

MINUTES OF THE MEETING OF APRIL 14, 2003

The regular meeting of Canton City Council was held on Monday, April 14, 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 Greg Hawk, followed by the Pledge of Allegiance led by President of Council Denczak.

PRESIDENT DENCZAK: With a quorum being present, the Chair calls this meeting of Canton City Council to order. Roll call please.

ROLL CALL TAKEN BY CLERK OF COUNCIL:

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

1 COUNCILMEMBER ABSENT (JOHN R. MROCZKOWSKI)

AGENDA CORRECTIONS & CHANGES

PRESIDENT DENCZAK: Agenda Corrections & Changes, Members of Council—under Ordinances for the First Reading, Ordinance #1 will not be adopted, it will stay in the Judiciary Committee for their hearing. You will be asked to amend Ordinance #18 under final readings. You are being asked to suspend Rule 22A to add the Second Reading of Ordinances 15 & 16. That will bring your agenda up to date. Member Smuckler, the Chair will now recognize Rule 22A suspension.

MEMBER SMUCKLER: Mr. President, I move to suspend Rule 22A to add Ordinances for Second Reading, 15, 16 and 17 back to the agenda; seconded.

PRESIDENT DENCZAK: No, just 15 and 16.

MEMBER SMUCKLER: I'm sorry, 15 and 16 back to the agenda; seconded.

PRESIDENT DENCZAK: It is moved and seconded to suspend Rule 22A to add Ordinances 15 & 16 to the agenda; are there any remarks?... If not, roll call vote please.

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinances 15 and 16 are a legal part of your agenda.

PUBLIC HEARINGS

PRESIDENT DENCZAK: There's no public hearing 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 Mroczkowski this evening; seconded.

PRESIDENT DENCZAK: Moved and seconded that Member Mroczkowski be excused; are there any remarks?...
If not, roll call vote please.

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

PRESIDENT DENCZAK: Let the journal show that Member Mroczkowski is excused.

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 April 14, 2003.

145. LAW DIRECTOR JOSEPH MARTUCCIO, CITY OF CANTON: REQUEST TO AMEND CITY CODE SECTION 151.08 RE: OVERTIME & COMPENSATORY TIME FOR NON-EXEMPT & EXEMPT EMPLOYEES. - LAW DIRECTOR (See O#1, 1st Rdg)
146. MAYOR RICHARD D. WATKINS, CITY OF CANTON: REQUEST COUNCIL AUTHORIZATION OF AFSCME LOCAL 3449 CONTRACT AMENDMENT FOR SENIOR CODE ENFORCEMENT OFFICER. - LAW DIRECTOR (See O#2&3, 1st Rdg)
147. MCCLOSKEY, ROBERT, COUNCILMAN, CITY OF TOLEDO, ONE GOVERNMENT CENTER SUITE 2120, TOLEDO, OHIO 43604: REQUEST COUNCIL SUPPORT TO LEGALIZE CASINO GAMBLING IN OHIO. - RECEIVED & FILED
148. PLANNING COMMISSION, CITY OF CANTON, SHEILA K. THARP-BARRINO, SECRETARY: RECOMMENDING APPROVAL OF REPLATTING & RENUMBERING LOT #35828 EAST OF LOGAN AVE NW & SOUTH OF 47TH ST NW INTO 2 RECONFIGURED LOTS AS REQUESTED BY EVERETT & SUSAN DANIELS. - LAW DIRECTOR

149. PLANNING COMMISSION, CITY OF CANTON, SHEILA K. THARP-BARRINO, SECRETARY: RECOMMENDING APPROVAL FOR A ZONE CHANGE FROM R-1a TO PB-1 AT 3625 WEST TUSC TO PERMIT A PHYSICAL THERAPY OFFICE AS REQUESTED BY ROBERT BOLAN ON BEHALF OF THOMAS KRUPAR. - LAW DIRECTOR **PUBLIC HRG 5/19/03 @ 7:30 PM**
150. SAFETY DIRECTOR JOSEPH J. CONCATTO, CITY OF CANTON: REQUEST AUTHORIZATION TO ADVERTISE, RECEIVE BIDS AND ENTER INTO CONTRACT FOR PURCHASE OF HV/AC SYSTEM FOR THE TRAFFIC SIGN & PAINT FACILITY IN AMOUNT NOT TO EXCEED \$44,000. - LAW DIRECTOR (See O#4, 1st Rdg)
151. SERVICE DIRECTOR MICHAEL L. MILLER, CITY OF CANTON: REQUEST AUTHORIZATION TO ADVERTISE, RECEIVE BIDS & ENTER INTO CONTRACT FOR PURCHASE OF PORTABLE BLEACHERS. - LAW DIRECTOR (See O#5, 1st Rdg)
152. SERVICE DIRECTOR MICHAEL L. MILLER, CITY OF CANTON: REQUEST COUNCIL AUTHORIZATION TO ESTABLISH FAIR MARKET VALUE OF PARCELS #02-84900 & 02-43805; REQUEST AUTHORIZATION TO CONVEY THESE PARCELS AT ESTABLISHED FAIR MARKET VALUE AS PART OF THE RT 77 WIDENING PROJECT PHASE II, ODOT. - LAW DIRECTOR (See O#6, 1st Rdg)
153. TREASURER ROBERT C. SCHIRACK, CITY OF CANTON: REPORT OF TREASURER'S OFFICE BANK RECONCILIATIONS AND CITY'S OUTSTANDING INVESTMENTS AS OF 3/31/03. - RECEIVED & FILED
154. TREASURER ROBERT C. SCHIRACK, CITY OF CANTON: COMPARATIVE REPORT OF PARKING METER REVENUE FOR MONTH OF MARCH 2003. - RECEIVED & FILED
155. TREASURER ROBERT C. SCHIRACK, CITY OF CANTON: COMPARATIVE REPORT OF DEPOSITS AND PAY INS FOR MONTH OF MARCH 2003 TO AMBULANCE LOCK BOX ACCOUNT. - RECEIVED & FILED
156. TREASURER ROBERT C. SCHIRACK, CITY OF CANTON: COMPARATIVE REPORT OF INCOME TAX CASH RECEIPTS AS OF 3/31/02. - RECEIVED & FILED

ORDINANCES & FORMAL RESOLUTIONS FOR FIRST READING

PRESIDENT DENCZAK: We're now under Ordinances for the first reading. 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 #14 FOR THE FIRST TIME BY TITLE & ANNOUNCED THE COMMITTEE REFERRAL, AS FOLLOWS.

- #1 (1ST RDG) AN ORDINANCE AMENDING SUBSECTION (b) TO SECTION 151.08, OVERTIME AND COMPENSATORY TIME FOR NONEXEMPT AND EXEMPT EMPLOYEES, OF

THE CODIFIED ORDINANCES OF THE CITY OF CANTON; AND DECLARING THE SAME TO BE AN EMERGENCY

Referred to the Judiciary Committee

- #2 (1ST RDG) AN ORDINANCE APPROVING A CONTRACT AMENDMENT BETWEEN THE CITY OF CANTON AND LOCAL 3449 AND OHIO COUNCIL 8, AFSCME; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to the Personnel Committee
- #3 (1ST RDG) AN ORDINANCE AMENDING EXHIBIT A TO ORDINANCE NO. 40/2000, AS AMENDED, THE CLASSIFICATION PLAN FOR BARGAINING UNIT PERSONNEL EMPLOYED BY THE CITY OF CANTON; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to the Personnel Committee
- #4 (1ST RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY TO ADVERTISE, RECEIVE BIDS AND ENTER INTO CONTRACT IN AN AMOUNT NOT TO EXCEED \$44,000.00 FOR THE PURCHASE AND INSTALLATION OF AN HV/AC SYSTEM; 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 ADVERTISE, RECEIVE BIDS AND ENTER INTO CONTRACT FOR THE PURCHASE OF PORTABLE BLEACHERS; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to the Park & Recreation & Finance Committees
- #6 (1ST RDG) AN ORDINANCE ESTABLISHING THE FAIR MARKET VALUE OF CITY-OWNED PROPERTY IN CONJUNCTION WITH I-77 WIDENING PROJECT PHASE II; AUTHORIZING TEMPORARY EASEMENTS AND THE SALE AND CONVEYANCE OF SAID PROPERTY; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to the Community & Economic Development & Public Property Capital Improvement Committees
- #7 (1ST RDG) AN ORDINANCE AUTHORIZING WAIVING THE ANNUAL ADJUSTMENT TO THE BASE SEWER RATE AS ESTABLISHED BY THE CONSUMER PRICE INDEX PURSUANT TO SECTION 947.06, SEWER RATES, OF THE CODIFIED ORDINANCES OF THE CITY OF CANTON; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to the Judiciary Committee
- #8 (1ST RDG) AN ORDINANCE AUTHORIZING THE ADMINISTRATION AND CITY COUNCIL TO ACCEPT AN EMERGENCY TELEPHONE NOTIFICATION SYSTEM; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to the Intergovernmental & Pubic Service & Finance Committees

- #9 (1ST RDG) AN ORDINANCE ESTABLISHING THE FAIR MARKET VALUE OF REAL PROPERTY IN CONJUNCTION WITH THE SCENIC RAILROAD PROJECT; AUTHORIZING THE MAYOR AND/OR DIRECTOR OF PUBLIC SERVICE TO NEGOTIATE AND PURCHASE SAID PARCELS AT THE ESTABLISHED FAIR MARKET VALUE; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to the Community & Economic Development, Public Property Capital Improvement, & Finance Committees
- #10 (1ST RDG) AN ORDINANCE EXTENDING THE CITY INCOME TAX FILING DATE OF APRIL 30 FOR MILITARY RESERVISTS CALLED TO ACTIVE DUTY OR RECENTLY DISCHARGED FROM ACTIVE DUTY FOR OPERATION IRAQI FREEDOM; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to the Judiciary Committee
- #11 (1ST RDG) AN ORDINANCE NAMING AN UNNAMED ALLEY IN THE CITY OF CANTON, LONG PLACE, S.E.
Referred to the Public Safety & Thoroughfares Committee
- #12 (1ST RDG) AN ORDINANCE NAMING AN UNNAMED ALLEY IN THE CITY OF CANTON, RANDLE COURT, S.E.
Referred to the Public Safety & Thoroughfares Committee
- #13 (1ST RDG) AN ORDINANCE NAMING AN UNNAMED ALLEY IN THE CITY OF CANTON, LAFAY COURT, S.W.
Referred to the Public Safety & Thoroughfares Committee
- #14 (1ST RDG) AN ORDINANCE NAMING AN UNNAMED ALLEY IN THE CITY OF CANTON, RAMOS COURT, S.E.
Referred to the Public Safety & Thoroughfares Committee

PRESIDENT DENCZAK: It will not be necessary to recess for a committee meeting because Ordinance #1 is held in the committee.

ORDINANCES & FORMAL RESOLUTIONS FOR SECOND READING

PRESIDENT DENCZAK: Ordinances for their second reading.

NOTE: PRESIDENT DENCZAK CALLED UPON CLERK VANCKUNAS TO READ THE FOLLOWING ORDINANCES #15 THROUGH #17 FOR THE SECOND TIME BY TITLE, AS FOLLOWS.

- #15 (2ND RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY TO ENTER INTO CONTRACT WITH UTILITY TRUCK EQUIPMENT IN AN AMOUNT NOT TO EXCEED \$69,143.00 PURSUANT TO OHIO REVISED CODE SECTION 5513.01, FOR THE PURCHASE OF A 2003 VERSALIFT SST-37-ENH AERIAL TOWER FOR THE TRAFFIC ENGINEERING DEPARTMENT; AND DECLARING THE SAME TO BE AN EMERGENCY

- #16 (2ND RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ADVERTISE AND RECEIVE BIDS TO EXTEND CITY OF CANTON WATER LINES; AND DECLARING THE SAME TO BE AN EMERGENCY
- #17 (2ND RDG) AN ORDINANCE AMENDING ORDINANCE NO. 55/77, AS AMENDED, KNOWN AS THE CITY OF CANTON ZONING ORDINANCE; AND DECLARING THE SAME TO BE AN EMERGENCY (AULTMAN HOSPITAL HELIPORT ZONE CHANGE)

ORDINANCES & FORMAL RESOLUTIONS FOR THIRD READING

PRESIDENT DENCZAK: Ordinances and Formal Resolutions for their third and final reading. Ordinance #18 please.

NOTE: PRESIDENT DENCZAK CALLED UPON CLERK VANCKUNAS TO READ THE FOLLOWING ORDINANCES #18 THROUGH #23 FOR THE THIRD & FINAL TIME BY TITLE, AS FOLLOWS.

- #18 (3RD RDG) **ADOPTED AS ORDINANCE NO. 62/2003** 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 ***AMENDED TO ADD: “, THE LAW DEPARTMENT,”** AND THE POLICE DEPARTMENT; AND DECLARING THE SAME TO BE AN EMERGENCY

MEMBER SMUCKLER: Mr. President, I move we adopt Ordinance #18; seconded.

PRESIDENT DENCZAK: It's moved and seconded that you adopt Ordinance #18; are there any remarks?...

MEMBER SMUCKLER: Mr. President, I move we amend Ordinance 18 by the amendment before every Councilperson; seconded.

AMENDMENT: Pursuant to Rule No. 36, I hereby move to amend Agenda Item No. 18 by the substitution of the attached ordinance for the one currently pending before Council in order to include the establishment of a change drawer for the Law Department in anticipation of the collection of fees for discretionary public services.

ATTACHED AMENDED ORDINANCE: ORDINANCE NO.

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, THE LAW DEPARTMENT AND THE POLICE DEPARTMENT; AND DECLARING THE SAME TO BE AN EMERGENCY

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CANTON, STATE OF OHIO, THAT:

Section 1. Subsections (e), (k) and (n) to Section 1 of Ordinance No. 174/95 be and the same are hereby amended to read as follows:

<u>DEPARTMENT</u>	<u>FUND ADMINISTRATOR</u>	<u>TYPE OF FUND</u>	<u>AMOUNT</u>
(e) Municipal Clerk of Courts	Clerk		
Banking-ATM Cash			
(Reserve Drawer)		ATM Reserve	\$10,000.00
Criminal Division		Change Drawer	\$300.00
Civil Division		Change Drawer	\$100.00
Trusteeship		Change Drawer	\$50.00
(k) Law	Office Manager		
		Petty Cash	\$100.00
		Change Drawer	\$200.00
(n) Police	Chief		
Intelligence/Vice		Investigation-Cash	\$5,000.00
Detective/Juvenile		Investigation-Cash	\$5,000.00
Record Room		Change Drawer	\$50.00

Section 2. Petty Cash and Change Drawer Funds shall be administered pursuant to directives issued by the City Auditor.

Section 3. The City Auditor is hereby authorized and directed to draw his warrants upon receipt of vouchers duly approved by the proper departmental authority.

Section 4. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

Section 5. This ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health or safety of the citizens of the City of Canton; the emergency being the necessity to establish readily available cash in the Municipal Clerk of Courts, the Law Department and Police Department in conformance with sound auditing and fiscal practices. And provided it receives the affirmative vote of two-thirds of the elected and/or appointed members to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

PASSED:

President of Council

ATTEST:

APPROVED:

Clerk of Council

Mayor

PRESIDENT DENCZAK: It's moved and seconded to amend Ordinance 18 per the copy before each of you. Are there any remarks on this amendment?...

MEMBER SMUCKLER: Mr. President, basically this just adds the Law Department along with the other departments to the list that will have this petty cash fund.

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

NO FURTHER REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance #18 as amended is adopted.

ADOPTED AS ORD. NO. 62/2003

#19 (3RD RDG) **ADOPTED AS ORDINANCE NO. 63/2003** 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

MEMBER SMUCKLER: Mr. President, I move we adopt Ordinance #19; seconded.

PRESIDENT DENCZAK: It's moved and seconded that you adopt Ordinance 19; are there any remarks under this ordinance?...

MEMBER CASAR: Mr. President, I would like to ask the Service Director a question if I may, please.

PRESIDENT DENCZAK: You may.

MEMBER CASAR: Service Director Miller, approximately how far out of the City limits is this particular project and how many residents are we talking about hooking up to this line?

SERVICE DIRECTOR MILLER: It's 240 feet of line that's being extended. It's two residences and I believe it is approximately 20,850 feet outside the City corporate limits at this point in time.

MEMBER CASAR: Are there any residents between this one and the City of Canton?

SERVICE DIRECTOR MILLER: It's about 4 miles out there, so there are a number of residences between this extension of the water line and the corporate limits at this point in time.

MEMBER CASAR: Was there any attempt to annex the property contingent to that area?

SERVICE DIRECTOR MILLER: Again, it's not contiguous—20,000 feet is approximately 4 miles. This is 4 miles outside the corporate limits.

MEMBER CASAR: I understand that, but my question was from the City corporate limits to where we're extending this water line...did we try to make any effort to annex before we extend water lines past this area?

SERVICE DIRECTOR MILLER: I guess the short answer to that is no.

MEMBER CASAR: Well, Mr. President, we've been doing this extending water lines, I don't know, as many years as I've been here, there's gotta be at least 4-500 at least that I know I voted no for, and we wonder why the City of Canton is dying on the vine. Because every time we extend a water line, there is absolutely no chance to annex. We've done it. We continue to do it. And the answer is, when I ask why do we do it, this Administration and the previous Administration kept on saying well it keeps the water rates down. Well we know that isn't actually true because we had water raises the last couple years. In my opinion, if we'd expend as much time extending water lines instead of, and expend that time trying to annex, I think the City of Canton would have shown some substantial growth in the last 20 years.

SERVICE DIRECTOR MILLER: Mr. President, I'd like to respond to that briefly. The City of Canton has come down since 1992 and asked for approximately 106, this is the 106th, water line extension outside the City and not 3- or 400. Before that time, nobody, no Administration came down to Council and asked, it was just done, 750' a year with no request. This is an area we're in direct competition with Consumers Water. The policy of no water without annexation was a policy that was practiced by North Canton. North Canton now is surrounded by Consumers Water and Canton Water because that policy does not work where you have competition from other utilities. The water rates have been low, there has not been a water rate increase for at least the last two years. Our water rates still are in the lowest 10% in the State of Ohio. Our water rates, even with the 150% surcharge outside the City of Canton, are still lower than a number of cities' inside rates. And this is a policy that has worked. We are not expending any money. The people are extending the line and turning the line over to us. And we get those customers from here on out.

MEMBER CASAR: Mr. President, I realize that we're not expending any money and this, thank God we're not doing that, but it still eliminates any possibility to ever annex them. And we wonder why we're not growing. I mean you can look around this state and other states that a city, they went out and annexed the whole county because they had the precious commodity called water. And the City of Canton has that. But we have not used it to the fullest and I, maybe it was only 106 or whatever, but I'm speaking about other administrations. I know that the water lines was sent out and then from there they would hook on, hook on, hook on, and pretty soon...the whole area had City water. So consequently we were never able to annex. And that's a good reason why the City of Canton cannot grow. We must grow now within because we're not going to go too far out, maybe a little south, get some industrial...but I'm talking basically residential because we're surrounded by water that the City of Canton gave. And when were we ever said that we have to be in competition with Consumers Water, North Canton, whatever? We're to provide water, safe drinking water for the residents of the City of Canton. Not for everyone else. So we're not in it to make a profit in my opinion.

MAYOR WATKINS: Mr. President, Member Casar, Members of Council. The City of Canton, contrary to the comments that I've listened to, has annexed in excess of 1,000 acres in the last 12 years, 11 years. We have grown. We'll continue to grow and we'll continue to grow by virtue of the fact that we've entered into agreements with people like Canton Township, which takes into consideration annexation and developmental programs that are going to create industrial park jobs in excess of 1,000 jobs. This is beneficial to the City of Canton. And I realize we're not annexing everything that we have given service to, but we've annexed a lot of it. We continue to want to make sure we don't get shut off. North Canton has got themselves shut off completely, they've got no place to go...excepting to Ohio Water Company. And if you look at their rates, I don't think you want to pay those rates.

MEMBER CASAR: Mr. President...

PRESIDENT DENCZAK: Anybody else have anything to say?... Member Casar?

MEMBER CASAR: Mr. President, they're not going to be able to go to Ohio Water Company because I've been doing investigation on this for 2 or 3 years. And they are getting where they can hardly supply their customers with water. So that's what I'm saying, the City of Canton's fortunate that we have an abundance of water thanks to previous Administrations that saw the foresight to develop their waterfields in Sugarcreek. And we're reaping the harvest on that. And that's all fine and good, but if we would have promoted our water service, I'm not saying this year or last year or next year...5, 10, 15 years ago, we would have grown. We would have grown substantially. Kings Creek's a good example. I mean how many homes up there, or how many duplexes up there, how many condominiums are up there that the previous Administration, not this Administration, literally gave our water away. I mean that could be a substantial benefit to the General Fund with those big homes up there, and you know it's 2% from all those employees...I mean that are employed, and that would be coming into the General Fund. We, especially now and in the past, we just didn't take advantage of it as I see it. And I've always voted no and I know that no one else does. And I see it that we missed an opportunity to growing over the years, and now we're dying on the vine.

PRESIDENT DENCZAK: Any other remarks?... If not, the question you're voting on now is Ordinance 19; roll call vote please.

NO REMARKS

ROLL CALL: 10 YEAS, 1 NAY (CASAR VOTED NO)

PRESIDENT DENCZAK: Ordinance #19 is adopted. **#19 ADOPTED AS ORDINANCE NO. 63/2003**
#20 (3RD RDG) **ADOPTED AS ORDINANCE NO. 64/2003** 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

MEMBER SMUCKLER: Mr. President, I move we adopt Ordinance #20; seconded.

PRESIDENT DENCZAK: It's moved and seconded that you adopt Ordinance #20; are there any remarks under this ordinance?... If not, roll call vote please.

NO REMARKS

ROLL CALL: 10 YEAS, 1 NAY (CASAR VOTED NO)

PRESIDENT DENCZAK: Ordinance #20 is adopted. **#20 ADOPTED AS ORDINANCE NO. 64/2003**

#21 (3RD RDG) **ADOPTED AS ORDINANCE NO. 65/2003** 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

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

PRESIDENT DENCZAK: It's moved and seconded that you adopt Ordinance 21; are there any remarks under this ordinance?...

MEMBER SMUCKLER: Mr. President, question, I didn't find this out til last Friday, so I just have a question about this, and it probably won't effect my vote one way or the other. The trains that used to pass here, used to go down by South Market. My understanding is, is that there is no place for this happening down on South Market. Is that correct?...

SERVICE DIRECTOR MILLER: The Scenic Railroad Station is on West Tusc next to Downtown Ford, it does not interconnect with the railroad tracks that go down to South Market, which run east/west, not north/south.

MEMBER SMUCKLER: All right, I just, I'm a little...just for the record, I happened to stop down at the old train station that is now a restaurant, and this is one of the things that sometimes just gets by me and I don't know why we do what we do, but my understanding is, is they may bus people over there...oh, yeah....they may bus people over there to be able to go down and see that area, but we won't run the train through there. I just am a little amazed at this whole thing.

SERVICE DIRECTOR MILLER: Mr. President, the Cuyahoga Scenic Valley Railroad does plan to interconnect with a shuttle bus system that will go to the First Ladies Museum, will go to the Football Hall of Fame, will go to the McKinley Museum...will go to a number of other sites in Canton, but, no, it will not directly connect with that South Market rail station.

MEMBER SMUCKLER: Mr. President. Mr. Miller, just for the record, the South Market rail station was asked if they wanted to participate, that was confirmed to me last Friday.

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

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance #21 is adopted.

#21 ADOPTED AS ORDINANCE NO. 65/2003

#22 (3RD RDG) **ADOPTED AS ORDINANCE NO. 66/2003** 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

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

PRESIDENT DENCZAK: It's moved and seconded that you adopt Ordinance 22; are there any remarks under this ordinance?...

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

PRESIDENT DENCZAK: You may.

MEMBER CASAR: Safety Director Concatto, would you, for the record also, would you please break that down in

regards to, is the City of Canton going to be reimbursed a complete amount of the salaries of these two individuals or is the City going to participate? I'd just like to make it available for the record.

SAFETY DIRECTOR CONCATTO: Mr. President, Member Casar, we will be, the City will be paying us for the balance of this school year for two patrolmen, two police officers, the ones that were assigned there earlier...Officer Ondo and Officer Zachery...for the rest of this school year. And that will break down at \$32,075; that'll include the benefit pension and their salary. And then for next year, from the school year of June 8th, 2003, from the beginning of the school year, until June 8th, 2004, they will be paying us \$68,733, and that's just for those months of school year. And that takes out the week of Christmas, the week of Easter, those weeks that school is not in, and our officers will not be present.

MEMBER CASAR: Mr. President, Safety Director Concatto, then the weeks or the days they're not working at the City Schools, they'll be coming back and working with the Canton Police Department on a regular shift?

SAFETY DIRECTOR CONCATTO: Mr. President, yes, they'll be assigned to Patrol on those days that they're not working there, yes. Unless they take vacation, which they have a right to do.

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

NO FURTHER REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance #22 is adopted.

#22 ADOPTED AS ORDINANCE NO. 66/2003

#23 (3RD RDG) **ADOPTED AS ORDINANCE NO. 67/2003** 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

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

PRESIDENT DENCZAK: It's moved and seconded that you adopt Ordinance 23; are there any remarks under this ordinance?...

MEMBER CASAR: Mr. President, just happens to be the ordinances I'm not sure of, so I have to ask these questions on them. Service Director Miller, as I was driving down here this evening, I saw the 1050 project, you know, with the big holes in the street, and, you know, I really don't know what they doing. Could you just kind of explain where is it hooking into, where is it going...is this for the Timken...what is it?

SERVICE DIRECTOR MILLER: Mr. President, this is for the Timken Campus project. This is going to allow them to vacate 3rd Street and 2nd Street going east/west and the streets going north/south from McKinley over to Shorb or what is now Shorb. Fourth Street is being widened out, it'll be two-way over to McKinley. There will be street scape on both sides of it. A portion of the walking/bike trail will be on the north side to eventually connect over to Lawrence Road and on out to where the trail is now. We will be coming down Shorb Avenue and Fulton, widening that out, also street-scaping that. And that will end up being re-named Fulton, so that if you're coming down Tusc, you find Fulton, you go Fulton all the way out rather than looking for Shorb, and then connecting into Fulton. The

project is, as you said, there's more than a few holes around...that's pretty well underway and is slated to be done by this Fall, early Winter.

MEMBER CASAR: Thank you.

PRESIDENT DENCZAK: Service Director, I have a question. When will that infrastructure work be done on McKinley Avenue. They have the traffic pretty well tied up all the time; it's single-lane traffic and it's a main southbound artery. Do you have any idea when it's going to be....?

SERVICE DIRECTOR MILLER: They indicated that would be a few more weeks; I'll find out the specific estimate at this point in time and get back with you.

PRESIDENT DENCZAK: Are there any further remarks?... If not, roll call vote please.

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance #23 is adopted.

#23 ADOPTED AS ORDINANCE NO. 67/2003

ANNOUNCEMENT OF COMMITTEE MEETINGS

PRESIDENT DENCZAK: Announcement of Committee Meetings please.

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

PRESIDENT DENCZAK: April 21st?

MEMBER SMUCKLER: Yeah. Also, after the meeting this evening, I need to meet with the Service Director, the Assistant Majority Leader and the Minority Leader for a few minutes to discuss our new program of transfer within accounts of over \$5,000 for professional services, before you leave so we can get this clarified and signed one way or the other.

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

MEMBER HAWK: Mr. President, Intergovernmental and Public Services will meet Monday, April 21st at 6 p.m. Thank you.

MEMBER MALLONN: Mr. President, Parks & Recreation and Finance will meet April 21st, 5:45. Thank you.

MEMBER CARBENIA: Mr. President, the Personnel Committee will meet 4/21/03 at 6:00.

MEMBER MASSEY: Mr. President, Community & Economic Development will meet April 21st at 6:00.

PRESIDENT DENCZAK: Any other committees?

MEMBER DOUGHERTY: Mr. President, Public Property Capital Improvement will also meet the 21st, 6 p.m.

PUBLIC SPEAKS (OPEN FORUM--CITY BUSINESS ONLY)

PRESIDENT DENCZAK: Public Speaks, Open Forum, City Business Only. We have several people signed up this evening. The first speaker is Lynn Markley.

MR. MARKLEY: I'm Lynn Markley and I'm the Executive Director of the Canton Friendship Center.

PRESIDENT DENCZAK: State your address for the record please.

MR. MARKLEY: We are 919 Walnut Avenue NE, Canton, Ohio. We're right behind Nationwide, just so you all know where we're at. This is in response to a termination of our lease that I received from Richard Watkins and I was working with Michael L. Miller. And I'd like to read this. After 17 years of helping fund our service with a dollar per lease from the City of Canton, the City has terminated our lease. We are very appreciative of the Canton generous support over the 17 years. Our members consist of persons with special challenges, that have a mental illness, emotional problems, mental retardation, physical and development disabilities and/or loneliness. Our service to the 624 persons per month are as follows, okay? We have a social drop-in center with 252 active members. A representative pay you program with 272 now and committed. Our food pantry does 100 clients per month. We serve on the average 360 meals per month. The concept of a social center grew out of a cooperative effort on the part of the mental health services, consumers, their families, local clergy, concerned citizens in the City government. In the Fall of 1985, the Mayor of Canton endorsed the program with a proposal to donate a city-owned building at 919 Walnut Avenue NE, Canton, Ohio. City Council endorsed the program and provided the CFC with its current home at a cost of one dollar per year. The CFC is currently open 7 days per week and provides a good and safe environment for people to drop in and see their peers, friends, and enjoy various activities. We have an excellent kitchen facility which meets all Code and Sanitation requirements. It is extremely difficult for the Canton Friendship Center to leave the premises in 90 days as specified in the Mayor's letter, and provide continuous service to our members. When the CFC finds a facility that meets our needs, we can then determine the cost to move and then provide a timetable. If anyone here has ever moved, they know that just moving a commercial type kitchen facility would be difficult in the time provided in the Mayor's letter. The Stark County Mental Health Board provides the majority of our funding, and the Canton Friendship Center will need to develop an additional source of funding to cover the cost of the move. We anticipate the City of Canton can help us with this required moved. And then I have a list of the facts, I was dealing with Mike Miller's office, and I was dealing not really with the Mayor's Office...

PRESIDENT DENCZAK: Sir, I'm sorry, but under Council Rules, your 3 minutes are up. Bring your remarks to a close.

MR. MARKLEY: Can I just finish my summary please.

PRESIDENT DENCZAK: Yes, bring your remarks to a close.

MR. MARKLEY: Okay. All that the Canton Friendship Center asks is that we be treated fair, with some dignity and respect. We know that the Mayor and the City Council want to help the Canton Friendship Center and the 620 sick people that we serve. Thank you for your attention.

PRESIDENT DENCZAK: Thank you, sir. The next speaker is Jack Cameron.

MR. CAMERON: Okay, thank you. My name is Jack Cameron, I'm presently the Executive Director of the

Community Health Foundation, but for 14 years I was the Director of the Friendship Center. So I have a lot of memories of the Friendship Center. And I just wanted to say that the 14 or 1500 people that have come through that place over the past 15, 16 years, a lot of good has really happened and getting the Friendship Center started off the ground was a cooperative effort of a lot of people, including some City people—the Downtown Canton Association, and a whole lot of folks that put in a lot of time. And a lot of good's happened at the Friendship Center. So I'd really hate to see this community asset lost because that's what it is...the Friendship Center is a tremendous community asset. It benefits a lot of people. It's open 365 days a year, and while you all at home with your families on Christmas and Thanksgiving, the staff at the Friendship Center cook a meal and it's a place to go for people that have no other place to go. So it's a great program. I'm not going to take much more time, except to say right now I'm in the business of working at a foundation of evaluation programs and figuring out which ones are good and which ones aren't so good. And I really believe that the Canton Friendship Center represents a very valuable program and it'll be a tremendous loss should the program not survive. And I can tell you that this is quite a shock to the organization, and with 60 days only to do something, it's going to be really tough—with mental health funds cut at this particular time and coming up with extra money, it's really going to be difficult. So that's really all I wanted to say and thanks for your time.

PRESIDENT DENCZAK: The next speaker is Carl Carnes, Jr. State your name and address please.

MR. CARNES: My name is Carl Carnes and my address is 203 Wertz Avenue NW, Canton, Ohio. In January 1987, I became homeless and lived at the YMCA. I had no friends, not much to eat and no place to go. In May 1987, I found the Canton Friendship Center where I met new friends and was able to give my time to help out. I had no skills then. And no job prospects. Then in August of 1987, I was hit by a car and almost killed and I then realized with my permanent back injury, I would be unable to work a significant labor job, so I volunteered to help make the place what it is today. With my emotional and physical problems mounting, I became suicidal and ended up at the Crisis Center. When I got out, I was referred from Canton Friendship Center to Central Mental Health, which is now NOVA. I found a place to go at the Friendship Center because it has provided me with nutritional hot meals because I had no holidays to celebrate with my family 'cause they didn't care. In physical activities, I had none until I got there because they had a basketball, a little basketball league and a softball league, and even bowling was really great for us. But most of all the place has kept me alive by me realizing I am not alone with my emotional problems and my mental illness, which is sometimes schizophrenia, but it also has kept me and many, many others out of the state hospital, which is a lot of taxpayers' dollars. Thank you for your time.

PRESIDENT DENCZAK: The next speaker is Susan Daniels.

MS. DANIELS: I'm Susan Daniels and I live at 222 - 47th Street NW in Canton. And I'm here representing my husband Everett and my daughter Jessica. I first would like to thank the Councilpersons who initially voted affirmatively for our lot division on 47th Street. Thank you, Don Casar, Richard Hart and Rosemary Diamond. Thank you for being fair and professional. It's very disheartening to stand before you tonight because what should have been a simple process has turned into a nightmare for our family. Our name has been dragged through the media unnecessarily and a negative aura has been cast upon our beautiful property. We followed all the rules to secure a lot split. We were approved twice by the Planning Commission. And we are hoping that tonight you will cease listening to all the lies and fabrications that certain people are trying to sway Council with. We're appalled that the former owner and builder of our home will tell Planning Commission that there's always been a drainage problem. We have lived in our home for 7 years and we are dry as a bone. Please understand that if he said that there was a drainage and water problem, this was never, and I repeat never, disclosed in the real estate transfer. And this is outright illegal. Please do not allow one neighbor who just doesn't want a lot split to influence your vote. They claim to be concerned with the beauty of our neighborhood. This neighbor has a 20' by 15' dog pen enclosed with a chain

link fence on the side of their home that faces us. The company that surveyed our property informed us that it even sits 3 feet on our property, but we've chosen not to complain. Also, you must know that there is no deed restriction in our allotment concerning lot splits. Our counsel has thoroughly investigated this and I have a copy with me this evening. Please do not let political party influence you as it had in the past. We ask you to be objective in your decision and not subjective. If you vote negatively, please give us a reason. We are fully entitled to that, and we hope that you truly see that all rules have been followed, and will vote in our favor. Upon arrival this evening, we were informed that you have chosen not to vote on this this evening. My husband and I feel that we are entitled to an explanation. We do not understand this move. We do not understand your reasoning and procedure. Thank you for your time.

LAW DIRECTOR MARTUCCIO: Mr. President. Mrs. Daniels, the reason it's not up for a vote tonight is because when the ordinance was defeated and remanded back to the Planning Commission for further consideration, they, as you know, because you attended it, re-examined it and made another recommendation. It's coming back to us by form of a letter. That is in our office. I am treating that as a request for a new ordinance. It will come back next Monday as a first reading and have a committee meeting. Because it had been defeated by a vote of 8 to 4 and the rule that exists for zoning reconsiderations does not exist for re-plats, we've chosen to treat it as a new ordinance. Therefore, it will have a first reading next Monday and it will be assigned to committee. It is my recommendation to Council, it was my recommendation during our Caucus, that they invite anyone who has any meaningful input to testify at committee hearing and let them know the science and the pros and cons of the lot split and decide accordingly. So, again, it will have a first reading next Monday followed by a committee meeting and a second and a third reading in all likelihood. It was not a choice by Council to delay the vote tonight, it is simply not here for them to vote on yet. I hope that answers your questions.

PRESIDENT DENCZAK: The next speaker is John Ross.

MR. ROSS: Thank you. My address is 223 - 22nd Street NW in Canton. Mayor, Mr. President, Members of Council. Tonight my purpose for appearing before you is to request that the Council adopt by ordinance in the near future an ordinance to place before the electorate the matter of a Charter Commission. I think it's particularly appropriate at this time that citizens of Canton be offered the opportunity to vote on a Charter Commission given our current situation, which is one of fairly dire financial crisis. At this time, during this year and into next year, we're going to have to face some challenges with the finances of the City of Canton. In the near term, I believe that a charter form of government may be able to address some streamlining of our governmental operations. And I think that the Charter Commission should be permitted to be considered by the voters. I believe the Law Director would be certainly able to counsel the City Council as to how the matter of a Charter Commission is put before the voters. Very briefly, this body would have to adopt by two-thirds resolution such an ordinance. And that would go on the November ballot. The ordinance would have to be passed no earlier than 60 days nor more than 120 days before the November election. So I think it's appropriate and I would request that City Council, Mr. President, create an ad hoc committee to look at the possibility, the feasibility of such an ordinance creating a Charter Commission to be considered by the voters in November. Thank you.

PRESIDENT DENCZAK: Mr. Ross, the President of Council has no authority to form any committees.

MR. ROSS: No, I understand that.

PRESIDENT DENCZAK: The next speaker is Thomas Maurer.

MR. MAURER: I'm Thomas Maurer and I live at 604 Cleveland Avenue SW. I don't understand how we got cut

off like that when we could have had a smooth transition to our next place without waiting two months to do it. I was wondering if we did something wrong or it's just the way it is. Nationwide wants that parking lot. I just wish somebody would say...are we going to get another place or are we just going to be shut off. I wish the Mayor would address that. Thank you.

PRESIDENT DENCZAK: Mayor, do you wish to respond to that?

MAYOR WATKINS: (INAUDIBLE--HE DEFERS SPEAKING UNTIL MISCELLANEOUS BUSINESS PORTION--SEE PAGE 276)

MISCELLANEOUS BUSINESS

PRESIDENT DENCZAK: We're now under Miscellaneous Business. Members of Council, at the last meeting of Canton City Council, Councilmember Hart chose to retort a Letter to the Editor that I wrote several days ago. I have a copy here of my letter, word for word. I have a copy of the minutes here, verbatim, of the remarks made by Member Hart. In Member Hart's remarks, he said I did not support the buyout of the City employees. I never mentioned the fact that he did support it. I only mentioned that fact that he didn't question it. Furthermore he says there was a real brain drain because we were losing some key people in some key positions. And I agree with him. That's why I urged Council to create a position in Council to fill one of the positions so we could train a clerk of council to be able to take over when our present clerk retires within a year. So I agree with Member Hart. Also he says that legislation was not introduced by Member Diamond and myself. In my letter, I don't state in one place anywhere where they introduced any legislation. So I wish if you're going to criticize me, Member Hart, that you have the facts to criticize me on what I said and not on some pipe dream. Who's asking for the floor?...Member Casar?

MEMBER CASAR: Mr. President, I'd like to ask the Safety Director a question if I may please. Safety Director Concatto, on March 31st, I gave you a list of 41 portable sign locations that are in my opinion against our ordinance that City Council passed back in October, I believe, 9/30/2000. And I would just like to know if anything's been done in regards to enforcing these signs that are out there.

SAFETY DIRECTOR CONCATTO: Mr. President. Member Casar, we have taken your list and, not only that, I have instructed and ordered all of the Code Enforcement and Building inspectors as they travel through the streets of the City of Canton to note every portable sign that is in the City. Once that list, including your list, is created, we will send them or in the process of sending them a 14-day notice that they must register those signs with the City of Canton and get the proper permits or we will order the signs down without those proper permits. We are in the process now that we have created that list, we have sent it out, we have conferred with the Law Department, Jason Reese, on the language of the letter. The only thing we're not sure of is if some businesses become defiant, if we actually have the authority to come in there and take the sign down. It'll probably be more of a legal issue where we would have to take them to court through the, I think it's fourth degree misdemeanor.

MEMBER CASAR: Mr. President. Safety Director Concatto, that's all good that you're going the one step further, but that's not the question I asked. I asked if you've done anything with my 41, and 29 are directly against our ordinance and not complying with our ordinance. That's with the concrete blocks. So, two weeks since I have brought this forward. And I have an addendum to this. Next week I'll have probably about another 10 or 12 signs. So I probably have most of the signs, so you don't even have to bother your department to do it. But have you taken any action on these 41 signs?

SAFETY DIRECTOR CONCATTO: We have, because those signs in most cases are not signs that are put up by a sign company but are bought by businesses, we have sent them a letter informing them that they are in violation of the Code and must remove the sign or take a permit out from the sign. If it's with a cement block, they must remove the sign or put the sign up properly. We have sent those people the notices and we'll wait our 14 days and then we'll proceed with the legal aspect of it.

MEMBER CASAR: Safety Director Concatto, I hate to disagree with you, but if there's a name on the side of the sign, and I'm not going to mention the name, are they not owned by that particular company?

SAFETY DIRECTOR CONCATTO: Mr. President, yes, and that particular company has been, there is a certain company in town that has been brought to the courts. And, again, our next step is whether we can physically go on the property and remove the sign ourselves. If we can't get the, we have taken this individual to court, we have ordered him to take the signs down or get the proper permits, and if they're over 30 days, that they have to remove the signs. I would refer to the Law Director if in fact we can go on the property and remove them, or force them to do the things that we have. I believe that the ordinance says it's a fourth degree misdemeanor, and in some aspects of it, it might be a minor misdemeanor. What that means is that we would pursue the courts. And that's exactly what we'll do. We have done it with this individual. Basically for him it's out of my hands and into the courts because they've already addressed it with him.

MEMBER CASAR: Mr. President, Mr. Concatto, Safety Director Concatto. Once more, I will assure you that 90, 85 to 90 percent of the signs on my list here are from this particular individual. So they're not from, as you stated, store owners that own the signs or whatever. And I know because I noticed the name on all of them. But I guess if we cannot or we will not enforce these sign ordinances, our ordinance, then I think it leaves nothing for myself to do, other than to bring an ordinance to City Council to ban them completely. And then we're only hurting the small businessman. But if this Administration chooses not to enforce it, then I guess I'll have to do it.

SAFETY DIRECTOR CONCATTO: Mr. President. Member Casar, what would wish I do? I've taken it to the Law Department, I've taken the guy to court, we've done...what would you wish that I do?

MEMBER CASAR: Get the signs down.

SAFETY DIRECTOR CONCATTO: Mr. Law Director, can I go on a property and remove a sign on private property?

LAW DIRECTOR MARTUCCIO: Mr. President. Safety Director, I would advise against that until such time as the court authorizes us to do so. Member Casar, we are in the process of litigation. I care not to comment about some of our strategies, but we are in criminal court as we speak. And we are contemplating going into the civil courts as well to force compliance by someone. I'd like to remind this Council that the ordinance that was originally before it was a total ban of these portable signs. This Council delayed that long enough to let certain individuals come in and speak with us about the benefits of portable signs for small businesses. And it was at the request of some of Council that we negotiated the changes that would purportedly alleviate concrete blocks and rust and, when we were assured that we had all of the right language in place, the ordinance was passed with the changes. Obviously there are a number of people, one in particular, who refused to comply. We're doing what we can. Should Council decide to entertain an ordinance to do a complete ban, we would draft that at your request. However, we still have to deal with the ones that are out there and we are.

MEMBER CASAR: Mr. President, if no one else....?

MEMBER DIAMOND: Mr. President. What the Law Director is saying is exactly true. At one point, all, the majority of Council was opposed to any signs because of the problems that they have created in the past. A gentleman came here and as opposed to talking to us, I would say lobbied certain people on City Council and persuaded the majority of Council to pass this sign...and assured everybody that his company would be the first to comply with everything. I voted against that ordinance because there is no way that we could possibly enforce it. Another comment...

MEMBER CASAR: Mr. President, point of information.

PRESIDENT DENCZAK: State your point of information.

MEMBER CASAR: Unless...I have the ordinance in front of me and it says adopted 9/30/2002 by unanimous vote. So if you were present, you voted for it, Member Diamond.

MEMBER DIAMOND: I did not vote for that ordinance. Mr. President, another thing that Member Casar...

PRESIDENT DENCZAK: Wait a minute, he raised a point...you're saying that you did not vote for it?
(INAUDIBLE RESPONSE) Go ahead, continue.

MEMBER DIAMOND: An incorrect statement that Member Casar made was that, and I was under the impression also, a majority of these signs do have one company's name on them. However, there are business owners that have purchased those signs. They're not rented from that facility. I had one in my ward. I called that, the company, he indicated that businesses...that anyone is able to purchase one of those signs. So whether or not they have that company's logo and name on it does not indicate that that is owned or rented by that company.

MEMBER CASAR: Mr. President, I don't care who owns them, I don't care who rents them. Let's just comply with our ordinance, that's all I'm saying, enforce the ordinance we have. And if we can't do it, I will be the person to bring a new ordinance in eliminating them completely. And that will hurt the small businessman. But if that's what this Administration chooses to do, I'll do it.

MAYOR WATKINS: Mr. President. Member Casar, I wish you'd quit referring to this Administration's point of view and our attitude and our approach to this because you're absolutely and totally incorrect. Number one, we don't know who owns those signs and it has been said previously that some of those signs were purchased, they may have somebody's logo on them on a tag on them, but they've been bought by private individuals. We have to go by what the Law Director tells us and that's exactly what we're trying to do is follow the right legal procedure to get rid of them. We're not stopping it. It's not the position of this Administration to put up with something that's illegal. So please don't say that.

MEMBER CASAR: Mr. President, perhaps my words were a little strong, but they're still there and we have an ordinance, and they should not be there. And even the Law Director said, he said they're contemplating...let's stop contemplating, let's act.

PRESIDENT DENCZAK: Any other Miscellaneous Business?...

MAYOR WATKINS: Mr. President, I'd like to address my comments to Members of Council, and most notably to Mr. Cameron and Mr. Markley, the folks who came in and are concerned about the Friendship Center. Yes, you do some good things, we admire that, and you've been there for a number of years. This was not a permanent gift from

the City of Canton to the Friendship Center. It was on a lease agreement providing a facility that would be usable for the Friendship Center operations. We've reached a point in time where we have a need for that particular space for a potential expansion of other businesses and other economic development. It's important to us that we do that. It wasn't 60 days, the notice was 90 days. This is still a flexible thing and we want to work with you, we want to try to help you find another location and to assist you in any way we can to allow your operation to continue. We don't want to thwart you, we don't want to stop your operations—we just want to have an opportunity to take advantage of chances that we have for further economic development in this City. That's important to us for our future or we can't afford to give anything away for a dollar or whatever the amount might be, no matter how much it is. We will try to help you and we'll work with you and we'll be in touch with you, and try to find a way for you to have another location that will be more than adequate for your needs, and do what we can to assist you. Believe me, we will do that.

PRESIDENT DENCZAK: Any other Miscellaneous Business?

MEMBER HART: Mr. President, for that Service Director, I wanted to know if I could get a time line on a possible replacement of bridges down at the walking track. I had written Doug Perry concerned those and he said this is something that he would be working out with you. And my question is is this something we could do in-house in the replacement of the bridges, or is this something we would have to go out for bid on?

SERVICE DIRECTOR MILLER: The bridge that most notably needs to be replaced and has been budgeted in 4501 Capital Improvement account this year is something that the cost is well beyond our in-house capability. We're looking at a budgetary amount of \$70,000. Hopefully it will come in under that for that bridge at the north end of the walking track. The Engineer's Office is working with the Park Department to develop what kind of bridge they want to have up there. There are some specs that are going to be put together, then they'll go out to bid and hopefully get done well before the end of this year.

MEMBER HART: Okay, thank you very much.

PRESIDENT DENCZAK: 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: 8:39 P.M.

ATTEST:

APPROVED:

DEBRA VANCKUNAS
CLERK OF COUNCIL

RAY DENCZAK
PRESIDENT OF COUNCIL