

MINUTES OF THE MEETING OF MARCH 31, 2003

The regular meeting of Canton City Council was held on Monday, March 31, 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 Donald Casar, 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, GREG HAWK, KATHLEEN ALTIERI BUCHER, RICHARD A. MALLONN II, CRAIG MASSEY, JOHN R. MROCZKOWSKI, DAVID R. DOUGHERTY, RICHARD D. HART, ROSEMARY DIAMOND & JOE CARBENIA)

1 COUNCILMEMBER ABSENT (MARY M. BABCOCK)

MOMENT OF SILENCE

PRESIDENT DENCZAK: Members of Council, before we start this meeting, I'm going to ask that in your chairs, stay seated, bow your heads in a moment of silent prayer in tribute to Kurt Babcock, the son of Councilman-At-Large Mary Babcock. Please bow your heads and pray. (AFTER A MOMENT OF SILENCE)Thank you very much.

AGENDA CORRECTIONS & CHANGES

PRESIDENT DENCZAK: Members of Council, I want to make it clear that at each meeting that I have conducted for the good number of years I've been here, I want to make it clear that this piece of equipment here is called a timer. Each Councilmember has three minutes to speak, which is a Council rule that they voted on and adopted. And I treat everybody squarely. If I let a member of Council speak longer than three minutes, Roberts Rule prevail and when the Chair feels that a member has something important to say, the Chair can extend their time. I've tried to adhere to that policy. I hope you all understand, it's not my rule, it's your rule. Agenda Corrections & Changes--you are being asked suspend Rule 24B to add Resolutions 30-34 to the agenda. Member Smuckler, the Chair will recognize that motion.

MEMBER SMUCKLER: Mr. President, I move we add 30-34 on the Resolutions and suspend Rule 24B; seconded.

PRESIDENT DENCZAK: Moved and seconded to suspend 24B to add Resolutions 30 to 34 to the agenda; are there any remarks?... If not, roll call vote please.

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

PRESIDENT DENCZAK: Rule 24B has been suspended and the four...five ordinances, or Resolutions, are a legal part of your agenda. You're being asked to suspend Rule 22A to add Second Reading of Ordinance #9 to the agenda. Member Smuckler, the Chair will recognize that motion.

MEMBER SMUCKLER: Mr. President, I can't...

PRESIDENT DENCZAK: Okay, we'll do that after you have your meeting.

MEMBER SMUCKLER: Right.

PUBLIC HEARINGS

PRESIDENT DENCZAK: No public hearings scheduled at this time.

PUBLIC SPEAKS (ORDINANCES OR RESOLUTIONS FOR ADOPTION ONLY)

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

INFORMAL RESOLUTIONS

PRESIDENT DENCZAK: Informal Resolutions--excusing members, Member Smuckler.

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

PRESIDENT DENCZAK: Moved and seconded that Member Babcock 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 Babcock is excused. Resolution #29 please.

PRESIDENT DENCZAK CALLED UPON CLERK OF COUNCIL VANCKUNAS TO READ RESOLUTIONS #29-#34 BY TITLE, AS SHOWN BELOW. THE RESOLUTIONS ARE ON FILE IN THEIR ENTIRETY IN THE COUNCIL OFFICE WITH THE AGENDA ITEMS FILE DATED March 31, 2003.

29. COUNCIL-AS-A-WHOLE (EXCEPTING MEMBER DIAMOND): FILLING A VACANCY IN CANTON CITY COUNCIL OFFICE BY NOMINATING & ELECTING ELIZABETH J. WENSEL AS ADMINISTRATIVE ASSISTANT V IN STEP 3 OF GRADE 9S AT AN ANNUAL SALARY OF \$33,872. - ADOPTED BY COUNCIL

MEMBER SMUCKLER: Mr. President, I move we adopt Resolution #29; seconded.

PRESIDENT DENCZAK: Moved and seconded that you adopt Resolution 29; are there any remarks?...

MEMBER DIAMOND: Mr. President, last week we had the supplemental appropriation vote and I will ask later to have that reconsidered because at the time I voted upon it, I did not have a copy of the amended version of that ordinance. And in the amended version, the Budget Director at the request of some members of City Council, removed \$33,000 from the Code Enforcement Department and placed that money in the City Council budget in order to pay the salary of an additional clerical worker. While I don't doubt for a moment that the addition of another employee in the Council Office would have it run more efficiently, I think we have asked every department and we should certainly ask ourselves how to save money, how to cut money—not how to spend more money. We're taking money from Code Enforcement, which brings in money to the City of Canton, we're taking \$33,000 that we could put back into the Police Department that would pay for another police officer---\$33,000 is more than what it costs us to hire another firefighter. And when we are looking at a \$3 million deficit for next year, what's important is that we look at priorities for the City of Canton—how we can best serve the people that we represent. And I think that \$33,000 can better be used either with the safety forces or the Street Department as opposed to a clerical worker. So I am opposed to this resolution. I am opposed to hiring someone at that salary. I think if we were going to hire someone, we would hire them at an entry level position and not at a salary of \$33,000 a year. We need that money in this city in essential services. Not in an additional clerical service. And I think, as I have said before, City Council through the Finance Director, Member Mroczkowski, and myself, we have met with every department. We have asked each department to do more with less people. And I don't think that we are demonstrating leadership through this Council by asking that we hire someone...(TIMER SOUNDING)

PRESIDENT DENCZAK: At the risk of being attacked in the newspaper, your 3 minutes are up.

MEMBER DIAMOND: I'm finished.

PRESIDENT DENCZAK: Anybody else have anything to say?

MEMBER CASAR: Mr. President, just shortly, for Member Diamond's information, we are at the present time two bodies short, we have two positions not filled. This would only take us to one. And if she's a member of Council and she is, and she comes into the Council Office, she knows how hard and how diligently the two people we have in those positions now work. It's my belief that they are overworked. And this is the only department in the City of Canton that I'm aware of that's understaffed. And my position on that, why should this Council's office be understaffed? I called the Council Office twice today. I have to go to sometimes 2, 3 different entry points before I get who I want to speak to. I don't think that's fair to myself as a Councilman and in no way is it fair to the citizens out there when they're going to call Council and talk to their councilperson or the Council Office. That's immaterial, but the real issue is that that office is understaffed and we will still be understaffed, but we will live with that because we will do the best and our office will do the best, it's just to do it with one person short instead of the two we have now. And I would just like to read a letter that was submitted, that was given to us from our present Clerk of Council and it states, "With the impending retirement of Clerk of Council Debbie Vanckunas as of December 2003 with over 30 years experience & knowledge of all aspects of the Council Office, members of Council have been concerned about a replacement. Some scenarios have been considered including the creation of a tandem position to be serve as the Clerk-in-training to be trained by Debbie until she leaves office. This tandem Clerk would obviously be paid at the Clerk of Council salary. An alternative to this costly scenario has presented itself, which will not only save the taxpayers' dollars but also will help lessen the workload created by the current staff shortage. There exists a vacancy in the Administrative Assistant V position created by Norma Jean's retirement in August of last year. By

hiring someone in this vacant position, we will save hiring & paying a tandem Clerk and be able to pay at the lower AA V salary—thus saving much-needed general funds. This hiree may be trained at not only the clerical level, but also in the duties of the current Clerk of Council. If this arrangement proves successful, the AA V may then move into the Clerk's position upon Debbie's retirement—contingent upon a majority vote of Canton City Council.” Of course, this is contingent on the next Council when they come in, how they vote, but it would be a good...(TIMER SOUNDS)

PRESIDENT DENCZAK: You know what that means, Member Casar.

MEMBER CASAR: Yes, I do and I don't want to get you in trouble.

MEMBER DOUGHERTY: Mr. President, our staff's been cut by 50%, which is fine by me. When we looked at this for a replacement, when I heard Debbie was going to retire, we have to get someone to be a clerk. Someone needs to be hired now so that we just don't throw somebody in that job. They have to be trained to understand that. People just aren't walking the streets that know how to do the Clerk's job. Debbie needs to be able to train somebody and put them in. The new Council in January will have to decide, do they go to three in that office or do they stay at two. So that's what it's going to be. For 8 months, we're going to have to have a third body so that this can happen. That's the key there to remember. Now when she retires, now the office is back to two. That Council in January is going to have to make that tough decision again. Thank you.

MEMBER DIAMOND: Mr. President...

PRESIDENT DENCZAK: Anybody else have anything to say?

MEMBER HAWK: Mr. President, I'm going to support Member Dougherty in the belief that we do need someone to train. This is a very important position, very critical to the function of Council, and we need to have someone properly trained to take this over because in essence when Debbie retires we will have one person in this office and we will need to train somebody. And that's not the way, to bring someone in and throw them under the gun like that and give them all this responsibility. I feel the prudent thing to do is to hire someone now to begin the training process and to have someone up and running when the new Council takes over and then let the next Council decide if they want to stay at two people or want to go to three. Thank you very much.

MEMBER DIAMOND: Mr. President. Member Casar indicated that we have two positions short in the Council Office, which is true, but we also have 12 police officers short, 10 firefighters, and 19 street department workers short...

MEMBER CASAR: Mr. President, point of information...point of order please.

PRESIDENT DENCZAK: What is your point of order?

MEMBER CASAR: We're not talking about anything other than this Council Office's position—we're not talking about police, we're not talking about fire, we're not talking about street workers. We're talking about this position.

PRESIDENT DENCZAK: Point well taken, Member Casar. Please remain germane to the subject...

MEMBER DIAMOND: Mr. President, we have a \$3 million deficit and that deficit requires us to have priorities. And so whether we're talking about police officers, fire officers, street department people or clerical workers, we're

talking about a pot of money that we have and we have to determine what the priorities are. We currently have an employee in the Council Office that was recently hired that could be trained by the Clerk who's currently there. I don't understand, every penny we spend this year will result in layoffs of people next year. We don't need to get to zero, we need to get out of a \$3 million deficit. And while it would be wonderful to have three people in that office, we do not have the money to do that. You're spending \$33,000 for an Administrative Assistant and we don't have that money to spend. I understand that person is coming from the Municipal Court. That means there's a vacancy there; that means they will be spending \$30,000 or \$33,000 to hire someone. That money all comes out of the General Fund. We have to spend what we can afford. Whether it's a good idea to train someone or not, I'm not disputing that. I'm saying we have to live within our means. We have to cut, not spend more.

PRESIDENT DENCZAK: Members of Council, what you must remember and I'm not going to participate or provoke a debate, I want to make sure you clearly understand what's going on. The two employees we have now in Council Office have a total of 15...

MEMBER HAWK: Mr. President, one quick point here, we won't be spending the entire \$33,000, \$33,872...we will only be spending it for the remainder of this year. I feel that's a very feasible way to spend money for a training period and the requirements of this office. So actually the reduction, it will not be the entire \$33,872, it will only be for the last 8 months of this year—which will not come to anywhere near that kind of money.

PRESIDENT DENCZAK: Point well taken. The thing is I think these two young ladies have a total of 15 weeks vacation coming this year, so that means 15 weeks of this year there will only be one girl in that office. And it's impossible to run that office for 16 weeks or 15 weeks with one person. Plus sick time and whatever, compensatory time. You must realize that you can't shortchange yourself. This is a critical office. And I urge you to search deep in your hearts when you vote on this issue as to the welfare and training and grooming a person to take over one year from now. Don't leave this office blank. Anybody have anything else to say?

MEMBER DIAMOND: Mr. President, we have routed all phone calls that normally came into the Council Office for complaints to another department. So that the people in the Council Office are not taking complaint calls. We are passing a resolution which does not require verbatim transcription of the minutes, which lessens the typing load. We have eliminated a great number of hours that people were devoting to Council activities that they will not be devoting. This Council has a responsibility to answer their calls. And those calls can be directed directly to the Councilpeople, if they choose, or to their mailbox. We have e-mail that was set up for us. Complaints can be directed that way. We need to save money just as we are asking every other department to save money. So I would urge people to consider where the best use of \$33,000 could be made within our city government when they vote on this issue.

PRESIDENT DENCZAK: Member Diamond, you are correct, this office is not taking any complaint calls. I am. I'm getting the complaints from people that don't like to talk to voice mail or can't reach their Councilmember or somebody in the office. The system isn't working. This Council years ago complained about all the voice mails in City Hall and here we are now in our own office with voice mail. Get your acts together here. Any other comments?... The Chair is going to ask for a roll call vote. The question you're voting on now is the resolution #29.

NO FURTHER REMARKS

ROLL CALL: 9 YEAS, 2 NAYS

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

PRESIDENT DENCZAK: That pathetic party-line vote again. The resolution has passed.

RULE 24B WAS SUSPENDED TO ADD #30-34:

30. PERSONNEL COMMITTEE: APPROVING THE REAPPOINTMENT OF WILLIAM RUDNER TO THE SARTA BOARD EFFECTIVE 4/1/03 - 3/31/06. - ADOPTED (See C#129 below)

MEMBER SMUCKLER: Mr. President, I move we adopt Resolution #30; seconded.

PRESIDENT DENCZAK: Moved and seconded that you adopt Resolution #30; 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

RESOLUTION ADOPTED BY UNANIMOUS VOICE VOTE

PRESIDENT DENCZAK: Resolution #30 is adopted.

31. PERSONNEL COMMITTEE: APPROVING THE TERM CORRECTION FOR THE REAPPOINTMENT OF WESLEY WALTERS TO THE FAIR EMPLOYMENT PRACTICES BOARD EFFECTIVE 3/1/03 - 2/28/06. - ADOPTED (See C#130 below)

MEMBER SMUCKLER: Mr. President, I move we adopt Resolution #31; seconded.

PRESIDENT DENCZAK: Moved and seconded that you adopt Resolution 31; 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

RESOLUTION ADOPTED BY UNANIMOUS VOICE VOTE

PRESIDENT DENCZAK: Resolution 31 is adopted.

32. PERSONNEL COMMITTEE: APPROVING THE REAPPOINTMENT OF CHET WARREN TO THE SARTA BOARD EFFECTIVE 4/1/03 - 3/31/06. - ADOPTED (See C#131 below)

MEMBER SMUCKLER: Mr. President, I move we adopt Resolution #32; seconded.

PRESIDENT DENCZAK: Moved and seconded that you adopt Resolution 32; 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

RESOLUTION ADOPTED BY UNANIMOUS VOICE VOTE

PRESIDENT DENCZAK: Resolution #32 is adopted.

33. PERSONNEL COMMITTEE: APPROVING THE APPOINTMENT OF LOVIE HAILEY TO THE FAIR EMPLOYMENT PRACTICES BOARD EFFECTIVE 3/1/03 - 2/28/06. - ADOPTED (See C#132 below)

MEMBER SMUCKLER: Mr. President, I move we adopt Resolution #33; seconded.

PRESIDENT DENCZAK: Moved and seconded that you adopt Resolution #33; 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

RESOLUTION ADOPTED BY UNANIMOUS VOICE VOTE

PRESIDENT DENCZAK: Resolution #33 is adopted.

34. RULES COMMITTEE: RECOMMENDING COUNCIL RULE #20 BE AMENDED TO PERMIT A SUMMARY TRANSCRIPT OF COUNCIL MEETING MINUTES. - ADOPTED

MEMBER SMUCKLER: Mr. President, I move that we adopt Resolution #34; seconded.

PRESIDENT DENCZAK: Moved and seconded that you adopt Resolution #34; 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 #34 is adopted and the rule will be changed.

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 31, 2003.

127. AUDITOR KIM R. PEREZ, CLERK OF COURTS TOM HARMON, & SAFETY DIRECTOR CONCATTO: REQUEST TO AMEND O.174/95 RE: CHANGES IN CLERK OF COURTS, POLICE, DMV & WPCC PETTY CASH & CHANGE DRAWERS. - LAW DIRECTOR (See O#1, 1st Rdg)
128. CANTON MUNICIPAL COURT CLERK TOM HARMON: 2002 ANNUAL REPORT OF CANTON MUNICIPAL COURT. - RECEIVED & FILED
129. MAYOR RICHARD D. WATKINS, CITY OF CANTON: REQUESTING COUNCIL AUTHORIZATION OF THE REAPPOINTMENT OF WILLIAM RUDNER TO THE SARTA BOARD FOR THE TERM 4/1/03-2/28/06 - PERSONNEL COMMITTEE (See Resolution #30)
130. MAYOR RICHARD D. WATKINS: REQUESTING COUNCIL AUTHORIZATION OF THE REAPPOINTMENT OF WESLEY WALTERS TO THE FAIR EMPLOYMENT PRACTICES BOARD FOR THE TERM 3/1/03-2/28/06 - PERSONNEL COMMITTEE (See Resolution #31)
131. MAYOR RICHARD D. WATKINS, CITY OF CANTON: REQUESTING COUNCIL AUTHORIZATION OF THE REAPPOINTMENT OF CHET WARREN TO THE SARTA BOARD FOR THE TERM 4/1/03-3/31/06 - PERSONNEL COMMITTEE (See Resolution #32)

132. MAYOR RICHARD D. WATKINS, CITY OF CANTON: REQUESTING COUNCIL AUTHORIZATION OF THE APPOINTMENT OF LOVIE HAILEY TO THE FAIR EMPLOYMENT PRACTICES BOARD FOR THE TERM 3/1/03-2/28/06 - PERSONNEL COMMITTEE (See Resolution #33)
133. SERVICE DIRECTOR MICHAEL L. MILLER, CITY OF CANTON: REQUEST TO APPROVE A WATER MAIN EXTENSION TO DEE-DEE CIRCLE SW IN PERRY TOWNSHIP . - LAW DIRECTOR (See O#2, 1st Rdg)
134. SERVICE DIRECTOR MICHAEL L. MILLER: REQUEST TO APPROVE A WATER MAIN EXTENSION TO WELLINGTON WOODS NO. 5 IN PLAIN TOWNSHIP . - LAW DIRECTOR (See O#3, 1st Rdg)
135. SERVICE DIRECTOR MICHAEL L. MILLER, CITY OF CANTON: REQUEST TO ADVERTISE, RECEIVE BIDS & ENTER INTO \$418,202 CONTRACT FOR THE CANTON STATION SITE DEVELOPMENT PROJECT IN CONJUNCTION WITH THE CUYAHOGA VALLEY SCENIC RAILROAD. - LAW DIRECTOR (See O#4, 1st Rdg)

ORDINANCES & FORMAL RESOLUTIONS FOR FIRST READING

PRESIDENT DENCZAK: Ordinances for their first reading & referral. Let the journal show that all ordinances are being given their reading as required by state law. Ordinance #1 please.

NOTE: PRESIDENT DENCZAK CALLED UPON CLERK VANCKUNAS TO READ THE FOLLOWING ORDINANCES #1 THROUGH #8 FOR THE FIRST TIME BY TITLE& ANNOUNCED THE COMMITTEE REFERRAL, AS FOLLOWS. ORDINANCE #7 WAS RETAINED IN COMMITTEE; ORDINANCE #8 WAS ADOPTED.

- #1 (1ST RDG) AN ORDINANCE AMENDING ORDINANCE NO. 174/95, AUTHORIZING THE CITY AUDITOR TO ESTABLISH AND/OR MAINTAIN PETTY CASH AND/OR CHANGE DRAWER FUNDS FOR THE MUNICIPAL CLERK OF COURTS AND THE POLICE DEPARTMENT; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to the Finance Committee
- #2 (1ST RDG) AN ORDINANCE APPROVING A CANTON CITY WATER MAIN EXTENSION TO PERRY TOWNSHIP; AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CONTRACT FOR THE EXTENSION OF SAID WATER MAIN; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to the Environmental & Public Utilities Committee
- #3 (1ST RDG) AN ORDINANCE APPROVING A CANTON CITY WATER MAIN EXTENSION TO PLAIN TOWNSHIP; AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CONTRACT FOR THE EXTENSION OF SAID WATER MAIN; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to the Environmental & Public Utilities Committee

- #4 (1ST RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ADVERTISE, RECEIVE BIDS AND ENTER INTO CONTRACT IN AN AMOUNT NOT TO EXCEED \$418,202.00 FOR THE CANTON STATION SITE DEVELOPMENT PROJECT; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to the Community & Economic Development & Finance Committees
- #5 (1ST RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY TO ENTER INTO AGREEMENT WITH THE CANTON CITY SCHOOL DISTRICT BOARD OF EDUCATION TO PROVIDE TWO POLICE OFFICERS; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to the Finance Committee
- #6 (1ST RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO AGREEMENT WITH AMERICAN ELECTRIC POWER IN AN AMOUNT NOT TO EXCEED \$85,000.00 FOR THE SHORB AVENUE AND 4TH STREET N.W. IMPROVEMENT PROJECT, GP 1050; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to the Public Safety & Thoroughfares & Finance Committees
- #7 (1ST RDG) **RETAINED IN CMTE 3/31/03–NULLIFIED BY O.60/2003** AN ORDINANCE AUTHORIZING STEP INCREASES FOR MANAGEMENT AND NON-BARGAINING UNIT EMPLOYEES; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to the Personnel & Finance Committees
- #8 (1ST RDG) **ADOPTED AS ORDINANCE NO. 60/2003** AN ORDINANCE AUTHORIZING AUTOMATIC STEP INCREASES FOR MANAGEMENT AND NON-BARGAINING UNIT EMPLOYEES; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to the Personnel & Finance Committee

PRESIDENT DENCZAK: At this time, the Chair is going to declare an in-house recess for the Personnel Committee to meet in regards to Ordinances 7, 8 and 9. You are now in recess.

AT 8:13, COUNCIL WENT INTO RECESS FOR COMMITTEE MEETINGS ON ORDINANCES #7, 8 AND 9. ORDINANCE #7 WAS RETAINED IN COMMITTEE. ORDINANCES 8 & 9 WERE RETURNED TO THE AGENDA FOR FURTHER ACTION. THE COUNCIL MEETING WAS RECONVENED BY PRESIDENT DENCZAK AT 8:28 P.M.

PRESIDENT DENCZAK: All right, the in-house recess is over and you're back in session.

MEMBER SMUCKLER: Mr. President, point of information.

PRESIDENT DENCZAK: Go ahead.

MEMBER SMUCKLER: Far be it from me to tell you how to do referrals, but I've had a little bit of experience at this. Just so you understand, 7 and 8 have money attached to them. And you've only referred it to the Personnel Committee. And I don't want to tell you how to do your job, but you might want to consider putting Finance on here too.

PRESIDENT DENCZAK: Member Smuckler, the ordinances 7 and 8 do require, if Council passes them, the spending of money so they'll be jointly referred to the...on 7 and 8 only, to the Finance Committee. Number 9 does not require the spending of funds, so Personnel is the only referral there. Depending on what Council does, pass 7, 8 or 9, or whatever, 7 and 8 will be jointly referred.

MEMBER SMUCKLER: Mr. President, so we need the Finance signatures on 7 and 8 then, correct?

PRESIDENT DENCZAK: Exactly. Only 7 and 8.

MEMBER SMUCKLER: Mr. President, I move to suspend Rule 22A and add Ordinances 7, 8 and 9 back to the agenda; seconded.

PRESIDENT DENCZAK: Moved and seconded to suspend Rule 22A to add Ordinances 7, 8 and 9 to the agenda; are there any remarks?... If not, roll call vote please.

CLERK OF COUNCIL VANCKUNAS (DURING ROLL CALL): Before I announce the vote, Members of Council, I'm just informed that Ordinance #7 will be retained in committee. So if any of you would care to change your vote, now would be the opportunity. This is to suspend Rule 22A to add 7 and 9 only...I'm sorry, 8 and 9. I'm sorry, 8 and 9.11 yeas, 0 nays, Mr. President.

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

MEMBER DIAMOND: Mr. President, may I ask the Clerk a question...we only received enough signatures for the one ordinance that suspends all the raises, and the other ordinance which gives the full raise. Am I to understand that the half-step ordinance did not receive enough signatures, is that correct?

CLERK OF COUNCIL VANCKUNAS: Mr. President, Ordinance #7, you're correct, did not receive enough Finance Committee signatures to be released by the committee.

PRESIDENT DENCZAK: The vote taken to add, was taken to add Ordinances 8 and 9 to the agenda—that was the vote that was just taken. Number 7 was held in committee. Member Smuckler, ordinances 8 and 9 are a legal part of your agenda.

#8 **ADOPTED AS ORDINANCE NO. 60/2003** AN ORDINANCE AUTHORIZING AUTOMATIC STEP INCREASES FOR MANAGEMENT AND NON-BARGAINING UNIT EMPLOYEES; AND DECLARING THE SAME TO BE AN EMERGENCY

MEMBER SMUCKLER: Mr. President, I move we suspend statutory three readings of Ordinance #8; seconded.

PRESIDENT DENCZAK: Moved and seconded that you dispense with the three readings of Ordinance #8; are there any remarks?... If not, roll call...

MEMBER DIAMOND: Mr. President, could I ask the Budget Director...is the Budget Director here?...what the cost of Ordinance #8 would be.

PRESIDENT DENCZAK: Member Diamond, one moment please, you'll have to move to have him come before Council to speak, and specify the time.

MEMBER DIAMOND: I move that the Budget Director come before Council to provide information that will be needed to vote on the ordinance before us...

PRESIDENT DENCZAK: Specify a time limit.

MEMBER DIAMOND: Three minutes.

MEMBER CASAR: Mr. President, point of information.

PRESIDENT DENCZAK: State your point of information.

MEMBER CASAR: Member Diamond is a member of the Personnel Committee, I would think you should know that answer already. You should have given that to this Council during the committee meeting. I have the answer, so I know it, but I'm thinking you should have given this to Council.

MEMBER DIAMOND: Mr. President. Member Mroczkowski proposed this ordinance. I was opposed to it. And as I understand it came down late—it was not given to me beforehand. There was a meeting that I was not invited to as Personnel Chairperson, that I did attend to get some information to find out what information was available. In my opinion it doesn't matter if it's a dollar or a hundred dollars, we don't have the money for it. And I would like for the Budget Director to come up and tell this Council how much additional money they are adding to the \$3 million deficit for 2004 before they vote upon it.

PRESIDENT DENCZAK: There was a motion on the floor, but I didn't hear a second.

MEMBER HART: Second.

PRESIDENT DENCZAK: Moved and seconded to allow the Budget Director to speak for a time period of three minutes; are there any remarks?...

MEMBER CASAR: Mr. President, because I've done my homework, I know the answer and I'm voting no.

PRESIDENT DENCZAK: Any other remarks?... Roll call vote please.

NO FURTHER REMARKS ROLL CALL: 9 YEAS, 2 NAYS (CASAR & CARBENIA VOTED NO)

PRESIDENT DENCZAK: All right, you're allowed three minutes, sir.

BUDGET DIRECTOR ELLSWORTH: The ordinance before you relating to allowing step increases to go up to step 3, the calculated cost to the General Fund for 2003 is approximately \$14,300. Now some of that you have already saved by delaying it through April. I don't have exact figures on that, but I estimate it to be approximately \$3,500. Of course, going forward, you would have future costs as well, there would be step increases in following years regarding this. In 2004, I estimate the cost would be approximately \$31,000 to the General Fund.

MEMBER DIAMOND: Thank you, Budget Director. And I did give those two amounts earlier during the committee meeting, Member Casar, but I think it's only fair that everybody had the information before them before they vote. Thank you.

MEMBER CASAR: Mr. President, point of information again.

PRESIDENT DENCZAK: What is your point of information?

MEMBER CASAR: Member Diamond said that she didn't have this information, now she's telling us she does—so you either did or you didn't.

MEMBER DIAMOND: Mr. President, Member Casar. I gave that information, I didn't know that everyone here had the information. To make an intelligent decision, everyone should be privy to the information needed to vote. If you were listening, when I had the committee meetings, I stated that those were the amounts. Thank you.

PRESIDENT DENCZAK: Tad, I'm not taking any of your three minutes away from you. Are you finished?
(INAUDIBLE RESPONSE)okay. (THE BUDGET DIRECTOR IS EXCUSED AT THIS POINT) There is a motion on the floor to dispense with the three readings; are there any remarks?... If not, roll call vote please.

NO REMARKS

ROLL CALL: 9 YEAS, 2 NAYS (HART & DIAMOND VOTED NO)

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

MEMBER SMUCKLER: Mr. President, I move to pass #8; seconded.

PRESIDENT DENCZAK: It's moved and seconded for Council to adopt Ordinance #8; are there any remarks under this ordinance?

MEMBER SMUCKLER: Mr. President, question for the Mayor. Council's been deliberating this for weeks. I've not heard the Administration's position on this issue. I would like to hear the Administration's position on 7, 8 or 9, whichever you care to comment on...about step increases for the management employees.

MAYOR WATKINS: Mr. President, Member Casar, Members of Council. Back in May of this year I wrote a letter relative to this issue to Council and to the committees and I have that here. I'd be glad to read it for you again. We are asking...

PRESIDENT DENCZAK: Talk closer to the microphone, I think we're picking you up.

MAYOR WATKINS: Mr. President...

PRESIDENT DENCZAK: Yeah, that's better.

MAYOR WATKINS: All right. I wrote as follows. I am respectfully requesting that Council enact legislation which would indefinitely suspend wage increases for management/non-bargaining unit personnel as provided in the 2002 Management Wage Schedule of Ordinance 164/2001. It is my intention to hold all employees in their current step as of the effective date of the proposed ordinance. I recognize that most management personnel received increases at the beginning of the year as was the case with AFSCME employees. Firefighters received an increase in November 2001 and CPPA's last raise was July 1st, 2001. The FOP January 1, 2002. For the purpose of the foregoing recommendations to freeze at current levels this action in conjunction with the hiring freeze will directly impact the largest expense in the General Fund, people....to the General Fund, people. If these recommendations are adopted, I will actively pursue corresponding concessions in the unionized ranks and in other departments which share in the

General Fund resources but do not need Council authorization for pay adjustments. In a nutshell, that's what it boils down to.

MEMBER SMUCKLER: Mr. President, further question to the Mayor. Does this consider your opinion that you would also like this frozen, because that's what this ordinance is asking for for next year also?

MAYOR WATKINS: I would say it should be frozen for next year unless we can find additional sources of revenue whereby we could do more with it.

MEMBER SMUCKLER: Mr. Mayor, were the step increases frozen...you just negotiated contracts with everybody...were the step increases frozen with the negotiated contracts?

MAYOR WATKINS: The step increase were not frozen as far as the negotiated contracts that were completed, no. Those were negotiated before this.

MEMBER SMUCKLER: Thank you, Mr. Mayor.

MEMBER MROCZKOWSKI: Mr. President, question for the Law Director. Law Director, as the ordinance is written, is the corrective date effective 4/5/03 through 12/31/04?

LAW DIRECTOR MARTUCCIO: Mr. President, Member Mroczkowski, yes, '04...12/31/04.

MEMBER MROCZKOWSKI: Thank you.

PRESIDENT DENCZAK: Any other remarks?

MEMBER HART: Yeah, Mr. President, you know I guess just a quick comment and to be consistent, I've heard, you know, it mentioned at different committee meetings about, you know, being fair and coming off the back of management employees some of the cutbacks we have had. You know, if things don't improve around here, you know everybody's going to be giving up a lot more on the next group of contracts. And you know I've had constituents that have worked at Republic Steel and Danner Press and, you know, some other businesses that haven't just shut down, they've left. And, you know, when we're looking at the deficit that we are, you know, it becomes very difficult and many times, you know, life isn't fair and we've got to make some difficult decisions and save money where we can. And the only way we're going to be able to do that is, again, just to say no to the, you know, any step increases and any increases.

PRESIDENT DENCZAK: Any further remarks?... The question you're voting on now is Ordinance #8. On your agenda, the date of 12/31/03 should read 12/31/04, as the ordinance does read. The same applies to Ordinance #7 which is held in committee. If there's no further remarks under Ordinance #8, roll call vote please.

NO FURTHER REMARKS

ROLL CALL: 8 YEAS, 3 NAYS

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

PRESIDENT DENCZAK: The ordinance passed with the emergency.

ADOPTED AS ORD. NO. 60/2003

ORDINANCES & FORMAL RESOLUTIONS FOR SECOND READING

PRESIDENT DENCZAK: Ordinances for their second reading. Member Smuckler, Ordinance #9 is a moot issue. It's up to Council how you want to dispose of it. That's the next issue on your agenda.

NOTE: PRESIDENT DENCZAK CALLED UPON CLERK VANCKUNAS TO READ THE FOLLOWING ORDINANCE #9 FOR THE SECOND TIME BY TITLE, AS FOLLOWS.

#9 (2nd RDG) **DEFEATED** AN ORDINANCE SUSPENDING WAGE INCREASES FOR MANAGEMENT AND NON-BARGAINING UNIT PERSONNEL; AND DECLARING THE SAME TO BE AN EMERGENCY

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

PRESIDENT DENCZAK: You have to dispense with the three readings.

MEMBER SMUCKLER: I'm sorry, Mr. President, I move we dispense with the three readings of Ordinance #9; seconded.

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

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

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

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

PRESIDENT DENCZAK: Moved and seconded that you adopt Ordinance #9; are there any remarks under this ordinance?...

MEMBER SMUCKLER: Mr. President, I move we refer #9 back to committee...

PRESIDENT DENCZAK: For lack of a second here... I have no second, what's your next point?

MEMBER SMUCKLER: I don't care, I'll let someone make a motion what they want to do. Ordinance 8 overrides everything, so I don't know what they want to do.

MEMBER CASAR: Mr. President, I move we adopt Ordinance #9...

PRESIDENT DENCZAK: I don't hear a second on that. What's going on here?...

MEMBER MROCZKOWSKI: Mr. President, question for the Law Director. Law Director, what advice do you give this Council on the...on Ordinance #9?

LAW DIRECTOR MARTUCCIO: Mr. President, Member Mroczkowski. Ordinance #9 is rendered moot by the

passage of Ordinance #8. To pass it would be inconsistent and illegal. This Council has two choices...or more. One choice is just to defeat it, which takes it off the agenda. Another is to send it back to committee where it can die without being removed, as the year extends. Or it can be tabled indefinitely.

PRESIDENT DENCZAK: What is Council's choice?.... Is this microphone on?

MEMBER MROCZKOWSKI: Move to adopt, Mr. President; seconded.

PRESIDENT DENCZAK: Moved and seconded that you adopt Ordinance #9; are there any remarks?... If not, roll call vote please.

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

PRESIDENT DENCZAK: Ordinance #9 is defeated.

ORDINANCES & FORMAL RESOLUTIONS FOR THIRD READING

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

NOTE: PRESIDENT DENCZAK CALLED UPON CLERK VANCKUNAS TO READ THE FOLLOWING ORDINANCE #10 FOR THE THIRD & FINAL TIME BY TITLE, AS FOLLOWS.

#10 (3RD RDG) **ADOPTED AS ORDINANCE NO. 61/2003** AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ACCEPT AN EXISTING PRIVATE DRAINAGE EASEMENT, INVESTIGATE IMPROVEMENTS TO THE DRAINAGE SYSTEM AND ENTER INTO EASEMENT AGREEMENTS; AND DECLARING THE SAME TO BE AN EMERGENCY

MEMBER SMUCKLER: Mr. President, I move we adopt Ordinance #10; seconded.

PRESIDENT DENCZAK: It's moved and seconded that you adopt Ordinance #10; are there any remarks under this ordinance?...

MEMBER HAWK: Mr. President, one question. Mr. Miller, this will involve some expense incurred by the City. May I have that approximate number please?

SERVICE DIRECTOR MILLER: At this point, the estimated cost will be less than \$15,000.

MEMBER HAWK: Thank you, sir. And where will the funds come from?

SERVICE DIRECTOR MILLER: At this point in time, once this passes, we will be talking to the residents to see whether or not they will come up with some of the funding for this.

MEMBER HAWK: Thank you very much, sir, I appreciate that.

PRESIDENT DENCZAK: Roll call vote please.

NO FURTHER REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance #10 is adopted.

#10 ADOPTED AS ORDINANCE NO. 61/2003

ORDINANCES & FORMAL RESOLUTIONS – POSTPONED MATTER

PRESIDENT DENCZAK: Ordinances and Formal Resolutions; Postponed Matters. Number 11.

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; AGAIN TO MARCH 17, 2003; AGAIN TO MARCH 24, 2003; & AGAIN TO MARCH 31, 2003:

#11 AMENDED & RE-ADOPTED:

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 THIS 3/31/2003 COUNCIL MEETING:

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 #11; seconded.

PRESIDENT DENCZAK: Moved and seconded that you adopt Ordinance #11; are there any remarks under this ordinance?

MEMBER SMUCKLER: Mr. President, I move to amend Ordinance 11 pursuant to the written copy that was placed before every member of City Council; seconded.

AMENDMENT: Pursuant to Rule No. 36, I hereby move to amend Section 3 to Agenda Item No. 11 to read as follows: ***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) Unless otherwise provided herein, 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 60 hours of unused compensatory time for overtime hours worked.***
- (2) Employees who have more than 60 hours of accrued compensatory time on the effective date of this section shall not accrue any additional compensatory time until their accrued unused balance has dropped below 60 hours.***
- (3) The positions of General Foreman, Assistant Supervisor Distribution, Supervisor of Pumping and Supply, Supervisor of Distribution, and Supervisor of Filtration and Lab shall receive compensation for overtime hours worked at their straight time rate provided they meet the requirements of contiguity and/or call-back as provided for above.***
- (4) Battalion Chiefs in the Fire Department shall receive compensation for overtime hours worked at their straight time rate provided they meet the requirements of contiguity and/or call-back as provided for above. The exception to the contiguity rule is those times when the Battalion Chief reports one-half hour before the start of their shift. This one-half hour shall be paid at their straight time rate.***
- (5) 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.***
- (6) Exempt employees may use accrued compensatory time with the approval of the appointing authority taking into account the scheduling needs of the department.***
- (7) Upon involuntary termination of employment, employees with unused compensatory time shall be paid at their final regular rate for any balance of accrued hours.***

(8) *Prior to January 1, 2004, any employee who voluntarily terminates their employment shall be compensated at their final regular rate for any balance of accrued hours.*

(9) *Effective January 1, 2004, and continuing thereafter, accrued unused compensatory time shall be forfeited upon voluntary termination of employment.*

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

LAW DIRECTOR MARTUCCIO: Thank you, Mr. President. Members of Council, as discussed in committee and subsequent to it, you have a substituted page 2 for this amendment, which includes sections 5, 6, 7, 8 and 9. To summarize again, this amendment addresses all of the concerns that have been raised over the last few months. The contiguity of comp time, one hour before or one hour after; the quarter hours for approved call back time; reducing comp time from 120 to 60; certain positions—among them 4 persons and supervisors in Utilities being compensated at straight time for overtime again subject to contiguity or call back. Battalion chiefs having those issues addressed in the Fire Department, and making sure that comp time, if it is earned and accrued and vested, does pass along to an employee who is terminated involuntarily, through death or termination. Making sure that people have the rest of this year to utilize hours from 120 down to 60. And clarifying once and for all that effective January 1st of 2004, accrued unused comp time shall be forfeited if someone voluntarily terminates. We believe that this addresses all of the many matters that were discussed by a joint meeting of Member Mroczkowski's committee, the Administration, the Auditor and the Law Department. Thank you all.

PRESIDENT DENCZAK: Are there any further remarks under the motion to amend?... The question you're voting on is the amendment.

SAFETY DIRECTOR CONCATTO: Mr. President, if I may, just because some of my employees are effected by this, I'd just like to make Council aware of what you have done for management. So far you have frozen their raises, you have frozen their steps from 3 to 4, you have drastically changed their terminal pay, you have created health care benefit costs to them, you have frozen their longevity, you have taken away their perfect attendance bonus day, you have changed their ability to bank vacation, you've changed their vacation carry-over days, you've stopped their ability to sell back two weeks of their vacation at 90% of their pay. And now you want to change their comp hours. I don't have a problem with the plan that is set forth in front of you. I have a problem that if we, and I've negotiated a couple contracts, that if we would have ever tried to put this many things into a contract and go to an arbitrator, we would be basically laughed out of that room. I just think that we've effected management way too much here and I think this just adds to that.

MEMBER SMUCKLER: Mr. President, for the record, the Administrator of the Health Plan effected the health insurance; this Council did not pass anything that had anything to do with any health insurance.

SAFETY DIRECTOR CONCATTO: Mr. President, the fact still remains that those management and non-union people..of course, now, along with some union people, are still effected by that change. I'm not blaming Council. I'm not blaming anybody...I'm just trying to list the things that we have done to management and non-union people—things that no unions have, most of which, none of the unions have been effected by. And I just think this is one added thing that we should just leave status quo.

PRESIDENT DENCZAK: Any further remarks on the amendment?... The question you're voting on now is the amendment. By voice vote, all those in favor, signify by saying aye—those opposed, no.

NO FURTHER REMARKS

AMENDMENT APPROVED BY MAJORITY VOICE VOTE
(CARBENIA VOTED NO)

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

NO FURTHER REMARKS

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

PRESIDENT DENCZAK: Ordinance #11 as amended has passed.

**[RE-ADOPTED AS O.246/2002
WITH THE AMENDED SECTION 3]**

ANNOUNCEMENT OF COMMITTEE MEETINGS

PRESIDENT DENCZAK: Announcement of Committee Meetings please.

MEMBER HAWK: Mr. President, Environmental & Public Utilities will meet at 6:30 next Monday.

MEMBER MROCZKOWSKI: Mr. President, Finance Committee will meet 6:30 April 7th.

MEMBER MASSEY: Mr. President, Community & Economic Development will meet next Monday at 6:30.

PRESIDENT DENCZAK: Member Smuckler, Member Babcock who was absent...has an ordinance, number 6 I believe. Do you want to schedule for her?

MEMBER SMUCKLER: Mr. President, unless Member Babcock tells me different, we will have Public Safety at 6:30 on Monday, April 7th. Mr. President, even though it is not a perfunctionary committee meeting, I do want to make the announcement that April 8th, which is a Tuesday evening at 5:00, even though you weren't invited, you did authorize the use of the Chamber for a meeting with the Chamber of Commerce, the news media and the business community at 5:00 to discuss what the...and the Mayor's staff and the Administration, to discuss economic development for the City of Canton.

PRESIDENT DENCZAK: Yes, Member Smuckler, the Chair gave permission to use the Chamber, but the Chair was not invited to the reception. And the reason I wasn't invited is because they felt I was a member of City Council and that's who they addressed the invitations to. However, I know you all remind me that I am not a member of Council. But I'll be there anyhow....'cause there's food.

PUBLIC SPEAKS (OPEN FORUM--CITY BUSINESS ONLY)

PRESIDENT DENCZAK: Public Speaks, Open Forum. We have one speaker here, Reverend Warren Chavers.

REVEREND CHAVERS: Council Chair, Mr. Mayor, Members of Council. My name is Dr. Warren P. Chavers, I serve as the senior pastor of the Deliverance Christian Church and also the General Chairman of the Pastors Advocacy Coalition. Last evening the Pastors Advocacy Coalition had a meeting and invited candidates running for

offices in the upcoming primaries to come and be introduced to member churches of PAC. It has come to my attention that while some candidates received an invitation, some did not. A member of my staff dropped the ball. I made the comment that if a candidate did not come to our meeting, we must assume that they didn't care about the community. As General Chairman of Pastors Advocacy Coalition, I came tonight to personally apologize to those who did not receive an invitation. While the Pastors Advocacy Coalition will closely monitor how elected officials respond to the needs of the inner city, certain members of Council should not have had to pay for the inadequacy of my staff. This error will not happen again. Thank you.

PRESIDENT DENCZAK: Reverend, you said last night there would be another meeting...what date and time is that?

REVEREND CHAVERS: April 27th, that's a Sunday evening, at 6:00. It's a primary debate.

PRESIDENT DENCZAK: Okay, thank you.

REVEREND CHAVERS: Thank you.

MISCELLANEOUS BUSINESS

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

MEMBER CASAR: Yes, Mr. President, last week I asked Safety Director Concatto in regards to the portable sign ordinance that this Council passed on 9/30/2000 unanimously and at that time he didn't know or wasn't, he didn't know where some of these locations are at that are not in compliance with our ordinance and at that time I said I'd provide a list to him. Before I hand this list over to him, I want to address a couple things in the ordinance. Number one, portable signs shall not be permitted...shall be permitted one time per calendar year for no more than 30 consecutive days. And the second part I want to point out is no portable signs with wheels, concrete blocks or tethered, mounted to a trailer are permitted. Now I have 41 locations throughout the City, 41, and that may not be all of them, but as I travel the City, I've been jotting them down. And I just want to say that out of those 41, I feel pretty sure that most of them have been there for probably 6 months or a year...or longer, some of them because they're imbedded where they're at, so they've been there a long time. But 29 of them have concrete blocks. And that is in direct violation to our ordinance. So that alone should be the owner of the sign, and most of them are the same owner, I'm not going to mention the name...let the Law Department or let the Safety Director figure that out. I've done their homework for them. I'm going to pass these on and hopefully that this ordinance will be enforced and that we can get rid of these unsightly signs throughout our City. This is one step to help beautify our City if we can get rid of these signs. And when we passed this ordinance, this Council was under the impression that this would be, in fact, would be taken care of with this ordinance. But like many other things, it has not been enforced. So here's the list of 41.

SAFETY DIRECTOR CONCATTO: Mr. President, in July of last year Council had in front of them a number of issues that have changed some ordinances. One of them ordinances that was to be changed was to eliminate portable signs in the City of Canton. That was in July. That ordinance was postponed for a number of weeks, and in fact, was not passed until September. During that period of time, Doc Shaffer, who is one of the major people that do portable signs, came to this Council...I'm not sure if Member Casar brought him...I know that...I'm not sure if Member Casar...

MEMBER CASAR: Mr. President, point of order.

PRESIDENT DENCZAK: What's your point of order?

MEMBER CASAR: No, I did not. I don't even know the gentleman.

PRESIDENT DENCZAK: Okay, continue, Safety Director.

SAFETY DIRECTOR CONCATTO: Thank you. Doc came, Doc Shaffer came to this Council, implored them to in fact create this list of things, the 30 days...he in fact said that we were too cheap in the \$25 license permit for him—we should raise it to \$250. We should only have them up for 30 days. And Council passed that. Mr. Shaffer has refused to pay his \$250...we has refused to pay his permits for signs...we have ordered him to court...we have a warrant out for his arrest because he has not come to court. We have done everything that we can. I have not seen Mr. Casar, Member Casar's list, and will be glad to share that with the Zoning. We will come back to this Council and again request that all portable signs be excluded from the City of Canton; however, that has to go through the Planning Commission, and that has to go through Zoning before it comes to Council. But Council listened to Doc. He sat up at that podium, I remember him here, he's the one that said we should increase it, and he's been nothing but defiant toward that. I have 10 violations that have been sent to him. We have turned him into the Law Department, we have done everything in our power and will continue to do what we can. And until then I would recommend we will get the ordinance as quickly as possible to you to ban all portable signs.

MEMBER CASAR: Mr. President, if I may, Safety Director Concatto was correct in regards to the owner of this particular sign company did come to Council. But this Council, at least this member of Council did not take his information to heart. I reviewed this with the Zoning and Planning Commission and they, that was their recommendation to this Council, at least to this Councilman that worked with this particular legislation. So he did come but I was not listening to him. I took my advice from our Zoning Department who basically brought it down and did pass it intact. And the reason we decided not to ban the portable signs completely is because it's not fair to the small businessman that opens a new establishment and wants to announce to the public that they're in business, and they're there for 30 days. And that's why we waited 30 days. And also if they have a sale or whatever, that's the small businessmen that have to have these signs. So we've been fair to the small businessmen in the City of Canton...and not running business out of the City of Canton. And God knows we can't do that. We must rely on the small businesses because we don't have too many large businesses left in this City. So to abandon completely would not be fair to the business clientele in this City, but what would be fair if this Administration, the Safety Director, the Zoning Department and the others responsible would go out and enforce the legislation that this Council passed 5 months ago.

PRESIDENT DENCZAK: Is there any...? Law Director?

LAW DIRECTOR MARTUCCIO: Mr. President, 3 updates with regard to the portable signs. The Law Department has indeed filed an action in criminal court and we are pursuing the alleged wrongdoer. In a related matter with regard to bench signs, we have two actions pending in Common Pleas Court—one is a hearing tomorrow morning with one judge to implement our sunshine...or sunset provision, and begin to remove them after April 1st if the court permits us. The other is a matter that's been pending in another Common Pleas Court for a while. Third and final, with regard to the aggregation of natural gas as it applies to your constituent residents and small businesses, our consultants have told us that the average resident will save at least 80 to 90 dollars over the last 5 months who went with Shell in the Opt-Out Program. However, be advised the program we're in saved them a lot of money in November, December, January, February and March—the 5 coldest months of the year because it was a long, cold

winter. And they locked in their gas prices at a good price, thanks to a good intuitive pick by the Service Director one day. But please be advised that starting with the April billing cycle and for the warm months, Spring and Summer, they will pay prevailing natural market rates. So they'll see their bills go up perhaps higher or the same as Dominion. And they may call you. You can refer the calls to us and/or our consultants. We will explain the contract that we were under. Again, for the 5 coldest months of the year, we were locked in at the fixed price and we will have variable rates during the warm months of the year, when prices tend to go lower eventually. Given the war, given the lack of storage, I'm not sure what will happen to those prices this Spring.

PRESIDENT DENCZAK: Is there any other Miscellaneous Business?

MEMBER DIAMOND: Mr. President, I would like to reconsider Ordinance No. 8 from the March 24th agenda.

PRESIDENT DENCZAK: You cannot do that, Member Diamond. Number 58?... **[ORDINANCE NO. 58/2003 ADOPTED 3/24/2003: 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]**

MEMBER DIAMOND: No, number 8 on the March 24th agenda.

PRESIDENT DENCZAK: Okay, you voted for the ordinance, so you voted on the prevailing side. However, under your Council Rules, an ordinance that passes with the emergency cannot be reconsidered. That's your rules, not mine.

LAW DIRECTOR MARTUCCIO: Mr. President, if I can, I can quote from Rule #41, Reconsideration, 41(A), *"any member or members who are absent, abstain from voting or voted with the prevailing side may move the reconsideration of any action of Council excepting measures which have been put into immediate effect."* If you recall this debate occurred a few times over the last couple of years, notably in a debate I believe over the Mayor's Citizens Relations Commission, for example. And based on our rule, and the tie it has to the Ohio Revised Code, we were of the opinion that once an ordinance has been placed into emergency immediate effect by a vote of 8 people in an emergency clause, it can only be repealed by referendum or by...it could be amended by an ordinance that begins from scratch—an ordinance that has a first, second and third reading and so on. Thank you.

MEMBER DIAMOND: Mr. President, I agree with that interpretation. I would like to say for the record, as I said earlier, when I voted on the \$22 million supplemental appropriations, I had not received the amended exhibit. Nor did I have an explanation of it because the Budget Director indicated that he did speak about it in the democratic caucus while I was in the republican caucus. But just for the record, although the vote can't change, my vote would have been no had I had the amendment before me. Thank you.

PRESIDENT DENCZAK: All right, Member Diamond, I wasn't here, I was in Detroit, but Member Smuckler presided over the meeting.

MEMBER CASAR: Yes, Mr. President, last week I think I gave Member Diamond an opportunity to reconsider last week, because after we passed ordinance #10 or 11 that she voted no on because it was a financial matter or whatever, at that time I said to her, then you should not have voted for #8 because that was deficit spending. And she didn't say anything then so I was prepared to not let her reconsider tonight anyhow.

MEMBER DIAMOND: Mr. President, I think we cleared up that it would not be appropriate to reconsider. What I will say is I would never change my vote based upon Member Casar's opinion. I didn't have the research or the documentation in front of me. And had I had it in front of me, I definitely would have changed my opinion. But I don't base my decisions on his opinion. Thank you.

MEMBER CASAR: Mr. President, I don't blame her, I wouldn't base my opinion on my decision either on what I say.

PRESIDENT DENCZAK: Is there any other Miscellaneous Business?... Is there any other 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: 9:16 P.M.

ATTEST:

DEBRA VANCKUNAS
CLERK OF COUNCIL

APPROVED:

RAY DENCZAK
PRESIDENT OF COUNCIL