

MINUTES OF THE MEETING OF MAY 12, 2003

The regular meeting of Canton City Council was held on Monday, May 12, 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 Craig Massey, followed by the Pledge of Allegiance led by President of Council Denczak.

PRESIDENT DENCZAK: With a quorum 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, JOHN R. MROCZKOWSKI, DAVID R. DOUGHERTY, RICHARD D. HART, & ROSEMARY DIAMOND)

1 COUNCILMEMBER ABSENT: (JOE CARBENIA)

AGENDA CORRECTIONS & CHANGES

PRESIDENT DENCZAK: Thank you Member Massey. Agenda Corrections and Changes Members of Council. You're being asked to suspend Rule 24B to add Informal Resolutions 50 and 51; to suspend Rule 22A to add the Second Reading of Ordinances 12 through and including number 16; and also Rule 22A to add the first reading of Ordinance 11A. Member Smuckler, at this time the Chair will recognize Rule 24B suspension for Resolutions 50 and 51.

MEMBER SMUCKLER: Mr. President, I move we suspend Rule 24B and add Resolutions numbers 50 and 51 to the agenda; seconded.

PRESIDENT DENCZAK: Moved and seconded to suspend Rule 24B. Are there any remarks?... If not, roll call vote please.

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

PRESIDENT DENCZAK: Rule 24B is suspended and Resolutions 50 and 51 are a legal part of your agenda. The Chair now recognizes Rule 22A for Second Reading of Ordinances 12 through 16 and Ordinance 11A. Member Smuckler.

MEMBER SMUCKLER: Mr. President, I move we suspend Rule 22A and add ordinances 11A and 12 through 16 to the agenda; seconded.

PRESIDENT DENCZAK: Moved and seconded to suspend Rule 22A. Are there any remarks?... If not, roll call

vote please.

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

PRESIDENT DENCZAK: Rule 22A has been suspended and Ordinances 12 through and including number 16 and Ordinance for first reading 11A are a legal part of your agenda.

PUBLIC HEARINGS

PRESIDENT DENCZAK: We have a continuation of a public hearing from the last meeting of Council 2 weeks ago. It's a continuation of public hearing requested by 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 ordinance is on the agenda, number 21, under postponed matters. The Chair opens the public hearing now. Is there anyone in the audience wishing to speak for or against this public hearing?... State your name and address.

MR. FRIEDL: Ed Friedl, Engineer for Aultman, 2600 6th Street.

PRESIDENT DENCZAK: No, sir, the rules state your home address, so please state your home address.

MR. FRIEDL: 1010 Edwards Street SE, North Canton.

PRESIDENT DENCZAK: Go ahead.

MR. FRIEDL: As City Council is aware, Aultman Health Foundation is planning a \$90 million expansion on their main campus here in Canton. This expansion includes the new patient care facility that will enable the hospital to meet current and future health care needs to support our community. In order to break ground for this facility later this summer, Aultman must move its...its helicopt... helipad, temporarily to the intersection of 6th Street and Dartmouth Avenue. Upon completion of the new facility the helipad will be located on the roof of the new facility. Aultman reviewed several locations for the helipad's temporary relocation in 6th, in the area of 6th Street and Dartmouth Avenue was the safest and best location. This location has been approved by the Ohio Department of Transportation, the FAA and Metro Life Flight. The temporary helipad will be completely enclosed by a fence and will have 24 hour surveillance with 3 security cameras. In addition, the helipad will have Aultman personnel, security personnel, present for all take offs and landings. Aultman Health Foundation respectfully requests the City to approve this re-zone request to allow the temporary relocation of our helipad which will facilitate the construction of our new building. Thank you.

PRESIDENT DENCZAK: Anyone else wishing to speak for or against this issue, please come forward...

MR. PITTSO: Dan Pittson, 3971 Manchester Road NW, North Lawrence, Ohio. I only....I'm here to speak in opposition to this because my house is located exactly 57 feet from where this helicopter is going to land and, I don't live here but I have tenants that live here. I've already had one move out because of this and, ya' know, also, they do a lot of overflights there, low, they shake our houses, the windows. I got a couple shingles on my roof that's even loose. My roof is only 6 years old. And it disturbs our sleep, ya' got the noise, ya' know, even in the daytime. Fumes, possible damage to our houses, that I already went through, and decreased property values and possible insurance cost increases and loss of tenants. And most of us in the neighborhood up there keep our properties pretty

nice, ya' know? And we don't feel that we should be subjected to this. And that's about all I gotta say.

PRESIDENT DENCZAK: Anyone else in the audience?...

MS. NUSKE: My name is Linda Nuske. I live at 2720 Maywood Place SW. Councilman Mallonn and Councilmembers, in regards to the rezoning of the helipad at Dartmouth and 6th Street SW, would you....would you postpone approval until you have Aultman Hospital reconsider alternative locations? As an example, possibly moving it further north of its present location where they have on occasion landed other helicopters when it has been a need in the past. The proposed approach of the helicopter from the north requires the copter to clear a steeple on the top of the roof of St. Paul's United Methodist Church which is directly across the street from the proposed heliport. Also, proposed flight plans that take off to the south from the proposed sight are in close proximity to the new Cedar Elementary School located on 9th Street SW. Cedar School's playground is located directly behind the school on 7th Street SW which is only one block away from the proposed heliport. It causes concern for the neighborhood children's safety attending that school. We do agree, however, there is a need in the community for the service the helicopter provides. We are asking that Aultman Hospital and Canton City Council reconsider moving the proposed helicopter to a more suitable location that does not affect the safety of the neighborhood as the location at 6th and Dartmouth will. Thank you.

PRESIDENT DENCZAK: Anyone else wishing to speak for or against this issue, please come forward...

MR. BRECKBILL: My name is Jim Breckbill and I live at 621 Arlington SW and I own the house right across 6th Street from the proposed helicopter pad. Let me first say I don't oppose a helicopter pad - I think it's a very necessary thing - I just question the location for the reasons already mentioned. We feel that there are other options and that those options should be furthered considered. But the larger question is, we question the decision-making process for these things. There is never any prior discussion with the neighborhood when the hospital wants to make a decision. Witness the...the closure of 6th Street SW. We don't expect to make the decision ourselves. It's not our decision to make but it would be a far better system.....work far better...if the neighborhood were consulted ahead of time by the hospital. Things could be done peacefully, compromises could be made...and it would save a lot of time here in City Council. Some other questions I have though. The zone change is a zone change. Would it do we have a guarantee it will be temporary? The decisions can be changed. The hospital decided not to close 6th Street SW and then reversed itself and made other plans. We feel this could happen here. Another question we have is, it is a Metro Life Flight base. We question whether all the traffic in and out of that Metro Life Flight base is Aultman Hospital-related. Certainly Aultman Hospital traffic needs toit needs to be, but it's a Metro Life Flight base. We want to know whether some of that traffic is to service other locations. The biggest issue for me, and I live just to the east of the hospital, is not so much the noise, it's the exhaust smell. It can get really bad. Even in the winter, it seeps through your windows. Mrs. McCallister circulated a petition. She could not be here tonight because of a family emergency and she asked me to present the petition. I believe Member Mallonn's already been given a copy of this petition. It has 51 signatures, but let me read to you what the petition says. "Residents of....."

MEMBER MALLONN: Mr. President...

PRESIDENT DENCZAK: Member Mallonn.

MEMBER MALLONN. Mr. Breckbill, you can go ahead and read that but we put up a copy of that petition in every Councilman's box.....

MR. BRECKBILL: Oh.....Ok.

MEMBER MALLONN: So they have one. But if you would like to read it.....

MR. BRECKBILL: Yeah...Yeah.....

MEMBER MALLONN: but each Councilmember.....

MR. BRECKBILL: Right.....

MEMBER MALLONN: ...will have a copy of that petition.

MR. BRECKBILL: Good...Good...Thank you.It says.....and I did not circulate this....'cuz I don't live in the immediate neighborhood, I live just to the east. This was circulated by a resident. "Residents of the surrounding area recognize the importance of an emergency medical heliport. Although we request that the City of Canton not attempt to go forward with the heliport site at Aultman Hospital without a fully developed report and to proceed very carefully after gathering all the information needed so a good decision can be made with all parties involved. Furthermore, we request the report include but not be limited to what the effects and impacts are related to the noise, safety of persons, and safety of properties involved. And, also to participate in the decision-making process as suggested by the FAA."

PRESIDENT DENCZAK: I'm sorry....but your 3 minutes are up sir.

MR. BRECKBILL: I'm done.

PRESIDENT DENCZAK: Anyone else wishing to speak for or against this issue, please come forward.... Is there anyone else wishing to speak for or against this issue, please come forward....

MR. ALEXANDER: Mr. President, my name is Jack Alexander. I am the lead pilot for Metro Life Flight. My address is 966 Beachwood Drive, Medina. Metro Life Flight has been in the EMS service for 20 years now. We have transported over 50,000 patients and have almost 100,000 flight hours. We have never had an accident nor an incident that whole time. We have the world's best safety record per any EMS program. Our only job is to provide service for the community. We inspected the site for the proposed heliport along with the FAA prior to any decision by Aultman, to where they should have the heliport. The decision was a joint decision between the FAA and Metro Life Flight that that would be the safest area in and out. Our routes would be from the southeast to southwest. We would not approach the helipad from the north across the top of the church, except in emergencies. Okay. Other than that, that pad will only be approached in that direction. We mark every zone that is given to us as a noise-sensitive area and try to adhere to this area. All anyone has to do is call us and tell us that they have a problem and we mark that as a no fly zone. And I personally come down and inspect the area to make sure that that's done. The FAA would not approve this sight unless it was safe.....because they are responsible as much as Metro Life Flight. The noise and fumes are a temporary thing. There's nothing I can do or say about it. We've had studies on the fumes and noise...conducted by a company for Aultman...those.....reports are available if needed. But, if there is anyone that would like for me to come out and talk to them about this and discuss the approaches, I'd be happy to do it. Thank you sir.

PRESIDENT DENCZAK: Is there anyone else 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 else wishing to speak for or against this issue, please come forward....apparently not. The Chair declares the public hearing over in regards to this matter. The matter will come before Council later on in Ordinance number 21.

ORDINANCES & FORMAL RESOLUTIONS – POSTPONED MATTER

PRESIDENT DENCZAK: At the request of the Ward Councilman, the Chair is going to exercise a prerogative here and go directly to Ordinances.....under Postponed Ordinances. Let the journal show that all ordinances are being given their readings according to state law. Member Smuckler.

POSTPONED FROM 4/21/2003:

#21 (REC'D ALL 3 RDGS)

ADOPTED AS ORDINANCE NO. 85/2003 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 number 21; seconded.

PRESIDENT DENCZAK: Moved and seconded that you adopt Ordinance 21. Are there any remarks under this ordinance?... Member Mallonn.

MEMBER MALLONN: Mr. President. I would just like to make a few statements. I would like to thank the residents who have been in contact with me. I know that they have some great concern over the location of this helipad, but I want to assure them that it is only going to be temporary. I can understand their concerns and safety of the folks who are directly affected by this. Mr. Nuske, I see you shaking your head, but I would like to have the opportunity to speak....if that would be fine....thank you sir. Um...I spoke with Mr. Sturtes over the weekend as well as Mr. Breckbill. Mr. Sturtes had some questions regarding the relocation of this helipad. He brought to my attention that he would like to see it located on the top of the parking deck that is existing at Aultman Hospital. I met with Mr. Ed Friedl this morning as well as Mr. Beach from Aultman Hospital.....probably for an hour, hour and half. We went over different locations. The parking deck seems like a great place for that, but I have been told by Mr. Friedl and other representatives from Aultman that the clearance is not high enough for emergency vehicles to get into the emergency.....or into the parking deck...so that is not a possibility. I can assure you that Aultman Hospital has studied this plan, along with representatives from ODOT, the FAA and Metro Life, and they feel that the location that its going to be at, temporarily, is the best location for the safety of the residents as well as the folks that will be using this in transporting them to Aultman Hospital. Once again, I can understand your concerns. And I can assure you once this new project is completed that it will be relocated on top of the 4th floor of Aultman Hospital. Thank you.

PRESIDENT DENCZAK: Are there any further remarks?... The question you're voting on now is Ordinance number 21. Roll call vote please....

MEMBER MALLONN: Mr. Denczak. A gentleman in the audience would like to ask a question. Is he permitted to ask a question?

PRESIDENT DENCZAK: No. The only way he can, is for Council to give him permission to come before the body to speak. The Chair will recognize the motion to let him come before Council, if you so desire. We must specify a time limit.

MEMBER MALLONN: Mr. President, I would like to give the gentleman an additional 3 minutes to come to the podium and express his concerns and answer questions. Seconded.

PRESIDENT DENCZAK: Moved and seconded to let the gentleman speak for a period of 3 minutes before you vote on this ordinance. Are there any remarks? If not, by voice vote, all those in favor signify by saying aye. Opposed no.

NO REMARKS

MOTION APPROVED BY UNANIMOUS VOICE VOTE

PRESIDENT DENCZAK: You have 3 minutes to speak sir.

MR. PITTSO: On the location. There's aon Dartmouth and West Tuscarawas Street...there's a parking lot there already. And there's no residents around there, just businesses. Ya' know, a day care center...and I don't think they use that at night time. So, it wouldn't be flying over anybody's house. Ya' know, the thing is already there, ya' know, all they gotta do is put a fence up and there's very small trees around there, which they planted. They might take some of them out. Ya' know, near my house is big trees, smoke stack, a lotta, ya' know, they can come down Tusc. Ya' know, at least they're not gonna be fallin' on our houses. They do drop out of the sky, I'm not disputing the gentleman's safety record over there. But did anybody ever crash? Has any of your copters ever crashed? No?...that's great. But, ya' know, the rest of the airline ya' just gotta say you're probably due for one then. So....that's all.

PRESIDENT DENCZAK: All right, the motion before Council now is adopting Ordinance number 21 - Postponed Matter. Are there any further remarks under this Ordinance?... If not, roll call vote.

NO REMARKS

ROLL CALL: 10 YEAS, 0 NAYS, 1 ABSTENTION (DOUGHERTY ABSTAINED)

PRESIDENT DENCZAK: Ordinance number 21 is adopted. We now go back to the original place on the agenda.

PUBLIC SPEAKS (ORDINANCES OR RESOLUTIONS FOR ADOPTION ONLY)

PRESIDENT DENCZAK: No one signed up for public speaks under Ordinance and Resolutions for adoption.

INFORMAL RESOLUTIONS

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

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

PRESIDENT DENCZAK: Moved and seconded that Member Carbenia be excused. Are there any remarks?... If not, roll call vote.

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

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

PRESIDENT DENCZAK: The question you have, you have the signed up speakers. There's another section of the public speaks. Resolution number 50 please.

MEMBER MROCKOWSKI: Mr. President, did you mistakenly excuse me for this evening instead of Member Carbenia?

PRESIDENT DENCZAK: No. Did I? Who's the motion? Did you make a motion?

MEMBER SMUCKLER: I made a motion to excuse Member Carbenia. You made a....you excused Member Mrockowski.

PRESIDENT DENCZAK: Well, these union guys all look alike to me. I'm sorry let's.....

MEMBER SMUCKLER: And you're a pilot Mr. Denczak?

PRESIDENT DENCZAK: Not a chopper pilot though. The Chair corrects it's announcing the excusing of...ah...let the journal show that Member Carbenia has been excused.

MEMBER MROCKOWSKI: Thank you, Mr. President.

PRESIDENT DENCZAK CALLED UPON CLERK OF COUNCIL VANCKUNAS TO READ RESOLUTIONS #50 THROUGH 51 BY TITLE, AS SHOWN BELOW. THE RESOLUTIONS ARE ON FILE IN THEIR ENTIRETY IN THE COUNCIL OFFICE WITH THE AGENDA ITEMS FILE DATED May 12, 2003.

50. INTERGOVERNMENTAL AND PUBLIC SERVICE COMMITTEE: OBJECTING TO THE ISSUANCE OF A NEW C1 AND C2 LIQUOR PERMIT REQUESTED BY TRAISS ENTERPRISES, INC. DBA THE CHERRY MARKET @ 1494 CHERRY AVENUE SE. - ADOPTED BY COUNCIL

MEMBER SMUCKLER: Mr. President, I move we adopt Resolution number 50; seconded.

PRESIDENT DENCZAK: Moved and seconded that you adopt Resolution number 50. 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: Resolution #50 is adopted.

51. PERSONNEL COMMITTEE: CONFIRMING THE MAYOR'S APPOINTMENT OF CARL LAVIN AND RICHARD MCELROY TO THE STARK COUNTY REGIONAL PLANNING COMMISSION EFFECTIVE 1/1/03 TO 12/31/03. - ADOPTED BY COUNCIL

MEMBER SMUCKLER: Mr. President, I move we adopt Resolution number 51; seconded.

PRESIDENT DENCZAK: Moved and seconded that you adopt Resolution number 51. 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

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 May 12, 2003.

171. AMBULANCE ASSOCIATES, INC., 114 CLARENDON AVENUE NW, 330-452-8054: REQUEST TO REZONE LOTS 6085 & 6082 LOCATED AT 614 McGREGOR AVE NW FROM R-1A TO PB-4 PLANNED SPECIAL BUSINESS FOR PARKING & NEW VEHICLE STORAGE GARAGE. - REFERRED TO PLANNING COMMISSION
172. AUDITOR KIM R. PEREZ, CITY OF CANTON: MONTHLY REPORT BY FUND FOR 4/1/03 - 4/30/03. - RECEIVED & FILED
173. AUDITOR KIM R. PEREZ, CITY OF CANTON: YEARLY REPORT BY FUND FOR 1/1/03 - 4/30/03. - RECEIVED & FILED
174. CITIZENS FOR COMMUNITY VALUES, 11175 READING ROAD, SUITE 103, CINCINNATI, OHIO 45241, 513-733-5775, PHIL BURRESS, PRESIDENT: A LETTER TO ALL CITY COUNCILS IN OHIO ADVISING OF TWO PROFESSIONAL SEMINARS REGARDING OBSCENITY LAW & SEXUALLY ORIENTED BUSINESSES LAW. - RECEIVED & FILED
175. LIQUOR CONTROL DIVISION, STATE OF OHIO, 6606 TUSSING ROAD, PO BOX 4005, REYNOLDSBURG, OHIO 43068-9005: REQUEST FOR TRANSFER OF OWNERSHIP D5, D6 LIQUOR LICENSE REQUESTED BY E BURY, INC., DBA EASTBURY BOWLING CENTER @ 3000 ATLANTIC BOULEVARD NE. - REFERRED TO INTERGOVERNMENTAL & PUBLIC SERVICE COMMITTEE
176. LIQUOR CONTROL DIVISION, STATE OF OHIO, 6606 TUSSING ROAD, PO BOX 4005, REYNOLDSBURG, OHIO 43068-9005: NOTIFICATION THAT THE HEARING SCHEDULED FOR 5/7/03 HAS BEEN CONTINUED REGARDING THE REQUEST BY LA TIENDA HISPANA OVIEDOS FOR A NEW C1, C2, D6 LIQUOR PERMIT @ 909 12th ST NW. - REFERRED TO INTERGOVERNMENTAL & PUBLIC SERVICE COMMITTEE
177. MAYOR RICHARD D. WATKINS, CITY OF CANTON: REQUESTING COUNCIL AUTHORIZATION OF THE REAPPOINTMENTS OF CARL LAVIN & RICHARD McELROY TO THE STARK COUNTY REGIONAL PLANNING COMMISSION EFFECTIVE 1/1/03-12/31/03. - REFERRED TO THE PERSONNEL COMMITTEE (See Resolution #51)
178. PAYNE, KATE, 1130 - 16th STREET NW, CANTON, OHIO 44703, 330-455-6688: REQUEST TO VACATE AN UNNAMED ALLEY FROM THE SOUTH LINE OF 16TH STREET NW TO THE NORTH LINE OF A 15' ALLEY. - REFERRED TO THE PLANNING COMMISSION
179. PLANNING COMMISSION, CITY OF CANTON, SHEILA K. THARP-BARRINO, SECRETARY: RECOMMENDING APPROVAL OF THE VACATION OF MOSLEY COURT SW & STANWOOD

PLACE SW EAST OF BEDFORD, WEST OF ARLINGTON & NORTH OF 6th ST SW AS REQUESTED BY CHRISTOPHER REMARK OF AULTMAN HEALTH FOUNDATION. - REFERRED TO LAW DIRECTOR (See O#2, 1st Rdg) **PUBLIC HEARING 6/2/03 @ 7:30 PM**

180. SAFETY DIRECTOR JOSEPH CONCATTO, CITY OF CANTON: REQUESTING LEGISLATION TO ENTER INTO WORK AGREEMENTS IN CONJUNCTION WITH THE CLEVELAND TRAFFIC SIGNAL SYSTEM IMPROVEMENT PROJECT. - LAW DIRECTOR (See O#3, 1st Rdg)
181. SERVICE DIRECTOR MICHAEL L. MILLER, CITY OF CANTON: REQUEST TO APPROVE THE FEE MODIFICATION FOR NORTHWEST CONSULTANTS IN THE AMOUNT OF \$6,625 TO DESIGN AN ALTERNATE ROUTE FOR THE WORLEY NW RELIEF STORM SEWER & REQUEST A \$6,625 TRANSFER INTO THE GP 1062 WORLEY AVE NW RELIEF STORM SEWER FUND. - REFERRED TO THE LAW DIRECTOR (See O#4, 1st Rdg)
182. SERVICE DIRECTOR MICHAEL L. MILLER, CITY OF CANTON: REQUEST TO ENTER INTO \$23,436 CONTRACT WITH NORTHWEST CONSULTANTS FOR PHASE II OF THE GUILFORD AVE NW BRIDGE REPLACEMENT, GP 1075; & REQUEST A \$23,436 TRANSFER TO THE GP 1075, GUILFORD AVE NW BRIDGE REPLACEMENT FUND. - REFERRED TO THE LAW DIRECTOR (See O#5, 1st Rdg)
183. SERVICE DIRECTOR MICHAEL L. MILLER, CITY OF CANTON: REQUEST TO ENTER INTO \$63,300 CONTRACT WITH MOTTER & MEADOWS ARCHITECTS FOR ARCHITECTURAL/ENGINEERING SERVICES IN THE NEW SEWER DEPARTMENT FACILITY TO BE LOCATED @ WPCC, & REQUEST A \$63,300 SUPPLEMENTAL APPROPRIATION FROM THE 5410 SANITARY SEWER FUND. - REFERRED TO THE LAW DIRECTOR (See O#6, 1st Rdg)
184. SERVICE DIRECTOR MICHAEL L. MILLER, CITY OF CANTON: REQUEST FOR FINAL LEGISLATION FOR THE IR77-SECTION 94.6 PROJECT IN COOPERATION WITH ODOT, & REQUEST A \$39,250 SUPPLEMENTAL APPROPRIATION FOR SAME. - REFERRED TO THE LAW DIRECTOR (See O#7, 1st Rdg)
185. SERVICE DIRECTOR MICHAEL L. MILLER, CITY OF CANTON: REQUEST TO APPROVE A \$111,356.47 MORAL OB PAYMENT TO MORTON INTERNATIONAL SALT FOR ROAD SALT. - REFERRED TO THE LAW DIRECTOR (See #8, 1st Rdg)
186. SERVICE DIRECTOR MICHAEL L. MILLER, CITY OF CANTON: REQUESTING A WATER MAIN EXTENSION TO THE EAST SIDE OF BEVERLY AVE NE NORTH OF SCHNEIDER RD NE. - REFERRED TO THE LAW DIRECTOR (See O#9, 1st Rdg)
187. SERVICE DIRECTOR MICHAEL L. MILLER, CITY OF CANTON: REQUEST TO ESTABLISH THE FAIR MARKET VALUE & NEGOTIATE A TEMPORARY EASEMENT IN CONJUNCTION WITH THE 4th & SHORB NW ROAD IMPROVEMENT PROJECT. - REFERRED TO THE LAW DIRECTOR (See O#10, 1st Rdg)
188. SERVICE DIRECTOR MICHAEL L. MILLER, CITY OF CANTON: REQUEST TO NEGOTIATE & ENTER INTO A MAINTENANCE AGREEMENT WITH THE STARK COUNTY ENGINEER RE:

I77-FAIRCREST ANNEXATION - REFERRED TO THE LAW DIRECTOR (See O#11A, 1st Rdg)

189. TREASURER ROBERT C. SCHIRACK, CITY OF CANTON: COMPARATIVE REPORT OF PARKING METER REVENUE FOR THE MONTH OF APRIL 2003. - RECEIVED & FILED
190. TREASURER ROBERT C. SCHIRACK, CITY OF CANTON: COMPARATIVE REPORT OF DEPOSITS AND PAY INS FOR THE MONTH OF APRIL 2003 TO THE AMBULANCE LOCK BOX ACCOUNT. - RECEIVED & FILED
191. TREASURER ROBERT C. SCHIRACK, CITY OF CANTON: REPORT OF TREASURER'S OFFICE BANK RECONCILIATIONS & OUTSTANDING INVESTMENTS AS OF 4/30/03. - RECEIVED & FILED
192. WATER DEPARTMENT, CITY OF CANTON, J. D. WILLIAMS, SUPERINTENDENT: 2002 CANTON WATER DEPARTMENT ANNUAL REPORT. - RECEIVED & FILED

ORDINANCES & FORMAL RESOLUTIONS FOR FIRST READING

PRESIDENT DENCZAK: As previously announced all Ordinances are being given their readings as required by state law. Ordinances for the first reading and referral. Ordinance #1 please.

NOTE: PRESIDENT DENCZAK CALLED UPON CLERK VANCKUNAS TO READ THE FOLLOWING ORDINANCES #1 THROUGH #11A FOR THE FIRST TIME BY TITLE & ANNOUNCED THE COMMITTEE REFERRAL, AS FOLLOWS.

- #1 (1ST RDG) A RESOLUTION WITHDRAWING THE CITY OF CANTON'S OBJECTION TO THE RENEWAL OF A LIQUOR PERMIT LOCATED WITHIN THE CITY OF CANTON AND DECLARING THE SAME TO BE AN EMERGENCY.
Referred to Intergovernmental & Public service Committee
- #2 (1ST RDG) AN ORDINANCE VACATING PORTIONS OF MOSLEY COURT AND STANWOOD PL SW AND DECLARING THE SAME TO BE AN EMERGENCY. **PUBLIC HEARING 6/2/03 @ 7:30 PM**
Referred to Public Safety & Thoroughfares Committee
- #3 (1ST RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY TO ENTER INTO WORK AGREEMENTS IN CONJUNCTION WITH THE CLEVELAND AVENUE TRAFFIC SIGNAL SYSTEM IMPROVEMENT PROJECT AND DECLARING THE SAME TO BE AN EMERGENCY.
Referred to Public Safety & Thoroughfares and Finance Committees
- # 4 (1ST RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A FEE MODIFICATION PROPOSAL WITH NORTHWEST CONSULTANTS, INC. IN AN AMOUNT NOT TO EXCEED \$6,625 FOR THE DESIGN OF AN ALTERNATE ROUTE FOR WORLEY AVE NW RELIEF STORM SEWER PROJECT; AMENDING O.236/2002 AS AMENDED BY MAKING THE SUPPLEMENTAL

APPROPRIATION HEREIN DESCRIBED AND DECLARING THE SAME TO BE AN EMERGENCY

Referred to Environmental & Public Utilities and Finance Committees

- #5 (1ST RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CONTRACT WITH NORTHWEST CONSULTANTS, INC. IN AN AMOUNT NOT TO EXCEED \$23,436 FOR CONSTRUCTION CONTRACT PLANS OF THE ROADWAY APPROACH & STRUCTURE FOR THE GUILFORD AVE NW BRIDGE REPLACEMENT GP 1075; AMENDING APPROPRIATION O.236/2002 AS AMENDED BY MAKING THE TRANSFER HEREIN DESCRIBED AND DECLARING THE SAME TO BE AN EMERGENCY.

Referred to Public Safety & Thoroughfares and Finance Committees

- #6 (1ST RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CONTRACT WITH MOTTER & MEADOWS ARCHITECTS IN AN AMOUNT NOT TO EXCEED \$63,300 FOR ARCHITECTURAL/ENGINEERING SERVICES FOR A NEW SEWER DEPARTMENT FACILITY TO BE LOCATED AT THE WATER POLLUTION CONTROL CENTER; AMENDING APPROPRIATION O.236/2002 AS AMENDED BY MAKING THE SUPPLEMENTAL APPROPRIATION HEREIN DESCRIBED AND DECLARING THE SAME TO BE AN EMERGENCY.

Referred to Environmental & Public Utilities and Finance Committees

- #7 (1ST RDG) AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO CONTRACT WITH OHIO DEPARTMENT OF TRANSPORTATION FOR THE CONSTRUCTION OF THE SECOND SECTION OF I-77 WIDENING PROJECT THROUGH THE CITY OF CANTON AMENDING APPROPRIATION O.236/2002 AS AMENDED BY MAKING THE SUPPLEMENTAL APPROPRIATION HEREIN DESCRIBED AND DECLARING THE SAME TO BE AN EMERGENCY.

Referred to Public Safety & Thoroughfares and Finance Committees

- #8 (1ST RDG) AN ORDINANCE AUTHORIZING THE CITY AUDITOR TO PAY A MORAL OBLIGATION IN THE AMOUNT OF \$111,356.47 TO MORTON INTERNATIONAL, INC. AND DECLARING THE SAME TO BE AN EMERGENCY.

Referred to Finance Committee

- #9 (1ST RDG) AN ORDINANCE APPROVING A CANTON CITY WATER MAIN EXTENSION TO PLAIN TOWNSHIP; AUTHORIZING THE DIRECTOR OF PUBLIC TO ENTER INTO CONTRACT FOR THE EXTENSION OF SAID WATER MAIN AND DECLARING THE SAME TO BE AN EMERGENCY.

Referred to Environmental & Public Utilities Committee

- #10 (1ST RDG) AN ORDINANCE ESTABLISHING THE FAIR MARKET VALUE OF REAL PROPERTY IN CONJUNCTION WITH THE 4th STREET NW & SHORB AVE NW ROAD IMPROVEMENT PROJECT; AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO NEGOTIATE A TEMPORARY EASEMENT AT THE ESTABLISHED FAIR MARKET VALUE AND DECLARING THE SAME TO BE AN EMERGENCY.

Referred to Community & Economic Development and Finance Committees

#11 (1ST RDG) AN ORDINANCE AMENDING CHAPTER 547, UNFAIR EMPLOYMENT PRACTICES, OF CODIFIED ORDINANCES OF CITY OF CANTON.
Referred to Judiciary Committee

RULE 22A SUSPENDED TO ADD:

#11A (1ST RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO MAINTENANCE AGREEMENT WITH THE STARK COUNTY ENGINEER AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Intergovernmental & Public Service 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 #12 THROUGH #16 FOR THE SECOND TIME BY TITLE, AS FOLLOWS.

RULE 22A SUSPENDED TO ADD ORDINANCES #12-16:

#12 (2ND RDG) **DEFEATED** AN ORDINANCE APPROVING AND ACCEPTING THE REPLATTING AND RENUMBERING OF PART OF LOT NO. 35828; AND DECLARING THE SAME TO BE AN EMERGENCY

MEMBER SMUCKLER: Mr. President, I move that we suspend the statutory three readings of Ordinance number 12; seconded.

PRESIDENT DENCZAK: There's a move to dispense of the three readings of Ordinance number 12. Are there any remarks?...

MEMBER DIAMOND: Mr. President, I would just like to ask the Chairperson of this Committee at the end of the meeting that we had last week, both Mr. and Mrs. Daniels and many of the neighbors asked if they would be advised when this was going to.....

MEMBER CASAR: Mr. President, point of order. This is for suspension of rules.

PRESIDENT DENCZAK: That's right...but I think.....

MEMBER DIAMOND: That's what I am talking about, Member Casar.

PRESIDENT DENCZAK: She's trying to get at that point now, I'll watch.....

MEMBER DIAMOND: And I would just like to ask if, if she did notify them so that they are aware of it and if not, then I would be opposed to suspending the rules if the people involved were not advised that it is going to be passed on second reading.

PRESIDENT DENCZAK: Member Babcock, were those people advised that this was going to be passed this

evening?

MEMBER DIAMOND: Mr. President, if she advised the people, then, then that's fine. Mr. President, Member Babcock, did you advise the Daniels - Mr. & Mrs. Daniels?... (INAUDIBLE RESPONSE) Okay, thank you.

PRESIDENT DENCZAK: The motion is to dispense of the three readings. Are there any further 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 number 12; seconded

PRESIDENT DENCZAK: Moved and seconded that you adopt Ordinance number 12. Are there any remarks under this ordinance?... Very well, roll call vote please. (MEMBER BABCOCK ASKING FOR THE FLOOR TO CHANGE HER VOTE FROM YEA TO NAY) There's no discussion or debate when the roll call is called. Casar, you vote either for or against the motion. Member Babcock..... (INAUDIBLE) It was changed.

NO REMARKS

ROLL CALL: 2 YEAS, 9 NAYS

ORDINANCE DEFEATED

(CASAR & HART VOTED YEA; SMUCKLER, BABCOCK, HAWK, ALTIERI, MALLONN, MASSEY, MROCZKOWSKI, DOUGHERTY & DIAMOND VOTED NAY)

PRESIDENT DENCZAK: Ordinance number 12 is defeated.

- #13 (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 **PUBLIC HEARING 5/19/2003 @ 7:30 PM**
- #14 (2ND RDG) AN ORDINANCE IMPOSING A MOTOR VEHICLE LICENSE TAX PURSUANT TO OHIO REVISED CODE SECTION 4504.172.
- #15 (2ND RDG) AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO CONTRACT WITH THE OHIO DEPARTMENT OF TRANSPORTATION FOR THE UPGRADING OF INTERSECTIONS; AND DECLARING THE SAME TO BE AN EMERGENCY
- #16 (2ND RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE AND/OR DIRECTOR OF PUBLIC SAFETY TO ADVERTISE, RECEIVE BIDS AND ENTER INTO CONTRACT(S) FOR THE PURCHASE OF VARIOUS MOTOR VEHICLES AND OTHER ITEMS OF RELATED EQUIPMENT FOR VARIOUS CITY DEPARTMENTS; AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE AND/OR DIRECTOR OF PUBLIC SAFETY TO ALTERNATIVELY PURCHASE SAID VEHICLES AND EQUIPMENT PURSUANT TO REVISED CODE SECTIONS 125.04 AND 5513.01; AND DECLARING THE SAME TO BE AN EMERGENCY

ORDINANCES & FORMAL RESOLUTIONS FOR THIRD READING

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

NOTE: PRESIDENT DENCZAK CALLED UPON CLERK VANCKUNAS TO READ THE FOLLOWING ORDINANCES #17 THROUGH #20 FOR THE THIRD & FINAL TIME BY TITLE, AS FOLLOWS.

#17 (3RD RDG) **ADOPTED AS ORDINANCE NO. 86/2003** AN ORDINANCE AUTHORIZING THE CITY AUDITOR TO ESTABLISH 2425 LAW DEPARTMENT DISPUTE RESOLUTION FUND.

MEMBER SMUCKLER: Mr. President, I move we adopt Ordinance number 17; seconded.

PRESIDENT DENCZAK: Moved and seconded that you adopt Ordinance 17. Are there any remarks under this ordinance?... Very well, roll call vote please.

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance number 17 is adopted. **#17 ADOPTED AS ORDINANCE NO. 86/2003**

#18 (3RD RDG) **ADOPTED AS ORDINANCE NO. 87/2003** AUTHORIZING THE SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH OHIO POWER COMPANY DBA AMERICAN ELECTRIC POWER TO PROVIDE ENERGY TO WPCC; AND DECLARING THE SAME TO BE AN EMERGENCY

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

PRESIDENT DENCZAK: Moved and seconded that you adopt Ordinance 18. Are there any remarks under this ordinance? Very well, roll call vote please.

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance number 18 is adopted. **#18 ADOPTED AS ORDINANCE NO. 87/2003**

#19 (3RD RDG) **ADOPTED AS ORDINANCE NO. 88/2003** AN ORDINANCE AUTHORIZING THE SERVICE DIRECTOR TO ADVERTISE, RECEIVE BIDS & ENTER INTO CONTRACT FOR IRA TURPIN WAY NE IMPROVEMENT PROJECT AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT DENCZAK: I move we adopt Ordinance number 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: 11 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance number 19 is adopted. **#19 ADOPTED AS ORDINANCE NO. 88/2003**

#20 (3RD RDG) **ADOPTED AS ORDINANCE NO. 89/2003** AN ORDINANCE AUTHORIZING & CONSENTING TO THE REMOVAL & REPLACEMENT OF DECK ON THE CHERRY AVE SE STRUCTURE OVER CSX, N&S & CONRAIL TRACKS UNDER ODOT SUPERVISION AND DECLARING THE SAME TO BE AN EMERGENCY

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

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

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance number 20 is adopted. Ordinance number 21 was previously adopted. **#20 ADOPTED AS ORDINANCE NO. 89/2003**

ANNOUNCEMENT OF COMMITTEE MEETINGS

PRESIDENT DENCZAK: Announcement of Committee Meetings please.

MEMBER MASSEY: Mr. President, Community and Economic Dev.....Community and Economic Development and Finance Committees will meet at 6:00 the twelfth of May.

PRESIDENT DENCZAK: No...the 19th.

MEMBER MASSEY: The 19th.

MEMBER SMUCKLER: Mr. President, the Judiciary Committee will meet 6:00 May 19th, here.

MEMBER MROCZKOWSKI: Mr. President, Finance Committee will meet at the same time, same place.

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

MEMBER HAWK: Mr. President, Environmental and Public Utilities will meet next Monday at 6:00.

MEMBER ALTIERI: Mr. President, Intergovernmental and Public Service will meet at 6:15, Monday, May 19th.

PRESIDENT DENCZAK: Any other committees?.... (NO RESPONSE)

PUBLIC SPEAKS (OPEN FORUM--CITY BUSINESS ONLY)

PRESIDENT DENCZAK: We are now under Public Speaks, Open Forum. We have 2 people signed up. The first speaker is Roy Barr. State your name and address and your subject please.

MR. BARR: Do we have any member of the press?... (INAUDIBLE RESPONSE) We have a couple of extra copies for members of the press if they'd like it. Wanna give a copy to the Mayor too?

PRESIDENT DENCZAK: Okay Mr. Barr.

MR. BARR: Thank you Ray. Council President, Mr. Mayor who is now not here anymore, Members of.....

PRESIDENT DENCZAK: State your name and address.

MR. BARR: Excuse me?

PRESIDENT DENCZAK: State your name and address.

MR. BARR: My name is Roy Barr. B-A-R-R, the owner of Meadowlake Golf Club, at 1211 39th Street NE and I live at 1211 39th Street NE. I appreciate your time this evening. Last time I was here was July 29th when I asked you to consider the extension of the Canton city water to the Meadowlake Golf Club. Yesterday, we had new headlines in the Canton *Repository*. Everybody remember seeing the headlines? Who would have thought Tam O'Shanter is now sold? They paid 15 to 16 million for a piece of property that's no longer going to be a golf course. Last week the south 18 holes of Bob-O-Link closed. Bob-O-Link is now being developed.....the south 9, the south 18...excuse me. Arrowhead Country Club is in the process of being sold also. Its future is uncertain. Edgewood Golf Club has been sold....it's going to be developed in 2 to 3 years. How about Lakeside Country Club....does anybody remember that? Is that before your time? Lakeside Country Club? Holiday Country Club, that's where Belden Village is....part of Belden Village. Meadowlake Golf and Swim, that's a valuable asset- valuable to the area. We'd like to continue to serve our friends and neighbors. I ask for your help. I'd like you to step up to the plate. Support our ordinance which we filed today - we have a new ordinance. Our property abuts Vicary Estates and it is also...extends to 44th Street...so....we're contemplating putting in restrooms instead of using the port-o-potties. We would need city services....city services for that water and sewer. It is available. City water is presently across the street along our east property line up and down Martindale Road. City water was extended to the new constructions in that area. Attached to this is a list that I received today of the water main extensions that Council has approved in the last two years. There are properties that are not in the city. In 2002 there were 11 ordinances, in 2003 there's been 4 so far....total of 15. I appreciate your help. Time to step up to the plate, Council. We ask you to approve the extension of the city water to Meadowlake Golf and Swim so that your children and grandchildren will be forever grateful....and as I.

PRESIDENT DENCZAK: Mr. Barr. Let the Chair ask you a question then.

MR. BARR: Okay.

PRESIDENT DENCZAK: You say you have an ordinance there?

MR. BARR: I have an ordinance that I filed today.

PRESIDENT DENCZAK: What do you intend to do with that ordinance there?

MR. BARR: I have a copy that was filed today....and it will be on the schedule next Monday.

PRESIDENT DENCZAK: It will be on the next agenda?

MR. BARR: The next agenda.

PRESIDENT DENCZAK: Okay.

MR. BARR: I thank you for your time today because next Monday evening I will be at the Reed Funeral Home for my children's and my grandchildren's mother-in-law....excuse me....my children's grandmother....my grandchildren's great grandmother passed away. I will not be here next week to speak. Mr. President, I appreciate your time this evening.....and I'd like to say to Mary Babcock – my mother was a Babcock also.

PRESIDENT DENCZAK: Does Mary, Mary...one moment – Member Smuckler....Did you ask for the floor?

MEMBER SMUCKLER: Yes, sir.

PRESIDENT DENCZAK: Go ahead.

MEMBER SMUCKLER: Does this proposal include you annexing into the City?

MR. BARR: No, this is the proposal that was turned down the last time. We re-filed the proposal that was filed the last time.

MEMBER SMUCKLER: I understand. I'm just asking, does this proposal change at all or are you willing to annex into the City of Canton?

MR. BARR: I'm willing to sit down to discuss this with people who've, if they would care to make me some proposals. But,

MEMBER SMUCKLER: So, Mr. Barr, you're saying you are considering annexing into the City of Canton?

MR. BARR: I would consider any proposal that would get us city water and I'm asking you this, primarily because this is not only gonna help me, it's gonna help you. It's gonna help the City of Canton.

MEMBER SMUCKLER: Mr. President, I'm sure the Mayor wants to say something but you have, as leader of this Council, my full support in sitting down and trying to work something out here, in the, in the immediate future, I can tell you that.

MAYOR WATKINS: Mr. President, Mr. Barr I'd like to arrange a meeting with you, and you and I can sit down and talk about this situation and how it might be amicably resolved.

MR. BARR: I appreciate your offer Mr. Mayor. I'd be glad to do that.

MEMBER CASAR: Mr. President, when Mr. Barr came to this Council back in the week of July 19th, 2002 about extending water to his facility, 54 acres if I remember correctly, at that particular time I think this Council spoke loud and clear when you get ready to annex, come to the City of Canton and we'll give you your water.

MR. BARR: Thank you Mr. Casar.

MEMBER DIAMOND: Mr. President, Mr. Barr..just so you know, if this is a new ordinance it'll be on the agenda

next week but there won't be discussion. It will take 2 to 3 weeks. The following week there'll be a committee meeting which you hopefully can attend. But there won't be any discussion on it next week.

MR. BARR: Next Monday? I would appreciate that because I won't be able to attend.

PRESIDENT DENCZAK: Mr. Barr, your, your letter that you passed out. The list of water main extensions, is this outside the City limits?

MR. BARR: That's what I asked for. I'd asked for the number of ordinances that have been approved where water has been extended to properties that are not within the City limits. And, so far, according to the count there was 15 properties. People were not required, apparently, or asked to annex to the city.

PRESIDENT DENCZAK: Any further remarks?...

MR. BARR: You know, once this facility is gone, it's gone forever. Ya' know, it, a guy comes in and pays 16 or 17 million dollars for Tam O'Shanter, ya' know, it's gonna be gone. There's, ya' know, you can look down the road 2 or 3 years. It's gone. Edgewood's gone, the outside of Bob-O-Link is gone. It's gone. I ask for your help. I think it's time for the City Council to act in a reasonable manner. I'll be glad to meet with the Mayor. I don't think you can hold that over my head. But, I'll be glad to sit down and talk to anybody.

MEMBER CASAR: Mr. President, Mr. Barr, what insurance do we have that after you receive city water that you will not be like the rest of these golf courses that sold off to developments for the almighty dollar? What insurance does the City of Canton have?

MR. BARR: Mr. Casar, I have not considered selling Meadowlake. I mean there's been rumors flying for years and years that I have been offered this and that I've been offered that, 'n this 'n that, and it's simply not the truth.

MEMBER CASAR: Mr. Barr, you know as well as I know where you're situated there is a, the value of that property would be considered by a developer, at 54 acres at less than half an acre per home, you'd have over a hundred houses you could put in Meadowlake and the developer, the developer would pay dearly for that property. So for you to come and say you're going to keep it as a golf course, that's all fine and good. But for the City of Canton to extend water so that you in the future, could potentially, could make a lot of money, that is not so good in my opinion. I've always fought, since I've been in this Council, to not extend water lines to anyone outside of the City. That's how I voted and I'll continue to vote so. Especially in this case where that is prime land and if you're so set on wanting to keep it as a golf course, even if you can, because it's not going to cost you anything to do that and it's going to be better for you in the long run and better for the City of Canton. So my opinion would be the order you have filed to have a water extension, apply for annexation--this Council would probably pass it on the first reading, .if, to do so, so that you could get your water even sooner. Thank you.

MR. BARR: I appreciate your remarks Mr. Casar. Are you aware how the Vicary Estates became part of the City? Is anybody aware of how Vicary Estates became part of the City? Mr. Gastman could not get a planned unit development so he came to City Council and said I will annex to the City if you'll give me planned unit development. That's how Victory Estates become part of Canton City. I don't wanna see Meadowlake developed. I don't know if any golfer in the area that wants to see Meadowlake developed. But that's probably how Meadowlake would cease to exist. It would probably come in as planned unit development, whether I do it, whether my son does it, whether some developer does it. I don't know. I don't have any idea how many more years I'm going to be around. I'm 70 years old now. My son's running the business. I think he's doing a bang-up job.

Rosemary I know has been upstairs. Ya' know, she likes to play euchre. Some of you have been there on a regular basis, playing golf. We have a fantastic junior program. We run many junior golfers through our facility there every Monday and Tuesday. Are they some of the inner-city's? I'm sure they are. Many of them are inner city kids, thanks to Tiger Woods and your First Tee Program. I congratulate you on your First Tee Program.

MEMBER SMUCKLER: Mr. President,

PRESIDENT DENCZAK: Member Smuckler, let me clarify one thing. Of course you know that Mr. Barr's up here for an extended length of time because you are discussing this issue with him so, he has a total of 15 minutes.

MEMBER SMUCKLER: I understand that and my suggestion, Mr. Barr, is that I think we've shown to you that we feel you're important to the City of Canton, we want you in the City of Canton, we'd like you to annex into the City of Canton. We can't be any clearer than we're being right now, and we'd like you to sit down with the Mayor, with Council, with whoever and come to the City of Canton and we'd like you to stay a golf course. So.....

MR. BARR: I've indicated that I'll meet with the Mayor and we'll....

MEMBER SMUCKLER: That's fine.

MR. BARR: We'll discuss it. And, if the advantages are greater than the disadvantages, I will change my ordinance. If the disadvantages are greater than the advantages, then I'll leave the ordinance as it is filed presently. I appreciate your time. I wish I could be here for the first reading, but I, unfortunately, cannot do that.

PRESIDENT DENCZAK: The first reading is here nor there Mr. Barr.

MR. BARR: Is it really?

PRESIDENT DENCZAK: Yeah.

MAYOR WATKINS: Mr. Barr would you have someone call my office in the morning?

MR. BARR: I'll call you in the morning.

MAYOR WATKINS: To set up an appointment time to sit down and talk.

MR. BARR: Thank you very much, Mayor. Any other questions, if there aren't...

PRESIDENT DENCZAK: Yeah, Mr. Barr, are you asking for water only?

MR. BARR: We have already sanitary sewer....

PRESIDENT DENCZAK: Oh, okay.

MR. BARR: ... it goes through the property. There's a sanitary sewer that goes down 44th Street. There's sanitary sewer on Martindale Road, there's water on 44th Street, there's water on Martindale Road, there's water in the Vicary Estates. I mean, we could extend the water line probably 20 or 30 foot and have the necessary water for our restrooms so that we don't have to use port-a-potties. The kids like to come out there and tip over the port-a-

potties. It used to be that you'd go out in the back yard and tip over somebody's out house in the city but now they come on the golf courses and tip over the port-a-potties. So...that's great sport.

PRESIDENT DENCZAK: Is that you Casar? (LAUGHTER)

MR. BARR: Have you ever been in a port-a-pott in July, ya' know? Not too pleasant sometimes when they only clean them out once a week. So....

PRESIDENT DENCZAK: One moment. Law Director

LAW DIRECTOR MARTUCCIO: Just so there's no misunderstanding, Mr. Barr, the fact that you have asked Council to re-look at the ordinance doesn't mean that it will be introduced as a piece of legislation. Your letter and your ordinance that has come to Council will be considered a communication to Council so it will be on the Council Agenda as a communication. However, in order for it to become law, in order for it to become passed, it needs a sponsor. And, I think what I hear some of the people on Council telling me is they're not likely to sponsor it unless you make some changes and I hear you saying you may make those changes depending on what you hear in your annexation session. Just so there's no misunderstanding. No misunderstanding. It's not going to be passed as an ordinance granting the water extension until it is sponsored by one of the members of Council or one of the few people who are allowed to sponsor it by law, and passed by a majority of Council.

MR. BARR: Okay, I was not aware of that, but could you possibly send me a letter or the people who would, as such, be able to do that for me?

LAW DIRECTOR MARTUCCIO: I'll look it up tonight and tell you before you leave.

MR. BARR: When I walk away from the microphone, I'm out the door. So, you'll have to look it up pretty quick (chuckle)

MAYOR WATKINS: Mr. President....

PRESIDENT DENCZAK: Mr. Barr, would you bring your ordinance up to me? Mr. Mayor.

MAYOR WATKINS: I would be happy to sponsor this legislation in order to get it on the table, if I am permitted by law to sponsor it, and I'll sponsor the legislation and get it on the table so we can have a meeting and discussion.

PRESIDENT DENCZAK: Okay, Mayor.

MR. BARR: Thank you Mr. Mayor for sponsoring the legislation. I really don't have anything else. If there's any more questions or if you would like to stay, I can stay, but....

PRESIDENT DENCZAK: Well, you have a minute and 8 seconds left.

MR. BARR: Nice to see you, Ray, out at the golf course. Come out.

PRESIDENT DENCZAK: I still get a stroke a hole on that golf course? All right. Thank you. By the way, he has good pork chops. I ought to get 2 strokes now. Mr. Barr, they said the pork chops would taste better if you were located in the City, so, ... The next speaker is Dan Pittson, is that correct? Am I pronouncing that correctly?

MEMBER MASSEY: He's not here.

PRESIDENT DENCZAK: Dan, huh?... Oh, okay.

MISCELLANEOUS BUSINESS

MEMBER MASSEY: Mr. President....

PRESIDENT DENCZAK: One moment. We're now under miscellaneous business. Is there any miscellaneous business?

MEMBER MASSEY: Mr. President...

PRESIDENT DENCZAK: Member Casar.

MEMBER CASAR: I would like to ask member Diamond a question please?

PRESIDENT DENCZAK: Member who?...

MEMBER CASAR: Member Diamond.

PRESIDENT DENCZAK: You may.

MEMBER CASAR: Member Diamond, what was the vote that was voted on tonight at the second reading?... you originally were in favor and tonight you voted against, and my question to you is as Ward Councilperson, I was not able to attend the committee meetings last Thursday because of illness, but I would really appreciate it if you would notify this Council as a matter of public record that you flip-flopped your vote, and I would like to know why you did it?

MEMBER DIAMOND: Mr. President, Member Casar's adjective is flip-flop. I think that when a person receives additional information, they make an educated decision. That's what Council people are supposed to do. The committee meeting was to gain that information, and at the end of the meeting, when I had heard from the residents, that's why I changed my vote. When I initially was in favor of it, I had not been contacted by any one other than one neighbor. We had one neighbor against another. When that happens, oftentimes it's a personality conflict. I looked at the Planning Commission approving it twice. I talked to the City Engineer. I had Mr. Miller send out, not only the City Engineer, but had him send out a private engineer to check the drainage. All of the information indicated that there was no drainage problem and that was my main concern. I was not contacted because for some reason, our city, when an issue comes before the Planning Commission, we do not notify neighbors. So, those neighbors were unaware of the requests. I sent out a letter, as did Member Babcock, notifying all of the neighbors, within 400 feet that there would be a request to rezone the lot. At that time the neighbors contacted me and indicated that they did not want their neighborhood disturbed. Based upon that information, based upon the response at the committee meeting, and that is the basis and the reason we have committee meetings, after receiving that information, I determined that to go with the majority of the people was what my obligation was as their council representative. So, I call it educated, I don't call it flip-flopping.

MEMBER CASAR: Mr. President. That's fine and good, but she actually should have gave you why she changed her vote. But you did not tell me why you did not announce this to Council and also for the record, why you did so, as a matter of public record. I, as a councilperson, was not able to attend Thursday night's meeting or Wednesday night whenever it was because I was in the hospital the day before; and I'm always here for committee meetings. But, you didn't tell me that, and I value the opinion of the, of the ward councilperson, I usually like to support the ward councilperson. But, not knowing how you was going to vote, you said you were going to vote the same way, I voted accordingly. So, that's my opinion. My question was why didn't you inform this Council, tonight while we're all sitting here, before we voted, 'cuz you indeed had changed your mind for the second or third time.

MEMBER DIAMOND: Mr. President, Member Casar, I informed the entire Council at the end of the committee meeting...(MEMBER CASAR INTERRUPTING)...Excuse me, I am...

MEMBER CASAR: As a point of info.....

MEMBER DIAMOND: Let me finish.....

MEMBER CASAR: A point of information.....a point of information, Mr. President

PRESIDENT DENCZAK: One moment, please! State your point of order.

MEMBER CASAR: I asked a question.....I was....I gave her the answer. I was not here Thursday because of illness. I asked her a simple question, why didn't she announce it this evening? I'm not talking about the Council committee meeting. I am talking about this evening.

MEMBER DIAMOND: Mr. President. Member Casar. If you were the one unable to attend, I would assume that you would contact me. I don't have an obligation to call people who aren't in attendance at the committee meetings. If you wanted to find out what happened at that committee meeting, which was over an hour and a half long, and during which there was a wealth of information discussed, and during which I made public, as did Member Smuckler, and Member Babcock, our feelings on it, you should have taken the responsibility, if not to ask me, to ask the Chairman of that committee, what the result of that committee meeting was. I don't have an obligation to call you up, and tell you.

MEMBER CASAR: Mr. President. Again, I did not ask Member Diamond to call me or to tell me, I just said, why didn't she announce it tonight at this comm.....council meeting, where she didn't have to go out of her way to tell me anything. It would be a matter of public recordon the record. It's not even on the record that you changed your mind....vote, after 3 times, other than when you voted. And I, again, as a councilperson, would have liked to've known that. It wouldn't have been hard for you to say, 'I changed my mind because'. That's all you would have had to do. That's all I asked you. I didn't ask for all the other things that the President let you tell me.

MEMBER DIAMOND: Mr. President. Member Casar....

PRESIDENT DENCZAK: Member Casar. Wait a minute. I'm I have a difficult time timing this..... Are you finished Member Casar, for your 3 minutes? You got a minute left.

MEMBER CASAR: It depends on what Member Diamond says.

PRESIDENT DENCZAK: Well, if there's going to be a debate, why this is not under miscellaneous business. All

right. Member Diamond. All right, I'm cutting you off now.

MEMBER DIAMOND: Member Casar. I have an obligation to my constituents of the 8th ward. I made it very clear to them how I was voting, I made it very clear to everyone that was here, how I was voting. Again, my phone rings, if you have a question, you can ask me. I don't have an obligation to report to you on what I am going to do or what I'm not going to do. Thank you.

PRESIDENT DENCZAK: Member, ...Member Diamond, I think what Council is concerned about is your, to use that adjective or verb, flip-flop, has Council concerned because the first passage, or defeat of that ordinance, for Councilmembers who voted it down, were chastised in *The Repository*. They felt a deep wound here. And then for you to come back and vote the way they did and got criticized for. That is the thing they're concerned about. And that's, Member Casar, probably wanted you to explain that tonight when that ordinance came up. Member Casar.

MEMBER CASAR: I'll let it die with that Mr. President. I think you spoke pretty well what I was trying to say and couldn't get the answer from Member Diamond.

PRESIDENT DENCZAK: Is there any other remarks?...

MEMBER DIAMOND: Mr. President. This is on another issue that I didn't feel earlier the need to comment publicly, but I will now. Several weeks ago, when we were talking about another issue, the portable signs, Member Casar very dramatically interrupted me, as he often does, with a point of information. When I indicated that I was opposed to the portable sign during the initial ordinance that we passed, Member Casar flashed his paper around and indicated that I voted for that---and I had no right to continue talking that I was opposed to it because I voted for it. Now I usually remember how I vote, and so I will have to say Member Casar either didn't do his homework, the reputation that he normally gets, or he was purposely trying to indicate that I was falsifying my information. I got the vote from the Clerk. It was 11 yes, 1 no. My vote was no. So, I would like to clear that up for the record, despite what Member Casar said. I did not vote and I was the only one that voted against the portable sign.

MEMBER CASAR: Mr. President.

PRESIDENT DENCZAK: Member Casar.

MEMBER CASAR: Then I guess it is someone in the Clerk's, Council office, because it says right on here, and it's signed by our Clerk, that it was passed unanimously. That's all I could go by, Member Diamond. It's right here in front of me. You're talking about homework, Member Diamond, you should not talk about that because if you would have done your homework on this lot split up there, we would not have all the problems, this Council would not have been chastised and criticized if you would have, first, done your homework. This would have been passed, defeated long ago, with all the problems it caused because you did not do your homework.

PRESIDENT DENCZAK: No response?...

MEMBER DIAMOND: Mr. President, I will just say, Member Casar isn't listening or he isn't hearing. When it first came to us, there was no one opposed to this. No one had contacted me and the Planning Commission recommended approval, sending the Service Director out, sending a private contractor out, in my opinion, is doing my homework Member Casar.

PRESIDENT DENCZAK: Any other miscellaneous business?....

MEMBER CASAR: Member Diamond, this is all after the fact. If she would have done this originally, we would not have had the problem.

MEMBER MASSEY: Mr. President...

PRESIDENT DENCZAK: I think I'm going to get ahold of Jerry Springer.

MEMBER HART: Mr. President. Yeah, just a question for the Law Director and then for the Safety Director. Early in January, in between 18th and 19th and Fulton, residents had experienced a water main break and I was told it took between 4 to 6 hours to get the water turned off. And according to pictures that I've received from some residents and evidence is that they at least had probably about 22 inches of water judging from the courses of the bricks. Many of the problems, residents had suffered really a great deal of loss. There was a young married couple that had a lot of their gifts down there. I have one man who is a cancer patient receiving treatments that had a treatment up at the Cleveland Clinic and suffered loss of some medication, and evidently, they laid, they've made claims to the City and, you know, I've contacted Attorney Hunt and did not receive any reply. And residents told me that they had received the letter and that the, I guess the City, assumes an immunity in those cases, and I guess my question is, if you could find out...I tend to feel we have more of an obligation if people are buying our product, in terms of water, if we have a water main break and they've suffered some damages. The couple that had literally a brand new washer and dryer, which was ruined--that they receive some relief and I just would appreciate it if you would look into that further or have Attorney Hunt return my call, please.

LAW DIRECTOR MARTUCCIO: Mr. President, Member Hart. I am very aware of what happened there. It was in January, I believe or early February. This was a long cold winter. The ground had frozen to depths we haven't seen for a while. These are water lines that are subject to shifting, as the freeze and thaw cycle of winter goes on. There is no way for us to peg when these water lines are going to break. There's no x-ray; we thoroughly investigated it at the Law Department through the help of the Water Department and other service divisions. We determined there was no negligence on any one's part, caused by an awfully bad winter. Chapter 2744 of the Ohio Revised Code says that we, political subdivision, in essence have qualified immunity. We don't have to pay for things that we don't break. We're not negligent, we're not reckless, we're not malicious...we're immune. These are sad, sad cases. The couple you're referring to put together as good a case as I've ever seen a lawyer put together, in terms of photographs and inventory. The men who were there were truly sympathetic. However, they all have to be treated the same way. Either we're liable or we're not. Either we're negligible or we're not, and because we, in the Law Department are charged with looking at the law, and looking after the department, the treasury of the city, the whole treasury, we determined that we were not legally required to pay for these damages. Unfortunately, I don't believe any of these folks had insurance that covered flood damage. Why? I don't know. We asked them about their insurance, their renter's insurance and so on and so on. The only choice Council has is to pay them as a moral obligation, meaning not a legal obligation, but one out of charity, if you will, and I don't know if that's a good precedent or a good policy when there are so many things against the City that come through all year long. Thank you.

MEMBER MASSEY: Mr. President...

PRESIDENT DENCZAK: Member Hart you still have a minute left.

MEMBER HART: We discussed about the railroad crossing at 25th and Fulton. I believe that first weekend in June is his... I talked to some residents concerning their preference, whether it just be closed the, ya' know, the one weekend. That seems to be their wish, if possible, is that what the railroad intended to do there, that first weekend in

June -- to close the railroad crossing there due to repairs?

SAFETY DIRECTOR CONCATTO: Mr. President, the city has requested the option to do it and close it totally for the weekend verses a week or two.

MEMBER HART: When is...When is the notification if indeed, if that goes up, when will the signs be put up or the closing so people are properly notified.

SAFETY DIRECTOR CONCATTO: Mr. President, I'll get that time for you. It will probably be a week before the actual closing. But I'll get the traffic engineer to get those dates for you.

MEMBER HART: Okay. And just as soon as possible because it's, ya' know, for that weekend, it's gonna be, ya' know, crazy...and people are gonna need to have to re-route themselves around that. Okay. Thank you.

PRESIDENT DENCZAK: Is there any other mis....oh, I'm sorry. Member Massey you asked..

MEMBER MASSEY: Mr. President, I would like to take this time to congratulate everyone that made it through the primary. Also, like to, at this time, let Kathy know, to continue the positive things that you have been doing in your ward. As far as Craig Massey goes, there's a plan B. I also would like to let everyone know publicly that I will support Kelly Zachery in November and anything that you need just let me know. Thank you very much.

PRESIDENT DENCZAK: We can't use this. Is there any other remarks? ...

MEMBER SMUCKLER: Mr. President, I move we adjourn; seconded.

PRESIDENT DENCZAK: Moved and seconded that you adjourn. Roll call vote please.

NO REMARKS PERMITTED ON THIS MOTION -- ROLL CALL VOTE: 11 YEAS, 0 NAYS

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

ADJOURNMENT TIME: 8:51 P.M.

ATTEST:

APPROVED:

DEBRA VANCKUNAS
CLERK OF COUNCIL

RAY DENCZAK
PRESIDENT OF COUNCIL