

MINUTES OF THE MEETING OF APRIL 21, 2003

The regular meeting of Canton City Council was held on Monday, April 21, 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 Kathleen Altieri Bucher, 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:

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

2 COUNCILMEMBERS ABSENT (RICHARD D. HART, ROSEMARY DIAMOND)

AGENDA CORRECTIONS & CHANGES

PRESIDENT DENCZAK: Members of Council, before we proceed, the Mayor handed me a letter from George Davis which I think will be very interesting to Councilmembers. The Chair will read that now. It's from George Davis, the Administrative Assistant. Dear Mayor, I just got the final information and thought you'd like to know for tonight's meeting with City Council. Kiko Auctioneer Jim Gill notified me that the City will get a check on Tuesday afternoon for \$79,197.44 after all expenses as net profit for the April 12th, 2003 city auction and scrap sale. I'm delighted with this. This follows nearly \$187,000 put into the General Fund from three auctions in 2002. Our next auction will be June 28, 2003. We plan to have four before the end of the year because of the over-abundance of impounded motor vehicles. A copy was sent to Mike Miller and Joe Concatto. Agenda Corrections & Changes, Members of Council—you are being asked to suspend Rule 22A to add the Second Reading of Ordinances 5 through & including #18. The Chair will recognize that motion now.

MEMBER SMUCKLER: Mr. President, I move to suspend Rule 22A and add Ordinances 5 through 18 back to the agenda; seconded.

PRESIDENT DENCZAK: Moved and seconded to suspend Rule 22A to add Ordinances 5 through & including #18 to the agenda; are there any remarks?... If not, roll call vote please.

NO REMARKS

ROLL CALL: 10 YEAS, 0 NAYS

PRESIDENT DENCZAK: Rule 22A has been suspended and Ordinances 5 through and including #18 are a legal part of your agenda.

MEMBER SMUCKLER: Mr. President, I move that we suspend Rule 24B and add a resolution to the agenda from

Council-as-a-Whole regarding the passage of the County Sales Tax; seconded.

PRESIDENT DENCZAK: Moved and seconded to suspend Rule 24B to add Resolution #42 to the agenda from Council Committee-of-the-Whole in regards to support for the County sales tax. Are there any remarks?... If not, roll call vote please.

NO REMARKS

ROLL CALL: 10 YEAS, 0 NAYS

PRESIDENT DENCZAK: Rule 24B has been suspended and the Council Committee-of-the-Whole resolution is a legal part of your agenda.

PUBLIC HEARINGS

PRESIDENT DENCZAK: We had a scheduled public hearing for 7:30. I'll back to that place on the agenda. We went a little bit out of turn. The scheduled public hearing for 7:30 is a request by the Aultman Health Foundation to rezone the southwest corner of Dartmouth and 6th Street SW from R-1a to PB-1 for the Aultman heliport temporary relocation project. The Planning Commission recommends approval. The Chair now opens the public hearing in regards to this matter. Is there anyone in the audience wishing to speak for or against this request to rezone, please...

MEMBER SMUCKLER: Mr. President, did you forget something?...the statement.

PRESIDENT DENCZAK: I thought you'd make that when it came time to adjourn, but go ahead, make it now.

MEMBER SMUCKLER: *Before the public hearing begins, I would like to welcome all those who came to this evening's Council meeting regarding the Aultman heliport zone change. If you are prepared to speak during the public hearing, we invite you by all means to do so. But before you do, I would like to inform you that tonight's public hearing will be continued to the May 12th Council Meeting. My office complied with both State and Codified Ordinances by advertising a public hearing notice in The Repository. However, due to clerical error, we did not notify **ALL** property owners of the public hearing. Ohio Revised Code Section 713.12 states that failure of delivery of the public notice shall not invalidate the ordinance. In the sense of fairness and so that all parties have the opportunity to be heard, my office has re-notified all property owners of the May 12th hearing. Therefore you may speak at tonight's public hearing, or, if you choose, return to the May 12th public hearing. By waiting until the May 12th hearing, **ALL** persons will have an opportunity to hear your testimony. I sincerely apologize for any inconvenience. This was by Debbie Vanckunas, the Clerk of Council, but I thought in all fairness, even though most of the Council people are not here on a daily basis, by law I end up being Debbie's supervisor, and I have to sign off as supervisor. And I will take responsibility for the office staff. The office staff did not do this intentionally, it was a clerical error on the number of letters they should have sent out. And like was stated in here, in the sense of fairness, we will make sure that everyone was heard before any vote's taken. You will also notice that two Councilmembers are not here this evening, and we are hoping at the following meeting on May 12th, that we might have a full contingent here that would also help with for or against, whatever any vote may be or may not be taken at that evening. Thank you.*

PRESIDENT DENCZAK: The Chair now opens the public hearing in regards to this rezoning. Is there anyone in the audience wishing to speak for or against this rezone, please come forward. ...Please come forward, state your name and address and your position on this issue.

MR. FRIEDL: Ed Friedl, I'm an employee of Aultman Hospital, 2600 - 6th Street SW. As City Council is aware, Aultman is planning a \$93 million expansion to our main campus here in Canton. This expansion includes the construction of a new patient care facility, which will enable the hospital to meet our current and future needs in our health care market. In order to break ground for this facility later this summer, we need to temporarily move our helipad from its existing location to one of our parking lots located at the intersection of 6th Street and Dartmouth Avenue. Upon completion of the new facility, the helipad will be located permanently on top of the roof of the new building. Metro Life Flight in partnership with Aultman Health Foundation, has been a lifesaving resource serving the City of Canton for more than 3 years. In addition, Metro Life Flight has been serving northeast Ohio for more than 21 years. Metro Life Flight has a nationally accredited program, having over 49,000 safe free flights, making it the number one life flight program in the world. The location of the temporary helipad has been approved by the Federal Aviation Administration, the Ohio Department of Transportation, and Metro Life Flight. This temporary helipad will be completely enclosed by a fence; it will have 24-hour surveillance through 3 security cameras. In addition, Aultman security personnel will be present at all take off and landings. Aultman Health Foundation respectfully asks Council to approve this rezoning request to allow our temporary helipad to be located there. Thank you.

PRESIDENT DENCZAK: Anyone else in the audience?...please come forward.

MS. MCALLISTER: The residents of the surrounding area of Aultman Hospital, we do recognize the importance of the emergency medical heliport, although we request the City of Canton not to attempt to go forward with the heliport site without a fully developed report, and to proceed very carefully after gathering all the information...

PRESIDENT DENCZAK: Ma'am, excuse me, please. Please give your name and address for the record.

MS. MCALLISTER: Oh, I'm sorry. My name's Diana McAllister, 2707 Maywood Place SW. Okay, we're asking...

PRESIDENT DENCZAK: One moment please. You're speaking now under the public hearing, and you also signed up to speak under Public Speaks?

MS. MCALLISTER: Correct.

PRESIDENT DENCZAK: Okay, go ahead.

MS. MCALLISTER: Okay?... We're asking that they proceed very carefully after gathering all the information needed so a good decision can be made with all parties involved. Furthermore, we would request the report to include, but not limit it to what the effects and impacts are, related to the noise, the safety of the persons, and the safety of the properties involved. Also to participate in the decision-making process as suggested by the FAA. Thank you.

PRESIDENT DENCZAK: Anyone else in the audience wishing to speak for or against this issue, please come forward.... Is there anyone else in the audience wishing to speak for or against this issue, please come forward.... Is there anyone in the audience wishing to speak for or against this issue, please come forward... Apparently not; the Chair....oh, I'm sorry, this portion of the....the Chair will now recognize a motion, Member Smuckler. Are you going to adjourn this public hearing?...

MEMBER SMUCKLER: Mr. President, I move we continue this public hearing til May 12th ...

PRESIDENT DENCZAK: Adjourn the public hearing to a specific date.

MEMBER SMUCKLER: Mr. President, question for the Law Department. Is it continue or adjourn?...

ASSISTANT LAW DIRECTOR TATARSKY: (INAUDIBLE--NOT SPEAKING INTO MICROPHONE)

MEMBER SMUCKLER: Mr. President, I move we recess this public hearing until May 12th, 2003 at 7:30 p.m.; seconded.

PRESIDENT DENCZAK: Moved and seconded that you...what was the motion again?

MEMBER SMUCKLER: Recess.

PRESIDENT DENCZAK: To recess; are there any remarks?... If not, by voice vote, all those in favor, signify by saying aye--those opposed, no.

NO REMARKS

MOTION APPROVED BY UNANIMOUS VOICE VOTE

PRESIDENT DENCZAK: The public hearing in regards to the zone change is recessed until May 12th, 2003 at 7:30 p.m. So be it.

PUBLIC SPEAKS (ORDINANCES OR RESOLUTIONS FOR ADOPTION ONLY)

PRESIDENT DENCZAK: We have several speakers signed up for Public Speaks under Ordinances or Resolutions for Adoption. The first speaker is Judge John Haas.

JUDGE HAAS: Good evening. Judge John Haas, Stark County Common Pleas Court General Division. I'm speaking on behalf of the sales tax for Stark County.

PRESIDENT DENCZAK: State your address, Judge.

JUDGE HAAS: 140 - 22nd NW, Canton, Ohio. I thank you for the opportunity to speak on behalf of the sales tax. This is a tax that will raise one-quarter of one percent, that's \$1 on every \$400 of goods and services. It's for an 8-year period. Right now, Stark County is the only county in the State of Ohio without any piggy-back sales tax, and even if passed in the May primary, we will still be the lowest in the State in terms of money raised by such a tax. I think it goes without saying that, what you've probably heard and read, that the impact of the defeat of the sales tax has been great on the criminal justice system. I'm speaking on behalf of all the judges of Stark County, including the Canton Municipal Court Judges, who have been deprived of jail beds, who have seen the situation at the Stark County Jail where booking procedures have taken much longer than would have normally been the case. Basically, on behalf of the criminal justice system, what we are saying is that our hands are being tied. It is a situation that is not one that the judges are speaking out of threats or fear factors, we are saying our hands are being tied. We are being forced to release individuals who should otherwise be incarcerated...a situation none of us want. And I don't think the public wants. So we are strongly encouraging your consideration and we're really appreciative of the cooperation of the City of Canton with Stark County services. And thank you very much for giving me this time. Judge Stucki had a few remarks he wanted to make.

PRESIDENT DENCZAK: The next speaker is Judge Stucki.

JUDGE STUCKI: Thank you, I'm David Stucki and I'm a judge in the Stark County Family Court, 110 Central Plaza South in the City of Canton, Ohio. And one of the mistakes that I often see lawyers make in my courtroom is to keep talking even after they've already won. I'm not going to make that mistake tonight because you've already passed the resolution and for that I thank you. And I believe you've done the citizens of this City, as well as all the citizens of Stark County, a great service. But I am here to ask you to take the next step, and that is to help us. This is a tax that's going to pass because people in government and otherwise are getting involved and they're working—person to person—with their neighbors and the folks in your wards and the folks on your street, and the folks in your church, and all the places where you'll be meeting people in the next two weeks. I sit on a number of State-wide committees and I often ask the trivia question—there's one county in the State of Ohio that does not have a sales tax, which is it. And, you know, you hear them say, well, it must be I don't know, Noble County maybe or maybe Brown County or maybe, I don't know, Williams County....no, it's Stark County. The seventh largest county in the State of Ohio. And frankly, it's an embarrassment. And I thank the City of Canton and your leadership for getting behind this effort, because as our county seat, you're having a big hand in allowing us to be successful on this vote. And we need to get the City of Canton, as well as the entire county of Stark moving forward again and take the handcuffs off of the judges, because that's where they've been placed as a result of our inability to effectively do our jobs. It's not just the justice system. I venture to say that the County budget crisis effects all of us, in the work you do here in the City as well as personally, whatever it is that you may have to do..from transferring a car title to refinancing or something of that nature, you're going to be effected. So I'm here to thank you for what you've done here tonight, and that is to support the resolution, but I'm also here to challenge you to keep working with us as we head into the election and let's make sure that we get this passed this time. I thank you for your time this evening, and I look forward to having your help from here on out. Thank you.

MAYOR WATKINS: Mr. President...

PRESIDENT DENCZAK: Just one moment....Judge, we haven't passed the resolution yet, we put it on the agenda. Okay, Mayor.

MAYOR WATKINS: I just want to thank Judge Stucki and, both judges for being here. Judge Haas, thank you. This is just as important to the City of Canton as it is to the judges for a lot of reasons, not the least of which is the fact that the booking procedure that we have to go through now is a revolving door. Our officers sometimes have to sit out there for 3 and 4 and 5 hours at a time to book 1 or 2 people. And the end result is that we turn around and let them loose again because we have to, we have no space for them. This is not, this is almost criminal in and of itself. These people should be incarcerated. They should have a sure date to be tried, and if they are convicted, should be forced to serve their time. But for the time that we spend, it's costing us a fortune from the standpoint of the City coffers and just having the booking procedure take that long. And then only to have to turn them loose anyhow. Thank you for your support, we appreciate it.

INFORMAL RESOLUTIONS

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

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

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

NO REMARKS

ROLL CALL: 10 YEAS, 0 NAYS

PRESIDENT DENCZAK: Let the journal show that Members Diamond and Hart are excused.

PRESIDENT DENCZAK CALLED UPON CLERK OF COUNCIL VANCKUNAS TO READ RESOLUTIONS #41&42 BY TITLE, AS SHOWN BELOW. THE RESOLUTIONS ARE ON FILE IN THEIR ENTIRETY IN THE COUNCIL OFFICE WITH THE AGENDA ITEMS FILE DATED April 21, 2003.

41. MASSEY, CRAIG, WARD 4 MEMBER: COMMENDING CANTON NATIVE RANDY MCILWAIN.
- ADOPTED BY COUNCIL

MEMBER SMUCKLER: Mr. President, I move we adopt Resolution #41 this evening; seconded.

PRESIDENT DENCZAK: Moved and seconded that you adopt Resolution 41; 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 #41 is adopted.

RULE 24B SUSPENDED TO ADD RESOLUTION #42:

42. BY COUNCIL COMMITTEE-OF-THE WHOLE: SUPPORTING PROPOSED STARK COUNTY SALES TAX INCREASE. - ADOPTED BY COUNCIL

MEMBER SMUCKLER: Mr. President, I move we adopt Resolution #42; seconded.

PRESIDENT DENCZAK: Moved and seconded that you adopt Resolution #42; 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

RESOLUTION ADOPTED BY UNANIMOUS VOICE VOTE

PRESIDENT DENCZAK: The Resolution is adopted. By golly, Judge Stucki, you knew something that I didn't know.

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 21, 2003.

157. HEALTH BENEFITS ADMINISTRATOR ROSE BRESSON, CITY OF CANTON: MARCH 2003 MONTHLY COMPARATIVE REPORT OF INSURANCE CLAIMS,& JAN-MARCH 2003 PAID CLAIMS & COMPARATIVE REPORT. - RECEIVED & FILED
158. LAW DIRECTOR JOSEPH MARTUCCIO, CITY OF CANTON: REQUEST AUTHORIZATION FOR CITY AUDITOR TO ESTABLISH 2425 LAW DEPARTMENT DISPUTE RESOLUTION FUND. - LAW DIRECTOR (See O#1,1st Rdg)
159. SERVICE DIRECTOR MICHAEL L. MILLER, CITY OF CANTON: REQUEST TO ENTER INTO CONTRACT WITH OHIO POWER COMPANY, DBA AMERICAN ELECTRIC POWER, TO PROVIDE ENERGY TO WPCC. - LAW DIRECTOR (See O#2,1st Rdg)
160. SERVICE DIRECTOR MICHAEL L. MILLER, CITY OF CANTON: REQUEST TO ADVERTISE, RECEIVE BIDS AND ENTER INTO CONTRACT FOR IMPROVEMENTS ALONG PORTION OF IRA TURPIN WAY NE, (CURB & GUTTER, HANDICAP RAMPS, STREET & SIDEWALK REPAIRS). - LAW DIRECTOR (See O#3,1st Rdg)
161. SERVICE DIRECTOR MICHAEL L. MILLER, CITY OF CANTON: REQUEST APPROVAL OF PRELIMINARY CONSENT LEGISLATION FOR ODOT PROJECT STA-SR-43-13.39, PID-24074, FOR REMOVAL & REPLACEMENT OF DECK ON THE CHERRY AVE SE STRUCTURE OVER RAILROAD TRACKS. - LAW DIRECTOR (See O#4,1st Rdg)
162. WILLIAMS, BRUCE, AGENT FOR PETITIONER: NOTIFICATION THAT COMMISSIONERS' PUBLIC HEARING RE: I-77/FAIRCREST ANNEXATION WAS CONTINUED TO 5/8/03 @ 11 AM IN ROOM 315, 110 CENTRAL PLAZA SOUTH. - RECEIVED & FILED, CC: LAW DIRECTOR

ORDINANCES & FORMAL RESOLUTIONS FOR FIRST READING

PRESIDENT DENCZAK: We're now under the reading of Ordinances. Let the journal show that all ordinances are being given their reading as required by state law. Ordinance #1 please.

NOTE: PRESIDENT DENCZAK CALLED UPON CLERK VANCKUNAS TO READ THE FOLLOWING ORDINANCES #1 THROUGH #4 FOR THE FIRST TIME BY TITLE & ANNOUNCED THE COMMITTEE REFERRAL, AS FOLLOWS.

- #1 (1ST RDG) AN ORDINANCE AUTHORIZING THE CITY AUDITOR TO ESTABLISH THE 2425 LAW DEPARTMENT DISPUTE RESOLUTION FUND
Referred to the Finance Committee
- #2 (1ST RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CONTRACT WITH OHIO POWER COMPANY DBA AMERICAN ELECTRIC POWER TO PROVIDE ELECTRIC ENERGY TO THE WATER POLLUTION CONTROL CENTER; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to the Environmental & Public Utilities and Finance Committees
- #3 (1ST RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ADVERTISE, RECEIVE BIDS AND ENTER INTO CONTRACT FOR THE IRA TURPIN

WAY, N.E. IMPROVEMENT PROJECT; AND DECLARING THE SAME TO BE AN EMERGENCY

Referred to the Public Safety & Thoroughfares and Finance Committees

- #4 (1ST RDG) AN ORDINANCE AUTHORIZING AND CONSENTING TO THE REMOVAL AND REPLACEMENT OF DECK ON THE CHERRY AVENUE S.E. STRUCTURE OVER CSX, N&S AND CONRAIL RAILROADS, UNDER THE SUPERVISION OF THE DIRECTOR OF TRANSPORTATION OF THE STATE OF OHIO; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to the Public Safety & Thoroughfares, Public Property Capital Improvement & Finance Committees

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.

- #5 (2ND 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
- #6 (2ND 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
- #7 (2ND 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
- #8 (2ND 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
- #9 (2ND 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
- #10 (2ND 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

- #11 (2ND 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
- #12 (2ND RDG) AN ORDINANCE AUTHORIZING THE ADMINISTRATION AND CITY COUNCIL TO ACCEPT AN EMERGENCY TELEPHONE NOTIFICATION SYSTEM; AND DECLARING THE SAME TO BE AN EMERGENCY
- #13 (2ND 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
- #14 (2ND 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
- #15 (2ND RDG) AN ORDINANCE NAMING AN UNNAMED ALLEY IN THE CITY OF CANTON, LONG PLACE, S.E.
- #16 (2ND RDG) AN ORDINANCE NAMING AN UNNAMED ALLEY IN THE CITY OF CANTON, RANDLE COURT, S.E.
- #17 (2ND RDG) AN ORDINANCE NAMING AN UNNAMED ALLEY IN THE CITY OF CANTON, LAFAY COURT, S.W.
- #18 (2ND RDG) AN ORDINANCE NAMING AN UNNAMED ALLEY IN THE CITY OF CANTON, RAMOS COURT, S.E.

ORDINANCES & FORMAL RESOLUTIONS FOR THIRD READING

PRESIDENT DENCZAK: Ordinances and Formal Resolutions for their third and final reading. Ordinance #19 please.

NOTE: PRESIDENT DENCZAK CALLED UPON CLERK VANCKUNAS TO READ THE FOLLOWING ORDINANCES #19 THROUGH #21 FOR THE THIRD & FINAL TIME BY TITLE, AS FOLLOWS.

#19 (3RD RDG) **ADOPTED AS ORDINANCE NO. 68/2003** 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

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

PRESIDENT DENCZAK: Moved and seconded that you adopt ordinance 19; are there any remarks under this ordinance?... Very well, roll call vote please.

NO REMARKS

ROLL CALL: 10 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance 19 is adopted.

#19 ADOPTED AS ORDINANCE NO. 68/2003

#20 (3RD RDG) **ADOPTED AS ORDINANCE NO. 69/2003** 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

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

PRESIDENT DENCZAK: Moved and seconded that Council adopt ordinance 20; are there any remarks under this ordinance?... Very well, roll call vote please.

NO REMARKS

ROLL CALL: 9 YEAS, 1 NAY (CASAR VOTED NO)

PRESIDENT DENCZAK: Ordinance #20 is adopted.

#20 ADOPTED AS ORDINANCE NO. 69/2003

#21 (3RD RDG) **POSTPONED TO 5/12/2003** AN ORDINANCE AMENDING ORDINANCE NO. 55/77, AS AMENDED, KNOWN AS THE CITY OF CANTON ZONING ORDINANCE; AND DECLARING THE SAME TO BE AN EMERGENCY (AULTMAN HOSPITAL HELIPORT ZONE CHANGE)

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

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

MEMBER SMUCKLER: Mr. President, I move we postpone ordinance #21 until 5/12/03; seconded.

PRESIDENT DENCZAK: Moved and seconded to postpone this ordinance until May the 12th, year 2003, are there any remarks?... By voice vote, all those in favor, signify by saying aye—those opposed, no.

NO REMARKS

MOTION APPROVED BY UNANIMOUS VOICE VOTE

PRESIDENT DENCZAK: Ordinance 21 is postponed...or continued until 5/12/03 at 7:30 p.m.

ORDINANCES & FORMAL RESOLUTIONS – POSTPONED MATTER

PRESIDENT DENCZAK: Ordinances and Formal Resolutions; Postponed Matter, Member Smuckler.

POSTPONED FROM 3/3, 10, 17 & 24 & 4/7/2003:

#22 **POSTPONED AGAIN TO APRIL 28, 2003** (RECEIVED ALL 3 RDGS) AN ORDINANCE AMENDING CHAPTER 787, SEXUALLY ORIENTED BUSINESSES OF THE CODIFIED ORDINANCES OF THE CITY OF CANTON; AND DECLARING THE SAME TO BE AN EMERGENCY

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

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

MEMBER SMUCKLER: Mr. President, I move we postpone Ordinance #22 until 4/27/03; seconded.

PRESIDENT DENCZAK: Member Smuckler, your motion was to postpone this until 4/27...that's a Sunday...

MEMBER SMUCKLER: Sorry, Mr. President.

PRESIDENT DENCZAK: Re-state your motion.

MEMBER SMUCKLER: Motion re-stated to postpone ordinance #22 until 4/28/03; seconded.

PRESIDENT DENCZAK: Moved and seconded to postpone Ordinance 22 until April 28th, year 2003; are there any remarks?... If not, by voice vote, all those in favor signify by saying aye—those opposed, no.

NO REMARKS

MOTION APPROVED BY UNANIMOUS VOICE VOTE

PRESIDENT DENCZAK: Ordinance 22 is postponed until April 28th, year 2003.

ANNOUNCEMENT OF COMMITTEE MEETINGS

PRESIDENT DENCZAK: Announcement of Committee Meetings please.

MEMBER MROCKOWSKI: Mr. President, the Finance Committee will meet on April 28th, 6:30.

MEMBER SMUCKLER: Mr. President, the Majority, Assistant Majority Leader, Minority Leader and Finance Chairman and the Professional Services Committee will at 6:30 next Monday, the 28th, also.

MEMBER BABCOCK: (INAUDIBLE—MEMBER BABCOCK ANNOUNCES A PUBLIC SAFETY & THOROUGHFARES COMMITTEE MEETING APRIL 28TH AT 6:30)

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

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

PUBLIC SPEAKS (OPEN FORUM--CITY BUSINESS ONLY)

PRESIDENT DENCZAK: Public Speaks, Open Forum, City Business Only. We have two people signed up to speak. The first speaker is Charles Killins.

MR. KILLINS: My name is Charles Killins, I live at 1732 Market North. I signed up for Public Speaks regarding the City. And I find that the Mayor is here, but I don't have a whole lot to say about this here public thing til after it come out of the court. And so I don't want to stay here long and finish now. And thank you, Mr. Mayor and Service Director. If you'd like to ask me any questions, I am here, be glad to answer them.

MAYOR WATKINS: I have no questions.

SERVICE DIRECTOR MILLER: I don't have any at this time either.

PRESIDENT DENCZAK: Nobody has any questions of you, Mr. Killins.

MR. KILLINS: Thank you.

PRESIDENT DENCZAK: Mr. Killins, the Chair reminds you that when you do sign up for Public Speaks, please sign in your specific subject matter.

MR. KILLINS: Well it is city...it's the city hall.

PRESIDENT DENCZAK: That's not specific enough.

MR. KILLINS: Well, will you give me a list on what you want?

PRESIDENT DENCZAK: You're excused.

MR. KILLINS: Thank you.

PRESIDENT DENCZAK: The next speaker is Diana McAllister.

MS. MCALLISTER: Hello, my name is Diana McAllister, I reside at 2707 Maywood Place SW. The residents, again, of the surrounding area of Aultman Hospital—as most of you are aware, that the residents in this area, we only have on-street parking. What we are interested in implementing is a resident-only parking program. We and our guests have no place to park due to employees of Aultman Hospital, patients, and sales persons associated with the hospital are parking illegally on the surrounding streets. In addition, our vehicles have been immobilized because of the prohibited parking. We have been late for work because, well, in fact I was late for work one time because a car

decided to park in front of my driveway. What we're asking if we could please look into this resident only parking program. Thank you.

PRESIDENT DENCZAK: Safety Director, do you wish to respond to that?

SAFETY DIRECTOR CONCATTO: Mr. President. Mrs. McAllister, if you would like to call me tomorrow, I'd be glad to, you'd have to give us exactly where you're opting to do this at, what area, what blocks, and I would be glad to see what we can do. My number is 489-3087.

MISCELLANEOUS BUSINESS

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

MEMBER MASSEY: Mr. President, I will be having a neighborhood walk-through on the 24th of April at 9 a.m. and we will be meeting at the DeHoff Library. Anyone interested in coming, you're more than welcome to come. Thank you.

PRESIDENT DENCZAK: Is there any other Miscellaneous Business?...

MEMBER SMUCKLER: Mr. President, I want to apologize for Member Casar's drawer falling this evening, but it was due to the weight of the list of the portable signs that he's made a copy of recently. There's a list of portable signs there, Safety Director. Mr. President, I received a note from Patty Streb from the Rotary Club of Canton inviting all of City Council to a international welcoming of Russian guests to be held April 26th at 5 p.m. at the Canton Women's Club. The Council President and I participated in this several weeks ago for some other guests. It's very interesting, very cultural, and if you have an opportunity to do this, you can get a lot out of it—especially when both sides are talking through interpreters. But they'll be there from 5 to 8, and I've been asked to participate again and this time, the last time we had Russian attorneys, this, my understanding is, will be Russian doctors. So if you get a chance to go, it would be worth your while to spend an hour or so there. They'll be there for about 3 hours, but just to spend any amount of time, especially our part as government—the contrast in government is unbelievable.

MEMBER CASAR: Mr. President, I'd like to commend the Mayor. I read in our local newspaper last week in regards to a possibility of a new baseball team coming to the City of Canton. And the Mayor stated that if this did happen, they would be looking to build the stadium in the downtown area, which I might add should have been done the last time we built a baseball stadium in this city. And I want to commend him for making that statement because I feel that if we do, that would really go a long way in revitalizing the downtown. Thank you.

MAYOR WATKINS: Mr. President, thank you, Member Casar, I appreciate the commentary. And we are serious about it and we think there is some very serious interest on the part of some folks who have not only the wherewithal, but the reputation that could sustain and support such a facility. And I'd like to remind everybody here present, since Member Smuckler forgot to do it, Celebrity Cuisine is tomorrow night. And he's a very vital part of that, so I think he just forgot about it, but Celebrity Cuisine is tomorrow night at the Civic Center. It's \$25 a ticket and if my memory serves me right, that \$25 will serve 250 people. So it's certainly a worthwhile project in times when people do need food, people do need some help, and it's a tremendous program on the part of the Tri-County Restaurant Association.

PRESIDENT DENCZAK: Is there any other Miscellaneous Business?

MEMBER SMUCKLER: Mr. President, just to piggyback on that, I do have tickets if anybody needs them. Thank you, Mr. Mayor. Out of all the fund raisers that all of us attend on an annual basis, this by far is my favorite because this is the one, Mr. Council President, that you get to eat for whatever you paid your \$25 for, as much as you want.

PRESIDENT DENCZAK: Don't nobody laugh, that just encourages him.

MEMBER DOUGHERTY: Mr. President. Member Smuckler, can you get those tickets at the door?

MEMBER SMUCKLER: You can get the tickets at the door too, they will be selling them. A very worthwhile cause, especially in this day and age, the way the economy is right now. Also, unless someone has something else....? 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: 10 YEAS, 0 NAYS

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

ADJOURNMENT TIME: 8:18 P.M.

ATTEST:

DEBRA VANCKUNAS
CLERK OF COUNCIL

APPROVED:

RAY DENCZAK
PRESIDENT OF COUNCIL