITIONAL NON-CONTRACT ITEMS IN AMT NOT TO EXCEED \$1,638.56. - LAW DIRECTOR (O#4, 1st Rdg)
109. SERVICE DIRECTOR MICHAEL L. MILLER, CITY OF CANTON: REQUEST TO ENTER INTO \$25,000 AGREEMENT WITH STARK COUNTY COMMISSIONER FOR FAIRCREST & DUEBER AVE SW INTERSECTION IMPROVEMENTS; REQUEST \$25,000 SUPPLEMENTAL APPROPRIATION FROM THE 5201 WATER FUND. - LAW DIRECTOR (See O#5, 1st Rdg)
110. SERVICE DIRECTOR MICHAEL L. MILLER, CITY OF CANTON: REQUEST TO VACATE PART OF HURSH PL. NW 15 FT BETWEEN WERTZ AVE NW & JUNCTION PL. NW ON BEHALF OF THE CANTON PRESERVATION SOCIETY. - PLANNING COMMISSION (See C#105 & O#1, 1st Rdg) **PUB HRG 3/24/03 @ 7:30 PM**
111. SERVICE DIRECTOR MICHAEL L. MILLER, CITY OF CANTON: REQUEST TO VACATE PART OF LAWN AVE SW & STRASSER PL SW 20FT SOUTH OF 7TH STREET SW & EAST OF PARK AVE SW. - PLANNING COMMISSION (See C#106 & O#2, 1st Rdg) **PUB HRG 3/24/03 @ 7:32 PM**
112. TREASURER ROBERT C. SCHIRACK, CITY OF CANTON: COMPARATIVE REPORT OF DEPOSITS & PAY INS FOR MONTH OF FEBRUARY 2003 TO AMBULANCE LOCK BOX ACCOUNT. - RECEIVED & FILED
113. TREASURER ROBERT C. SCHIRACK, CITY OF CANTON: COMPARATIVE REPORT OF PARKING METER REVENUE FOR MONTH OF FEBRUARY 2003. - RECEIVED & FILED

114. TREASURER ROBERT C. SCHIRACK, CITY OF CANTON: REPORT OF TREASURER'S OFFICE BANK RECONCILIATIONS & CITY'S OUTSTANDING INVESTMENTS AS OF 2/28/2003.- RECEIVED & FILED
115. TREASURER ROBERT C. SCHIRACK, CITY OF CANTON: COMPARATIVE REPORT OF INCOME TAX CASH RECEIPTS FILED AS OF 2/28/2003. - RECEIVED & FILED

RULE 22A SUSPENDED TO ADD COMMUNICATIONS #116 & 117:

116. DIAMOND, WARD 8 COUNCILMEMBER, CITY OF CANTON: REQUESTING MAYOR TO INITIATE DEMOLITION ORDER FOR WILLIAM R DAY BUILDING PURSUANT TO SECTION 1353.21, SUBSECTION 5. - RECEIVED & FILED
117. MAYOR WATKINS: REQUEST TO ENTER INTO AGREEMENT WITH U S DEPARTMENT OF INTERIOR NATIONAL PARK SERVICE FOR CONSTRUCTION OF TRAIN STATION & PLATFORM. - LAW DIRECTOR (See O#6, 1st Rdg)

ORDINANCES & FORMAL RESOLUTIONS FOR FIRST READING

PRESIDENT DENCZAK: We're now under the reading of the Ordinances. 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 VACATING A PORTION OF HURSH PLACE N.W.; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to the Public Safety & Thoroughfares Committee
- #2 (1ST RDG) AN ORDINANCE VACATING STRASSER PLACE S.W. AND A PORTION OF LAWN AVENUE S.W.; APPROVING AND ACCEPTING THE REPLATTING OF LOTS NOS. 4137-4144, 5515-5522 AND 34404; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to the Public Safety & Thoroughfares Committee
- #3 (1ST RDG) AN ORDINANCE AUTHORIZING THE CITY AUDITOR TO PAY TWO MORAL OBLIGATIONS FOR EMERGENCY WORK AT #9 FIRE STATION IN THE TOTAL AMOUNT OF \$42,225.10; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to the Finance Committee
- #4 (1ST RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY TO ENTER INTO CONTRACT WITH FINLEY FIRE EQUIPMENT COMPANY, INC. IN AN AMOUNT NOT TO EXCEED \$52,135.60 FOR THE PURCHASE OF FORTY-FOUR (44) SETS OF GLOBE FIRE SUITS, PBI TURN OUT GEAR PURSUANT TO OHIO

REVISED CODE SECTION 125.04; AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY TO ENTER INTO CONTRACT WITH FINLEY FIRE EQUIPMENT COMPANY, INC. IN AN AMOUNT NOT TO EXCEED \$1,638.56 FOR RELATED EQUIPMENT; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to the Public Property Capital Improvement & Finance Committees

#5 (1ST RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO AGREEMENT WITH THE STARK COUNTY BOARD OF COMMISSIONERS FOR THE CONSTRUCTION OF THE INTERSECTION IMPROVEMENT AT FAIRCREST STREET AND DUEBER AVENUE S.W.; 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 Intergovernmental & Public Service & Finance Committees

#6 (1ST RDG) AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AGREEMENT WITH THE UNITED STATES DEPARTMENT OF INTERIOR NATIONAL PARK SERVICE (NPS) TO CONSTRUCT A TRAIN STATION AND PLATFORM ON REAL PROPERTY OWNED BY THE CITY; ACCEPTING THE PLATFORM AND TRAIN STATION UPON CONSTRUCTION; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to the PPCI, Community & Economic Development, & Finance Committees

ORDINANCES & FORMAL RESOLUTIONS FOR SECOND READING

PRESIDENT DENCZAK: Ordinances & Formal Resolutions for their second reading. Ordinance #7 please.

NOTE: PRESIDENT DENCZAK CALLED UPON CLERK VANCKUNAS TO READ THE FOLLOWING ORDINANCES #7 THROUGH #12 FOR THE SECOND TIME BY TITLE, AS FOLLOWS. ORDINANCE #7 WAS ADOPTED FOLLOWING ITS SECOND READING.

#7 (2ND RDG) **ADOPTED AS ORDINANCE NO. 40/2003** AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CONTRACT WITH NORRIS AUTO MALL IN AN AMOUNT NOT TO EXCEED \$15,540.75 FOR THE PURCHASE OF ONE VEHICLE PURSUANT TO OHIO REVISED CODE SECTION 125.04; AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CONTRACT WITH NORRIS AUTO MALL IN AN AMOUNT NOT TO EXCEED \$852.00 FOR THE PURCHASE OF RELATED EQUIPMENT; 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: There is a motion 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?

MEMBER SMUCKLER: Mr. President, question for anybody who would know...where is Norris Auto Mall?

PRESIDENT DENCZAK: Service Director?...

SERVICE DIRECTOR MILLER: I don't know the answer to that question; it's on the State Cooperative Purchasing. I'm not aware where it's located. As I said in committee meetings, I don't think you were there yet, the Health Department pulled this off the State Cooperative Purchasing Agreement. They went to the local dealerships who deal--this is a Dodge Intrepid--went to the local dealerships, asked if they could meet or beat the price, and the local dealerships indicated they could not.

MEMBER SMUCKLER: Mr. President, when we deal with the State, do we have anybody from the local dealerships signed up to bid on this and if so, do they meet whatever the State price is?

SERVICE DIRECTOR MILLER: The local dealerships have an opportunity to bid on it as do all the dealerships in Ohio. They all are offered, at least for the departments under my control, and Health Department indicated they did it as well, an opportunity to meet or beat the price. The way the State law reads now, we can't go to a local dealer and ask them if they can meet or beat the price that's bid under the State Cooperative Purchasing. If they can meet or beat that price, we can enter into contract with them rather than going through the State Cooperative Purchasing with who the State awarded the contract to.

MEMBER SMUCKLER: Mr. President, does Norris Auto Mall have to fix this car if for any reason this happens to come up...and/or do we, can we go to a local auto dealer to get this car fixed?

SERVICE DIRECTOR MILLER: It's my understanding that warranty work can be done at a local dealership.

MEMBER SMUCKLER: Mr. President, that's the only saving grace I see here.

PRESIDENT DENCZAK: Member Smuckler, do you know where McDonalds is on Cleveland Avenue?..

MEMBER SMUCKLER: Um hum.

PRESIDENT DENCZAK: It's nowhere near there. (LAUGHING) I had to do it.

MEMBER SMUCKLER: Mr. President, I'm still praying for your voice to fail.

PRESIDENT DENCZAK: I had to do it. Okay, number 8 please...oh, I'm sorry, wait. Are there any further remarks under this ordinance?... If not, the question is, you're voting on this ordinance--roll call vote please.

NO FURTHER REMARKS

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

PRESIDENT DENCZAK: Ordinance #7 is adopted.

#7 ADOPTED AS ORDINANCE NO. 40/2003

- #8 (2ND RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO AGREEMENT WITH OSBORN ARCHITECTS AND ENGINEERS IN AN AMOUNT NOT TO EXCEED \$22,450.00 FOR PHASE 2, FINAL SITE DEVELOPMENT; AND DECLARING THE SAME TO BE AN EMERGENCY
- #9 (2ND RDG) AN ORDINANCE ESTABLISHING THE FAIR MARKET VALUE OF REAL PROPERTY IN CONJUNCTION WITH THE 4TH STREET N.E. RECONSTRUCTION PROJECT; AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO NEGOTIATE AND PURCHASE SAID PARCELS AT THE ESTABLISHED FAIR MARKET VALUES, ENTER INTO WORK AGREEMENTS AND SANITARY SEWER EASEMENTS; 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 IN AN AMOUNT NOT TO EXCEED \$550,000.00 FOR THE CONSTRUCTION ASPECT OF THE WATER POLLUTION CONTROL CENTER (WPCC) DIGESTER PROJECT; AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CONTRACT WITH CT CONSULTANTS, INC. IN AN AMOUNT NOT TO EXCEED \$23,900.00 FOR ENGINEERING SERVICES ASSOCIATED WITH THE PROJECT; 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

CLERK OF COUNCIL VANCKUNAS: Number 11 was retained in committee.

- #11 **RETAINED** AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ACCEPT **IN CMTE** AN EXISTING PRIVATE DRAINAGE EASEMENT, INVESTIGATE IMPROVEMENTS TO THE DRAINAGE SYSTEM AND ENTER INTO EASEMENT AGREEMENTS; AND DECLARING THE SAME TO BE AN EMERGENCY
- #12 (2ND 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

ORDINANCES & FORMAL RESOLUTIONS FOR THIRD READING

PRESIDENT DENCZAK: Ordinances and Formal Resolutions for their third and final reading. Ordinance #13 please.

NOTE: PRESIDENT DENCZAK CALLED UPON CLERK VANCKUNAS TO READ THE FOLLOWING ORDINANCES #13 THROUGH & INCLUDING #22 FOR THE THIRD & FINAL

TIME BY TITLE, AS FOLLOWS.

#13 (3RD RDG) **ADOPTED AS ORDINANCE NO. 41/2003** AN ORDINANCE AMENDING SECTION 125.02, NONPAYMENT CHECKS, OF THE CODIFIED ORDINANCES OF THE CITY OF CANTON

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

PRESIDENT DENCZAK: It's moved and seconded that you adopt Ordinance 13; are there any remarks under this ordinance?... Very well, roll call vote please.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance #13 is adopted. **#13 ADOPTED AS ORDINANCE NO. 41/2003**

#14 (3RD RDG) **ADOPTED AS ORDINANCE NO. 42/2003** AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 236/2002 TO APPROPRIATE MONEY FOR MOTOR VEHICLE PURCHASES; 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. 42/2003**

#15 (3RD RDG) **POSTPONED TO MARCH 17, 2003** 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

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?...

MEMBER SMUCKLER: Mr. President, I move we postpone Ordinance #15 to 10/17/03; seconded.

PRESIDENT DENCZAK: Moved and seconded to postpone Ordinance 15 until what date was that, Member Smuckler?...

MEMBER SMUCKLER: 10/17...next Monday night.

PRESIDENT DENCZAK: 10/17?...

MEMBER SMUCKLER: Sorry, 3/17.

PRESIDENT DENCZAK: 3/17/03. The motion is to postpone; are there any remarks?...

MEMBER DIAMOND: Mr. President, I had to attend Parent/Teacher Conferences so I was not at the Council Meeting; I would just ask what the reasoning is to postpone deleting empty positions that this Council has asked the Administration to do for quite some time. And I commend the Mayor for deleting 8 positions that currently are unfilled so that we can reduce our workforce to a realistic number. And as Personnel Chairman, I was not contacted to indicate there was a problem why this would be postponed, so I would ask why it was postponed.

PRESIDENT DENCZAK: Member Smuckler, do you wish to respond to that?

MEMBER SMUCKLER: Yes, last week, last Monday night, in front of you, I asked for a list of all vacant positions in the City. I was not given that list. And Mr. Carbenia gave me the list after the committee meetings this evening were over, and I want to review the list—I may have some of my own to add to this list. And unfortunately I was not provided the information that I asked for last week.

MEMBER DIAMOND: Did you ask Mr. Carbenia for the list?

MEMBER SMUCKLER: I asked the Administration last Monday night for a list, in front of you, of all the unfulfilled positions in this City, and I was not given the list. Councilman Carbenia was kind enough to give me a copy of the list today—he had gone up on his own and got it. But I got it after 7:00 this evening.

MEMBER DIAMOND: Mr. President. Mr. Miller...

SERVICE DIRECTOR MILLER: Yes, ma'am?

MEMBER DIAMOND: Were you the one to provide the list to Member Smuckler?

SERVICE DIRECTOR MILLER: I was the one that the request was made to. I passed it on to Tad and he passed it on to Human Resources. They were the one that was putting it together for the entire City. That's not my responsibility to have that list or put that list together. I was informed in committee meetings that basically all that was wanted really was the non-bargaining unit positions. My understanding is that is put together. My understanding now is also that they've got another hand-written list put together for all the other ones—that they're in the process of trying to verify all those and get that finalized.

MEMBER DIAMOND: Mr. President, I have a question for Member Smuckler.

PRESIDENT DENCZAK: A question?...

MEMBER DIAMOND: For Member Smuckler.

PRESIDENT DENCZAK: Yes?

MEMBER DIAMOND: Okay, is the list that you have requested union positions in addition to management positions

or just the management positions that are not filled that were not deleted through the Mayor's initiative?

MEMBER SMUCKLER: Last week I asked for both and to be separated. I am more concerned right now with the ordinance that we face with the non-bargaining unit people. And again, this information wasn't provided to me anywhere during the week.

MEMBER DIAMOND: Mr. President, if you have a copy of it, as Personnel Chairperson, I would like a copy of it also.

MEMBER SMUCKLER: I'd be happy to provide it for you.

MEMBER DIAMOND: Thank you.

MEMBER CARBENIA: Mr. President, it seems like I might have to clear this up. The reason I they got the list from me is because I went to Human Services and got it myself. Because there wasn't any in the box, so I went and got it.

PRESIDENT DENCZAK: Member Smuckler, the Chair has a question here, I had no idea this was going to be postponed—neither the Clerk or I. My note on the agenda said that this was going to amended. So you're saying now that there will be no amendment because you have a motion on the floor...?

MEMBER SMUCKLER: We may expand the amendment next week, so there won't be any amendment until we get to next week, because I have a suspicion the amendment will be expanded next week.

PRESIDENT DENCZAK: All right, then, the question before Council is the motion to postpone. Are there any further remarks on the motion to postpone?... If not, by voice vote...I'm going to ask for a roll call vote.

NO FURTHER REMARKS

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

PRESIDENT DENCZAK: Ordinance #15 is postponed until March 17th, year 2003.

#16 (3RD RDG) **ADOPTED AS ORDINANCE NO. 43/2003** AN ORDINANCE AMENDING SECTION 1161.10, FEES FOR ZONING PERMITS, OF THE CODIFIED ORDINANCES OF THE CITY OF CANTON

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. 43/2003

#17 (3RD RDG) **ADOPTED AS ORDINANCE NO. 44/2003** AN ORDINANCE VACATING A PORTION OF WERTZ AVENUE N.W.; 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.

#22 ADOPTED AS ORDINANCE NO. 44/2003

#18 (3RD RDG) **REFERRED TO THE LAW DIRECTOR FOR DECISION ON THE FINAL VOTE**
AN ORDINANCE APPROVING AND ACCEPTING THE REPLATTING AND
RENUMBERING OF PART OF LOT NO. 35828; 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?... Is this to be amended?...

MEMBER SMUCKLER: Mr. President, I move to amend Ordinance #18 by the written amendment before every Councilmember; seconded.

AMENDMENT: Pursuant to Rule No. 36, I hereby move to amend Agenda Item No. 18 as follows: Change the second sentence in Section 1 to read: Copies of the Replat showing the part of the lot to be replatted with a related easement are attached and marked Exhibits A and B. The new Exhibit B is attached to this amendment. SEE EXHIBIT B, MAP, ON NEXT PAGE.

PRESIDENT DENCZAK: Moved and seconded to amend this ordinance per the copy before each of you. Are there any remarks under the amendment?

MEMBER CASAR: Mr. President, I'd like to ask the maker of this amendment or someone that may answer this question in regards to the language that's proposed in the amendment. The owners of this property, are they aware, are they in agreement of the amendment?

SERVICE DIRECTOR MILLER: Mr. President, the owners of the property were told at the Planning Commission meeting, and I have had subsequent conversations with them that they needed to reserve a portion of the lot that they're splitting off as an easement because drainage that effects their property runs underneath the property that they're splitting off from their own. So, yes, they are aware that an easement needs to be recorded to protect themselves in the even that whoever they sell that lot to in the future would try to extinguish that drainage coming across the property that's split off, which would create quite a bit of problems for themselves.

MEMBER CASAR: I understand that, Service Director Miller, but are they in agreement with this amendment? That's my question, since they are putting the money up, it is their land, they are wanting to subdivide it. Are they in agreement with this amendment?

SERVICE DIRECTOR MILLER: Well, the gentleman's in the audience, he can come forward and answer for himself. With Council's permission.

MEMBER SMUCKLER: Mr. President, I move that Mr. Daniels be allowed to speak before Council up to 10 minutes; seconded.

PRESIDENT DENCZAK: Moved and seconded that the gentleman be allowed to speak for 10 minutes, a period of 10 minutes; 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

MR. DANIELS: Mr. President, Members. I was...there's a 2' section in the, I believe it's the southeast corner, where a drain line cuts across the area that I want to subdivide and possibly be able to sell that land. It's only 2' so I had Hammontree Engineers look into it 'cause they did the survey on it. And they called the City Engineers on Friday, and from my understanding the City Engineer said that he would put an easement on that 2' area bringing that into my property—the area that I'm going to keep. And that that would take care of the situation concerning any futurism in terms of somebody trying to destroy or tamper or do whatever they wanted to do with that drain line right there. But it was only a 2' corner on the lower end of the lot.

MEMBER CASAR: So, Mr. Daniels, you are in agreement with this and it's not a problem with you then?

MR. DANIELS: That's not a problem. The easement is supposedly, I haven't seen it, but according to what I was told, the easement is toward my property.

MEMBER CASAR: You haven't seen this?

MR. DANIELS: No.

MEMBER CASAR: Would you like to take a look at it?

MR. DANIELS: It was done Friday...supposedly it was done Friday. (PAUSE AS HE LOOKS AT THE EXHIBIT B MAP) Yeah, that's fine. That's acceptable.

MEMBER CASAR: I appreciate you being here so you can inform Council because I, one Councilman, I wasn't aware you know what they wanted and I wanted to make sure that you, the owner of the property, was in agreement before I'd vote for it.

MR. DANIELS: Yes, I appreciate that.

MEMBER CASAR: Thank you.

MR. DANIELS: Thank you, sir.

PRESIDENT DENCZAK: The question before you now is the amendment as placed before each of you; are there any remarks, further remarks, on this amendment?... All right, 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 FURTHER REMARKS

AMENDMENT APPROVED BY UNANIMOUS VOICE VOTE

PRESIDENT DENCZAK: The ordinance is amended. 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: 3 YEAS, 8 NAYS, 1 ABSTENTION
(CASAR, HART & DIAMOND VOTED YES. BABCOCK, HAWK, ALTIERI, MALLONN, MASSEY,
MROCKOWSKI, DOUGHERTY & CARBENIA VOTED NO. SMUCKLER ABSTAINED FROM
VOTING)

PRESIDENT DENCZAK: Ordinance #18, as amended, has been defeated. UNDER THE

MISCELLANEOUS BUSINESS PORTION OF THIS MEETING, ORDINANCE #18 IS REFERRED TO THE LAW DIRECTOR FOR CONSIDERATION & CLARIFICATION CONCERNING THE FINAL VOTE DECISION.

#19 (3RD RDG) **ADOPTED AS ORDINANCE NO. 45/2003** 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

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?... If not, roll call vote please.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance #19 is adopted.

#19 ADOPTED AS ORDINANCE NO. 45/2003

#20 (3RD RDG) **ADOPTED AS ORDINANCE NO. 46/2003** 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: 12 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance #20 is adopted.

#20 ADOPTED AS ORDINANCE NO. 46/2003

#21 (3RD RDG) **ADOPTED AS ORDINANCE NO. 47/2003** 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

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

PRESIDENT DENCZAK: Moved and seconded that you adopt Ordinance 21; are there any remarks under this

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

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance #21 is adopted.

#21 ADOPTED AS ORDINANCE NO. 47/2003

#22 (3RD RDG) **ADOPTED AS ORDINANCE NO. 48/2003** 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

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: 12 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance #22 is adopted.

#22 ADOPTED AS ORDINANCE NO. 48/2003

ORDINANCES & FORMAL RESOLUTIONS – POSTPONED MATTER

PRESIDENT DENCZAK: You have 2 Postponed matters, Member Smuckler. Number 23.

#23 (RECEIVED ALL 3 RDGS) **POSTPONED FROM 3/3/2003** 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

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 under this ordinance?...

MEMBER SMUCKLER: Mr. President, I move we postpone Ordinance #23 until 3/17/03; seconded.

PRESIDENT DENCZAK: Moved and seconded that this ordinance, number 23, be postponed 'til 3/17/03; 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 23 is postponed until March the 17th, year 2003. Number 24.

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 & AGAIN TO MARCH 10, 2003:

#24 **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 3/10/2003: *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 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 we postpone Ordinance #23, I'm sorry 24, to 3/17/03; seconded.

PRESIDENT DENCZAK: Moved and seconded that Ordinance 24 be postponed until 3/17/03; 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 #24 is postponed until March the 17th, year 2003.

ANNOUNCEMENT OF COMMITTEE MEETINGS

PRESIDENT DENCZAK: Announcement of Committee Meetings please.

MEMBER SMUCKLER: Mr. President, there will be a Council-of-the-Whole meeting at the request of the Fire Department at 6:00 next Monday night from Captain Freedman to discuss...help me, Clerk?...

CLERK OF COUNCIL VANCKUNAS: Fire safety.

MEMBER SMUCKLER: Okay, that's good enough.

PRESIDENT DENCZAK: What was so hard about that?

MEMBER SMUCKLER: That's not how we put it originally. There will also be a working session/Council reception here April 8th at 5 p.m. to discuss with the Chamber of Commerce economic development, 2003.

MEMBER MROCKOWSKI: Mr. President, the Finance Committee will meet 6:30, March 17th, Council Chambers.

MEMBER BABCOCK: Mr. President, Public Safety & Thoroughfare will also meet at 6:30 on the 17th.

MEMBER DOUGHERTY: Mr. President, Public Property Capital Improvement will also meet 17th, 6:30.

PRESIDENT DENCZAK: Any other committees?...

MEMBER ALTIERI-BUCHER: (REMARKS INAUDIBLE--MICROPHONE IS NOT ON) SHE ANNOUNCES AN INTERGOVERNMENTAL & PUBLIC SERVICE COMMITTEE MEETING FOR MONDAY, MARCH 17, 2003 AT 6:30 PM.

MEMBER HAWK: Mr. President, Environmental & Public Utilities will meet at the same time to discuss a brown field assessment grant according to the EPA.

PRESIDENT DENCZAK: Is that it?... Member Massey?...

MEMBER MASSEY: Community & Economic Development will meet the same day, same time.

PRESIDENT DENCZAK: Personnel?...

MEMBER DIAMOND: Personnel will also meet on that date at that time.

PUBLIC SPEAKS (OPEN FORUM--CITY BUSINESS ONLY)

PRESIDENT DENCZAK: Public Speaks, Open Forum, City Business Only. We have one person signed up to speak, Scott Whipkey.

MR. WHIPKEY: Ladies and gentlemen. My reason for being here is...

PRESIDENT DENCZAK: State your name and address please.

MR. WHIPKEY: My name is Scott Whipkey, 1130 - 17th Street NW. We have community development...or not community development, but the community service people that are to serve the community after committing a crime or whatever. My hat's off to the Sanitation Department, they're doing a good job picking up the trash in the City. And with the snow melting now, we can see on the ground the...for instance on the Harrison Avenue boulevard from the Policemens & Firemens Credit Bureau on Tusc up to Westbrook Park, that west side of the fence is just lined with trash. I mean that makes us look bad. When you get off 77 and come up to that red light, and you go down to 30, Canton is like a, you know, waste basket. And I understand the snow is melted, I know we had a lot of snow, but we're down on manpower now in the Street, Sanitation, Parks and so on--so if we could get these guys at Community Service to get out there and to be told to get out there and pick this trash up on our on ramps and off ramps off 77, 62, 30 it would make our town look a lot better I think. So if we can get somebody to, in charge of that, to take care of this trash pick up...or like when they do get out to mow the grass, they won't be mowing you know papers and trash everywhere, cans and bottles, etc. So basically that's all I've got to say, something needs to be checked into instead of those guys sitting around doing nothing--making the Street and the Park Departments and the other departments look bad by sleeping in the trucks or something. So, that's all I have to say. Thank you.

MISCELLANEOUS BUSINESS

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

MEMBER MASSEY: Mr. President. Councilperson Diamond, I'm sitting here looking at Communication 116, a request for the Mayor to initiate demolition of the William R. Day Building, which is in the 4th Ward. If anything is to be done in the 4th Ward, it needs to come through me. It's not your job to take it upon yourself, because you do not represent this ward...I do. That goes to all the other Councilmembers, that goes for myself as well. So if you want to do something in my ward, you need to come through me first. Thank you.

MEMBER DIAMOND: Mr. President, this is directed to Councilmember Massey and I absolutely meant no disrespect by not going through him. I think we're in the very first stage. My commitment, my interest is revitalizing economic development in the City of Canton. Until we expand our tax base, we are going to continue to have less and less revenue; we're going to continue to have less employees. And we're going to continue to have less services to the residents of the City of Canton. I understand the Mayor has tried very hard; he's had two studies done, structural studies completed on the William R. Day Building. We seem to have a very confusing State law that says if a building is vacant, they cannot be in violation. I challenge anybody to look at that building and look at that parking deck and determine that that is not a blight on downtown. Until we rid ourselves of the blights downtown to absentee landlords, we are not going to be able to attract businesses into the City of Canton and increase our tax revenue. And we receive a lot of criticism for not moving forward, for not taking the initiative, and I wanted to use a recently changed building code ordinance that allows our Building Department not only to deal with residential areas, but also with commercial areas. And when I read what we have revised, I thought that would be a tool to determine this to be a nuisance. And in my haste to do something, to accomplish something for the City as a whole, I inadvertently did not contact Member Massey. And I apologize for that. My intent was not to slight him, but to just get moving and take some initiative and do something. And I would welcome him to work with the Mayor, the Safety Director, and the Building Department. I don't care who gets it done as long as it gets done. Thank you.

MEMBER CASAR: Mr. President, may I ask the Safety Director a question please.

PRESIDENT DENCZAK: You may.

MEMBER CASAR: Safety Director Concatto, I was told last week that the position for Code Enforcement Supervisor, there was a test issued for that...is this true?

SAFETY DIRECTOR CONCATTO: Mr. President, yes.

MEMBER CASAR: Are you planning on filling that position of Code Enforcement Supervisor?

SAFETY DIRECTOR CONCATTO: Yes.

MEMBER CASAR: Mr. President. Mr. Concatto, Service Director Concatto...Safety, I'm sorry, Mike's my friend, you know, I just keep on saying his name all the time. Safety Director Concatto, I recall sitting here when we were discussing the buyouts, and one of the positions that was brought out was that particular position. And at that particular time, I asked you, I said are you going to replace that position. And you said, let me ask you in the form of a question, did you or did you not say that that position would not be filled?

SAFETY DIRECTOR CONCATTO: Mr. President, I'll take it upon myself to answer that. What we said was we were looking at combining the Code Enforcement Supervisor with the Zoning position. That did not work out. The Zoning position was a union position that we filled through union bidding. And we also looked at combining the Code Enforcement with the Health Department and that did not work out—at least in my opinion, that did not work out. So when we thought that we were not going to be able to fill that position, or we were going to be able to combine those two—it did not work out. However, we still have lost 3 Code Enforcement inspectors, 1 supervisor and a clerical person in that department. And we plan on continuing to lose the 3 Code Enforcement inspectors and 1 clerical.

MEMBER CASAR: The reason I asked this question is, if you recall parts of my conversation that particular evening, which is a matter of public record...I stated that if there's going to be a buyout of that position, then it should be taken out of the Personnel Ordinance and eliminated. Of course, this Council didn't see fit to do that for the 50-some jobs or whatever, so slowly they're starting to come back. And this one, especially I recall when you said that it would be, like you just stated now, other people would be added to different positions and it would be filled by numerous positions...people I should say. And here we go. You know, we thought that we were doing a good thing by having the buyouts and slowly they're coming back. So did we really, did we or are we saving the City of Canton money? I have my doubts if we keep on replacing the jobs that we eliminated the positions...we didn't eliminate the positions, we should have eliminated positions along with the job.

MEMBER SMUCKLER: Mr. President, the question was posed to us at the end of committee meetings when we were arguing about the budget, and I think this is what this relates to, Safety Director. We said if there's some other place to get the money, this comes to a philosophy decision of who should be on the payroll, what positions we should fill, and what positions this body should fund. And you made the comment of, well I'd rather have more policemen. Well, I'd rather you have more policemen than a Code Supervisor. And I guess this is what we're going to come down to coming up here before March 31st. And I don't know what the answer is, but I do know that some of us feel more strongly about certain jobs than other jobs. And if we're going to continue to do business as usual, and that was what we were told, too, when we were talking about the Park Department, then we've got to decide who's going to do what. And believe it not, since we pass the budget, we get a voice in this. And we're going to have a voice in this. And that's also why, Ordinance number...I think it was 15, I don't remember, was postponed one week so I get this all together so we're not making any mistakes. I don't what this job pays, but I'm willing to

bet it's almost as much as a policeman if not more.

SAFETY DIRECTOR CONCATTO: Mr. President, in 2001 we had 8 Code Enforcement officers, 1 supervisor and 2 clerical persons. When this is complete, we'll have 5 Code Enforcement officers, 1 supervisor and 1 clerical position. We've cut the positions by 4. I'm not asking you to fill 4 positions. I'm not asking you to go back to 2001 strength. We've cut the Code Enforcement Department down by quite a few people, and I believe it is necessary to have the supervisor there. Certainly it's within your, you can consider that one way or the other, or you may think otherwise. I've evaluated it. I've looked at it. And in my opinion, cutting back to 5 inspectors, 1 supervisor and 1 clerical person is a 4-person cut.

MEMBER CASAR: Mr. President, you know, that's my problem. You said that they also had a supervisor there. But when this position was a buyout position, you said you were not going to replace it. Now you're going to replace it. That's my whole point. That's my whole point and I stated it since we started the buyout conversations 3, 4 months ago. Now you think you have to have a supervisor.

SAFETY DIRECTOR CONCATTO: Mr. President, I believe if you would, if you look back in the notes...I believe if you want to go back to that wherever we did this, and if there's documentation of it, what I said was that there would be a Code Enforcement supervisor, but it was going to be a combination job. I don't believe that I said we were going to do away with the Code supervisor's job, I believe I said we were going to try to put the 2 of them together.

MEMBER CASAR: Mr. President...

PRESIDENT DENCZAK: One moment please. Are you finished, Safety Director?

SAFETY DIRECTOR CONCATTO: Yes.

MEMBER CASAR: Mr. President, I will take the Safety Director's...what he said, I'll take that to heart, but I will get a copy of the minutes to prove it.

MEMBER SMUCKLER: Mr. President...

PRESIDENT DENCZAK: One moment please. Member Diamond, I don't know what you're doing, but I want you to adhere to Rule 49. I don't know what you got going on over there, but pay attention to the Council Rules. Member Smuckler?

MEMBER SMUCKLER: If there be no further Miscellaneous....

MEMBER DIAMOND: Mr. President, I have some further Miscellaneous Business. Would you like me to state the Miscellaneous Business?...

PRESIDENT DENCZAK: Yes.

MEMBER DIAMOND: On Ordinance #18, the vote was 3 yeas, 8 nays, and 1 abstention. And according to Section 1165.09 of our Planning and Zoning Code, it indicates that three-fourths of the membership of Council must vote in the affirmative to override the Planning Commission's decision. Three-fourths of 12 would be 9. It also states in our Council Rules under abstention, that an abstention will be treated as, it will be excluded from either the affirmative

or the negative. So you indicated that Ordinance 18 failed. But it only had 8 negative votes and in order for it to fail, it needed 9 votes.

PRESIDENT DENCZAK: Will you show me the recommendations of the Planning Commission?

MEMBER DIAMOND: Michael, do you have a copy of that?

SERVICE DIRECTOR MILLER: Those should be forwarded by Mr. Bruce Williams of the Planning Department to Debbie on each and every item, so there should be one on each and every one of these. There wouldn't be a hearing unless we would have forwarded a recommendation to Council.

MEMBER DIAMOND: Mr. President, I attended the Planning Commission and they in fact did approve this division of the property, which I might add is a large enough property that you could probably put 3 to 4 homes anywhere else in the City. My ward probably has the biggest acreage; this property is extremely large—it houses a home, 2 ponds and a tennis court. And I would challenge anybody to find a property in the City of Canton other than in the 8th Ward that has this much property. I don't know why Mr. Daniels would be denied the opportunity to split his property if he so desires. And I don't understand why this Council without any indication to me, when we had the committee meeting, I indicated I was in favor of it, there was one Councilperson that expressed concerns—I spoke with him about it. Other than that Member, Member Hawk—who I appreciate coming forward and explaining his concerns, no one else has raised any questions regarding this. And I don't think that you have the votes to turn it down.

CLERK OF COUNCIL VANCKUNAS: Mr. President, if I may regarding the Planning Commission recommendation...a Planning Commission recommendation is forwarded to the Clerk in alley vacation requests and zone change requests. I do not believe that there is any statutory requirement to submit a Planning Commission recommendation in replats because Council has no statutory duty in those decisions.

MEMBER DIAMOND: Mr. President, then I would ask for either the Clerk or yourself to read Section 1165.09 which does not specify zoning changes or any other specifics. It simply says in order for City Council to override a Planning Commission decision, you have to have three-fourths of the vote—which is 9 people. And you have only 8 people voting to oppose this.

MEMBER CARBENIA: Mr. President, why wouldn't we have the Law Director look into it?

PRESIDENT DENCZAK: Yeah, why are you asking me or the Clerk? I can only go by...

MEMBER DIAMOND: Mr. President, the Law Director gave me the law and I am reading from his book.

PRESIDENT DENCZAK: Ask him the question then. Law Director?...

MEMBER DIAMOND: Mr. Martuccio, is what I have stated as far as our Planning and Zoning Code, Section 1165.09 accurate?

LAW DIRECTOR MARTUCCIO: Yes, Member Diamond.

MEMBER DIAMOND: Mr. President, the Law Director indicated that what I have proposed is correct and legal.

PRESIDENT DENCZAK: So what does that do, the Council majority said they don't want it then? The Rule says it has to take 9 votes....?

LAW DIRECTOR MARTUCCIO: Mr. President, part of our Codified Ordinances in our Zoning section does indeed indicate that in order for Council to override Planning Commission recommendation, it takes three-fourths of the full membership, that's an exact quote, full membership. Again, that being 12...three-fourths is 9. Our local rule, our Council Rule does indeed say that an abstention doesn't count either way. So 8 doesn't make 9. And plain reading of it...I would opine, I would give a legal opinion that the ordinance fails subject to, you know, additional research. But at this point, it appears to me that the ordinance has failed...has failed to override the recommendation.

PRESIDENT DENCZAK: Well, what should Council do now?.... Why did this come before Council if it takes that many votes to override these people?

LAW DIRECTOR MARTUCCIO: They come here as a matter of course to be...Council has 3 courses, they have 3 choices—they can approve it, they can modify it...actually 4 choices, they can approve it, modify it, override it, or send it back for reconsideration to the Planning Commission. And they chose to try to override it, apparently.

PRESIDENT DENCZAK: Why did you have to abstain, Smuckler? (INAUDIBLE RESPONSE) What is the interest in this property that's caused all this commotion?

MEMBER DIAMOND: Mr. President, I had asked that under Miscellaneous Business. I can't recall ever in 14 years 8 members of Council being so concerned about a property in my ward which is extremely large being divided. I too asked that question. What is the problem?

MEMBER SMUCKLER: Mr. President, I cleared my abstention through the Law Director, and he's my legal authority, and he said that I should abstain.

MEMBER DIAMOND: Mr. President, in light of what I've stated and what has been affirmed by the Law Director, I would ask you under that ordinance to declare it passed—not failed.

MEMBER SMUCKLER: Mr. President, could I make a suggestion while the Law Director gets your legal advice, could we go for about a 10-minute recess here?

PRESIDENT DENCZAK: Yes, the Chair is going to grant a 5-minute recess.

MEMBER SMUCKLER: Thank you.

AT 9:00 P.M., COUNCIL WENT INTO RECESS TO DISCUSS THE FINAL VOTE ON ORDINANCE #18. THE MEETING WAS RECONVENED BY PRESIDENT DENCZAK AT 9:13 P.M.

PRESIDENT DENCZAK: Members of Council, apparently we have a conflict of interpretations.

MEMBER SMUCKLER: Mr. President, which legal opinion won up there?

PRESIDENT DENCZAK: Well, they all have good ideas. We have a thin line here as to what the responsibilities of the Planning and Zoning Board is, for one thing, and whether they have anything to do with replatting and renumbering of lots. I think the best thing for Council to do to make sure that we're all on the same frequency is to send this back

as not a defeated ordinance, but for the Law Department to further study this.

MEMBER SMUCKLER: Is that the wishes of the Law Director, Mr. President?

LAW DIRECTOR MARTUCCIO: Mr. President, Member Smuckler, it is. There are some issues involving platting that aren't clear, as...with regard to zoning amendments that the Planning Commission recommends. Our Codified Ordinances seem to be missing certain verbiage that would make this answer very easy. So I'd like to take it under consideration for a week.

MEMBER SMUCKLER: Mr. President, most of it is that when you vote to reconsider, it's the prevailing side. Now would somebody offer me who the prevailing side is here?

PRESIDENT DENCZAK: In either case, it would be one of the three votes if this ordinance...what's that?...and the abstention or somebody who was absent.

MEMBER SMUCKLER: Mr. President, since I'm the only one that's either absent or abstained, I move that this...that Ordinance #18 be referred back to committee for further consideration by the Law Department; seconded.

PRESIDENT DENCZAK: Moved and seconded that Ordinance #18, since it's hanging in air, be referred to the Law Department, is that correct?...

MEMBER SMUCKLER: Be referred back to committee for further study by the Law Department.

PRESIDENT DENCZAK: What committee had that?...

MEMBER SMUCKLER: Mr. President, Mr. Law Director, I'm willing to amend the motion...what would you like to hear Mr. Law Director?... Mr. President, I now move to amend my motion that...

PRESIDENT DENCZAK: Withdraw your other motion.

MEMBER SMUCKLER: I withdraw my other motion.

MEMBER CASAR: I withdraw my second.

MEMBER SMUCKLER: I move that Ordinance 18 be referred to the Law Department; seconded.

PRESIDENT DENCZAK: Moved and seconded that Ordinance #18 be referred to the Law Department for further study and clarification. Are there any remarks?...

MEMBER DIAMOND: Mr. President, this action now is in my opinion one of the biggest wastes of time and expense. We have attorneys in our Law Department that have their hands full supporting the City, prosecuting people, and this Council Office for no reason that anybody will explain to me is opposed to a property in my ward. This Council is asking to waste the time of the Law Department, as we have wasted the last half hour here, for something that doesn't cost one...

MEMBER SMUCKLER: Mr. President, point of information.

PRESIDENT DENCZAK: State your point of information.

MEMBER SMUCKLER: Is it this Council asking this to be referred to the Law Department, or is it the Law Director asking us to refer this to him?

PRESIDENT DENCZAK: I think because of the extenuating circumstances in this issue that the Law Department's probably requesting it because I'm sure they want to make a full, in-depth study.

MEMBER SMUCKLER: So you are requesting it?... (INAUDIBLE RESPONSE) I just wanted to clarify that.

MEMBER DIAMOND: Mr. President, it doesn't matter who's requesting it. It is a waste of time and money for an issue that has no expense to the City, that has no impact on anyone in this room with the exception of Mr. Daniels. Why would we continue to waste taxpayer dollars looking at whether or not a resident of the City of Canton who pays his taxes should or should not be allowed to divide his property and sell it. Why would we say that the Planning Commission really doesn't have a say so because it's not a zoning issue? Why would we waste one more minute of anyone else's time? Because it's illegal? Who might sue us? The taxpayers who are having their dollars wasted? Mr. Daniels, who wants to sell what's rightfully his? There still has not been an explanation why 8 people who do not live in the 8th Ward care whether or not a property owner divides his property. And yet you want to continue to waste time and waste money exploring it. I'd like to know how many people went out and looked at the property and looked at the tennis courts and looked at the 2 ponds and looked at the acreage to tell me that it is too small to subdivide. There is not one rational reason that I have been told and I'd be happy to entertain any intelligent discussion on why this man, this resident, this taxpayer should not be allowed to divide his property and sell it. He owns it. Our Planning Commission approved it.

PRESIDENT DENCZAK: Member Diamond, your 3 minutes are up. Anybody else...?

MEMBER CASAR: Mr. President, being...if the ordinance stays as is, in other words, we do the research and it comes back it was defeated, who can ask to have that reconsidered?

PRESIDENT DENCZAK: Any of the three members that voted yes, a member who was absent or anyone who has abstained. No one was absent, so it could be one of the three members that voted for the ordinance or a member who abstained.

MEMBER CASAR: So in other words, after I would assume it would be next week, Law Director Martuccio will come through with his final decision and at that time, it's open to do whatever?

LAW DIRECTOR MARTUCCIO: Mr. President, yes, Member Casar because our local Rule 41 on reconsiderations says specifically prevailing side as used in the foregoing paragraph shall mean the side, either yeas or nays, whose vote had the effect of passing or defeating the matter that was being voted on. It has no reference to the side having the greater number of votes. So in other words, once I determine whose vote either passed or defeated this, then the side who prevailed, either the passers or the defeaters, can move to reconsider. But that's the issue here is which side prevailed.

PRESIDENT DENCZAK: Any further comments under Miscellaneous Business?... Is that clear now?...

LAW DIRECTOR MARTUCCIO: Mr. President, on another topic, if I may?

PRESIDENT DENCZAK: Yes. Please.

LAW DIRECTOR MARTUCCIO: We are all aware of how important the upcoming primaries are for...

MEMBER SMUCKLER: Whoa, whoa, whoa, whoa. What happened to the vote on this?

LAW DIRECTOR MARTUCCIO: It's being referred to me.

MEMBER SMUCKLER: Don't you need a vote?

PRESIDENT DENCZAK: Do you want a vote on it?... Yes, he wants a vote. It's moved and seconded that this go to the Law Department for further study; are there any remarks?... If not, I'm going to ask for a roll call.

NO FURTHER REMARKS

ROLL CALL: 9 YEAS, 3 NAYS

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

PRESIDENT DENCZAK: We've got some swingers here. The ordinance that's in the air is being sent to the Law Department for further in-depth study. Is there any other Miscellaneous Business?

LAW DIRECTOR MARTUCCIO: Mr. President, thank you. Thank you, Member Smuckler for reminding me. Again, as we all know the upcoming Primary is very important not only for many of us on a personal level, but for the County and the City and all the subdivisions that interact with each other. The County sales tax is something you've all heard and read and experienced a lot about. I'd like to speak to you for a moment as a member of the Stark County Community Corrections Planning Board and as a permanent member of the SCOG, the Stark Council of Governments. I have volunteered to be the liaison between the City of Canton and the County to act on behalf of helping with the vote to pass the sales tax. If any of you and you're all here gathered in one place tonight, will save me a memo—if any of you are interested in helping either by contributions of a personal or a professional nature or by actually volunteering to do one of the many activities to help pass the County sales tax, I will serve as your liaison with names, addresses, times and places. I believe that no political subdivision is an island and that all of us are scrambling, the State, the Feds, the County and the City—and we're all trying to stick it to each other because we're all short of money. This is one way to help ensure that we won't be short changed in some of the areas where the County and the City interact. Again, I am simply volunteering to be your liaison. Thank you.

MEMBER CASAR: Mr. President, could I ask the liaison a question please.

PRESIDENT DENCZAK: Yes, you may.

MEMBER CASAR: Since you are the liaison and you are the Law Director of the City of Canton, and is there any way you can get us some of this money?

LAW DIRECTOR MARTUCCIO: I'm sorry?

MEMBER CASAR: Is there any way we can get a little bit of this money if it passes?

LAW DIRECTOR MARTUCCIO: Indirectly, yes. Indirectly.

PRESIDENT DENCZAK: Any other Miscellaneous Business?

MEMBER ALTIERI-BUCHER: (REMARKS ARE INAUDIBLE–MICROPHONE NOT ON)

LAW DIRECTOR MARTUCCIO: I don't have that volume of....Mr. President...I don't have that volume of the Ohio Revised Code with me, I only take Title 7 here to Council with me. We have it in the Law Department, and I'd be happy to look at it and give you a call.

MEMBER ALTIERI-BUCHER: (REMARKS ARE INAUDIBLE–MICROPHONE NOT ON)

SAFETY DIRECTOR CONCATTO: Mr. President, if I could take one minute, Mr. Law Director, if you don't mind, I'll help to answer that.

LAW DIRECTOR MARTUCCIO: Yes, please.

SAFETY DIRECTOR CONCATTO: I believe that the change in the ordinance was not of Ohio Revised Code, but the ordinance of the City of Canton. Whereas, when you had a commercial building and you needed, and it went through all of the letter writing and then it had to go to an appeals, a commercial building went to the State Board of Building Appeals, because it was a commercial structured building. Our change in the ordinance allows our local Board of Building Appeals to review a commercial building as a nuisance. They cannot review it as a structurally unsound building, but they now can review it as a nuisance.

PRESIDENT DENCZAK: Any other remarks under Miscellaneous Business?... Ready when you are....

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: 9:27 P.M.

ATTEST:

DEBRA VANCKUNAS
CLERK OF COUNCIL

APPROVED:

RAY DENCZAK
PRESIDENT OF COUNCIL