

MINUTES OF THE MEETING OF MAY 19, 2003

The regular meeting of Canton City Council was held on Monday, May 19, 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 John Mroczkowski, followed by the Pledge of Allegiance led by President of Council Denczak.

PRESIDENT DENCZAK: With a quorum present, the Chair calls this meeting to order. Roll call please.

ROLL CALL TAKEN BY CLERK OF COUNCIL:

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

NO COUNCILMEMBERS ABSENT

AGENDA CORRECTIONS & CHANGES

PRESIDENT DENCZAK: Members of Council to bring your Agenda up to date, you're being asked to suspend Rule 22A to add the second readings of Ordinances 2 through and including number 13. You're being asked to adopt first reading of Ordinance 1, and on second readings, you're asked to adopt Ordinances 4, 5, and 13. Ordinance number 12 is retained in committee. At this time, Member Smuckler, the Chair will recognize Rule 22A suspension to add the second readings of Ordinances 2 through and including number 13.

MEMBER SMUCKLER: Mr. President, I move we suspend Rule 22A to add Ordinance numbers 2 through 13 back 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: 12 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinances 2 through and including number 13 are a legal part of your agenda. This brings your Agenda up to date members of Council. We have a scheduled public hearing at 7:30.

PUBLIC HEARINGS

PRESIDENT DENCZAK: We have a scheduled public hearing for 7:30. It is a request by Thomas Krupar to re-zone 3625 West Tuscarawas Street from R-1A to PB-1 to convert the first floor to a therapy office. The Planning Commission recommends approval. The Ordinance is number 14 on the Agenda tonight. Is there anyone in the

audience wishing to speak for or against this re-zone, please come forward.... Is there anyone in the audience wishing to speak for or against this re-zone, please come forward.... Is there anyone in the audience wishing to speak for or against this re-zone, please come forward... State your name and address and whether you're for or against it, please.

MR. KRUPAR: Thomas Krupar, K -R-U-P-A-R, address 1931 Howenstine Drive SE, East Sparta. I don't know that I really need to say anything. I'm here, I'm obviously, I'm the gentleman that's trying to get the re-zone. We've had a couple of public meetings and have approval through the Zoning Board. So, I'm just here to answer any questions or if there's any questions that need to be answered.

PRESIDENT DENCZAK: Thank you. Anyone else in the audience wishing to speak for or against this issue, please come forward... Anyone else in the audience wishing to speak for or against this issue, please come forward... Anyone else in the audience 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 now rests in the hands of Council.

ORDINANCES & FORMAL RESOLUTIONS FOR THIRD READING

PRESIDENT DENCZAK: At the request of the member of Council whose ward this is in, the Chair's going to exercise the prerogative and go directly to Ordinances for the 3rd reading. Let the journal show that all Ordinances are being given their readings tonight, being done by State Law.

#14 (3RD RDGS) **ADOPTED AS ORDINANCE NO. 90/2003** 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 14; seconded.

PRESIDENT DENCZAK: Moved and seconded that you adopt Ordinance 14. Are there any remarks under this ordinance?... Very well, roll call vote.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance number 14 is adopted. We'll go back to the original place on the agenda, Members of Council. **#14 ADOPTED AS ORDINANCE NO. 90/2003**

PUBLIC SPEAKS (ORDINANCES OR RESOLUTIONS FOR ADOPTION ONLY)

PRESIDENT DENCZAK: Public Speaks Ordinances or Resolutions for adoption. We have 1 person signed up this evening. Jim Breckbill.

MR.BRECKBILL: My name's Jim Breckbill. I live at 621 Arlington SW and my Councilman says that sometimes people don't speak their mind. So, I was here last week and spoke my mind and I saw an issue that was up for consideration tonight that concerns me and that is the add-on license plate tax. If this is needed, and it may be needed, I feel that the citizenry should be convinced of that. I feel that if it's needed, it should be put up for a vote in

November. The other thing that concerns me about it is many of the employees of the City of Canton, if they don't live in the City of Canton would not have to pay this. Somehow, that doesn't seem quite right to me. But, mainly, if it's a tax, I think we should be allowed to vote. Thank you.

PRESIDENT DENCZAK: Remarks?... Thank you sir. That was the only speaker under public speaks.

INFORMAL RESOLUTIONS

PRESIDENT DENCZAK: Informal Resolutions. It will not be necessary to excuse members. Let the journal show that all members of Council are present.

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 19, 2003

193. BARR, ROY E., MEADOWLAKE GOLF & SWIM, 1211 39th STREET NE: REQUEST COUNCIL CONSIDER APPROVING AN ORDINANCE EXTENDING CANTON CITY WATER TO MEADOWLAKE GOLF COURSE LOCATED AT 1211 39th ST NE IN PLAIN TOWNSHIP. - MAYOR & ANNEXATION BOARD
194. BUCKEYE ENERGY BROKERS, INC. 8870 DARROW ROAD F#106, TWINSBURG, OHIO 44087, MARK R.; BURNS, DIRECTOR OF SALES & MARKETING: ANALYSIS OF THE CITY'S NATURAL GAS AGGREGATION PROGRAM FOR THE FIRST QUARTER 2003. - RECEIVED & FILED
195. HEALTH BENEFITS ADMINISTRATOR BRESSON, CITY OF CANTON: APRIL 2003 MONTHLY COMPARATIVE REPORT OF INSURANCE CLAIMS, AND JANUARY - APRIL 2003 PAID CLAIMS AND COMPARATIVE REPORT. - RECEIVED & FILED

ORDINANCES & FORMAL RESOLUTIONS FOR FIRST READING

PRESIDENT DENCZAK: We're now under Ordinances and Formal Resolutions for their first reading. Ordinance number 1 please.

NOTE: PRESIDENT DENCZAK CALLED UPON CLERK VANCKUNAS TO READ THE FOLLOWING ORDINANCE #1 FOR THE FIRST TIME BY TITLE & ANNOUNCED THE COMMITTEE REFERRAL, AS FOLLOWS. FOLLOWING ITS FIRST READING & A COMMITTEE MEETING, THE ORDINANCE WAS RETURNED TO THE AGENDA FOR ADOPTION.

- #1 (1ST RDG) **ADOPTED AS ORDINANCE NO. 91/2003** AN ORDINANCE AMENDING CHAPTER 787, SEXUALLY ORIENTED BUSINESSES, OF THE CODIFIED ORDINANCES OF

THE CITY OF CANTON AND DECLARING THE SAME TO BE AN EMERGENCY.
Referred to Judiciary Committee

PRESIDENT DENCZAK: At this time, the Chair is going to declare an in-house recess for the Judiciary Committee to meet in regards to Ordinance number 1 on the agenda tonight. You are now in recess.

AT 7:42 P.M., COUNCIL RECESSED FOR A COMMITTEE MEETING ON ORDINANCE NUMBER #1, WHICH WAS RETURNED TO THE AGENDA FOR ADOPTION. PRESIDENT DENCZAK RECONVENED THE COUNCIL MEETING AT 7:55 P.M.

PRESIDENT DENCZAK: Council is now re-convening after the recess. Is it Council's intent to put Ordinance number 1 back on the agenda? Member Smuckler.

MEMBER SMUCKLER: Mr. President, I move that we suspend Rule 22A and add Ordinance number 1 back to the agenda; seconded.

PRESIDENT DENCZAK: There's a move here to suspend with Rule 22A to add Ordinance number 1 back to the agenda. Are there any remarks?... If not, roll call vote.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance number 1 is a legal part of your agenda. Member Smuckler.

#1 **ADOPTED AS ORDINANCE NO. 91/2003** AN ORDINANCE AMENDING CHAPTER 787, SEXUALLY ORIENTED BUSINESSES, OF THE CODIFIED ORDINANCES OF THE CITY OF CANTON AND DECLARING THE SAME TO BE AN EMERGENCY.

MEMBER Smuckler: Mr. President, I move that we suspend Statutory 3 readings of Ordinance number 1; seconded.

PRESIDENT DENCZAK: There's a move to dispense with the 3 readings of ordinance number 1. Are there any remarks?... If not, roll call vote please.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

PRESIDENT DENCZAK: You've heard the 3 readings, Mr. Smuckler.

MEMBER SMUCKLER: Mr. President, I move that we adopt Ordinance number 1; seconded.

PRESIDENT DENCZAK: Moved and seconded that we adopt Ordinance number 1. Are there any remarks under this ordinance?... If not, roll call vote please.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance number 1 is adopted.

#1 ADOPTED AS ORDINANCE NO. 91/2003

ORDINANCES & FORMAL RESOLUTIONS FOR SECOND READING

PRESIDENT DENCZAK: Ordinances and formal resolutions for the second reading please.

NOTE: PRESIDENT DENCZAK CALLED UPON CLERK VANCKUNAS TO READ THE FOLLOWING ORDINANCES #2 THROUGH #13 FOR THE SECOND TIME BY TITLE, AS FOLLOWS. ORDINANCES #4, 5 & 13 WERE ADOPTED FOLLOWING THEIR SECOND READINGS.

RULE 22A SUSPENDED TO ADD ORDINANCES #2-13:

#2 (2ND 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.

#3 (2ND RDG) AN ORDINANCE VACATING PORTIONS OF MOSELY COURT SW AND STANWOOD PL SW AND DECLARING THE SAME TO BE AN EMERGENCY.

#4 (2ND RDG) **ADOPTED AS ORDINANCE NO. 92/2003** 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.

MEMBER SMUCKLER: Mr. President, I move we suspend statutory 3 readings of Ordinance number 4; seconded.

PRESIDENT DENCZAK: There's a move to dispense the 3 readings of Ordinance number 4. Are there any remarks?... If not, roll call vote please.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

PRESIDENT DENCZAK: You've heard the 3 readings Member Smuckler.

MEMBER SMUCKLER: Mr. President, I move we adopt Ordinance number 4; seconded.

PRESIDENT DENCZAK: Moved and seconded that you adopt Ordinance number 4. Are there any remarks under this ordinance?... Very well, roll call vote please.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance number 4 is adopted. **#4 ADOPTED AS ORDINANCE NO. 92/2003**

#5 (2ND RDG) **ADOPTED AS ORDINANCE NO. 93/2003** AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A FEE MODIFICATION PROPOSAL WITH NORTHWEST CONSULTANTS INCORPORATED IN AN AMOUNT NOT TO EXCEED \$6,625 FOR THE DESIGN OF AN ALTERNATE ROUTE FOR THE WORLEY AVE NW RELIEF STORM SEWER PROJECT; AMENDING APPROPRIATION O.236/2002 AS AMENDED BY MAKING THE SUPPLEMENTAL

APPROPRIATION HEREIN DESCRIBED AND DECLARING THE SAME TO BE AN EMERGENCY.

MEMBER SMUCKLER: Mr. President, I move that we suspend the statutory 3 readings of Ordinance number 5; seconded.

PRESIDENT DENCZAK: There's a move to dispense with the three readings of Ordinance number 5. Are there any remarks?... If not, roll call vote please.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

PRESIDENT DENCZAK: You've heard the 3 readings, Member Smuckler.

MEMBER SMUCKLER: Mr. President, I move we adopt Ordinance number 5; seconded.

PRESIDENT DENCZAK: Moved and seconded that you adopt Ordinance number 5. Are there any remarks under this ordinance?... Very well, roll call vote.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance number 5 is adopted.

#5 ADOPTED AS ORDINANCE NO. 93/2003

#6 (2ND RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CONTRACT WITH NORTHWEST CONSULTANTS INCORPORATED IN AN AMOUNT NOT TO EXCEED \$23,436 FOR CONSTRUCTION CONTRACT PLANS OF THE ROADWAY APPROACH AND STRUCTURE FOR THE GUILDFORD 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.

#7 (2ND 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.

#8 (2ND RDG) AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO CONTRACT WITH THE OHIO DEPT OF TRANSPORTATION FOR THE CONSTRUCTION OF THE SECOND SECTION OF THE I-77 WIDENING PROJECT TO 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.

#9 (2ND 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.

#10 (2ND RDG) AN ORDINANCE APPROVING A CANTON CITY WATER MAIN EXTENSION TO PLAIN TOWNSHIP; AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CONTRACT FOR THE EXTENSION OF SAID WATER MAIN AND DECLARING THE SAME TO BE AN EMERGENCY.

#11 (2ND RDG) AN ORDINANCE ESTABLISHING THE FAIR MARKET VALUE OF REAL PROPERTY IN CONJUNCTION WITH THE 4TH STREET NW AND 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.

#12 **RETAINED IN COMMITTEE** AN ORDINANCE AMENDING CHAPTER 547, UNFAIR EMPLOYMENT PRACTICES OF CODIFIED ORDINANCES OF CITY OF CANTON.

#13 (2ND RDG) **ADOPTED AS ORDINANCE NO. 94/2003** AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A MAINTENANCE AGREEMENT WITH THE STARK COUNTY ENGINEERING AND DECLARING THE SAME TO BE AN EMERGENCY.

MEMBER SMUCKLER: Mr. President, I move we suspend statutory 3 readings of Ordinance number 15; seconded.

PRESIDENT DENCZAK: Number 13.

MEMBER SMUCKLER: Sorry. Number 13; seconded.

PRESIDENT DENCZAK: Moved and seconded to dispense of the 3 readings of Ordinance number 13. Are there any remarks?... If not, roll call vote.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

PRESIDENT DENCZAK: You've heard the 3 readings, Member Smuckler.

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

PRESIDENT DENCZAK: Moved and seconded that you adopt Ordinance 13. Are there any remarks under this ordinance?... Very well, roll call vote please.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance number 13 is adopted.

#13 ADOPTED AS ORD. NO. 94/2003

ORDINANCES & FORMAL RESOLUTIONS FOR THIRD READING

PRESIDENT DENCZAK: Ordinances and Formal Resolutions for their third and final reading. Ordinance number 14 please.

PRESIDENT DENCZAK: I'm sorry, 14 was previous adopted. Ordinance 15 please.

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

#15 (3RD RDG) **ADOPTED AS ORDINANCE NO. 95/2003** AN ORDINANCE IMPOSING A MOTOR VEHICLE LICENSE TAX PURSUANT TO OHIO REVISED CODE SECTION 4504.172.

MEMBER SMUCKLER: Mr. President, I move we adopt Ordinance number 15; seconded.

PRESIDENT DENCZAK: Moved and seconded that you adopt Ordinance 15. Are there any remarks under this ordinance?... Very well,.....Law Director.

LAW DIRECTOR MARTUCCIO: Mr. President. To answer a concern raised by Mr. Breckbill here earlier. To answer a couple of those concerns. Employees of the City who live elsewhere, who aren't required to be residents for a time, often pay higher license plate motor vehicle taxes because most of our neighboring communities have at least 10, 15, 20 dollars in combinations of county, township and city license plate fee. We are one of the few who only pay 5 at this point. Additionally, some of the other concerns you may have. What's happening is, if this tax is passed, that money will be dedicated to a special revenue fund, strictly for the purpose of maintaining and repairing the public streets and bridges. As it stands now, those folks who live in the city who pay income taxes and don't have motor vehicles, are subsidizing or are helping to subsidize the repair and maintenance of these roads. So those folks who own motor vehicles and use them and put chuckholes in the roads and spend the 5 bucks per vehicle to help fix that. The other concern you raised about having it put to a vote by the general public in November: the reason you can't do that is this is all governed by State Law. This is governed by certain chapters in the Revised Code which provides specifically how we're supposed to do it. In Chapter 4504 of Revised Code and 4503 it tells how cities and townships and counties are supposed to impose these kinds of taxes. The State has designed a system so that we cannot pass this as an emergency. It has to be passed without an emergency so that it takes 30 days to go into effect, and the reason we have to do it tonight is so that it goes into effect by July 1st. That leaves 6 months under State Law for the folks to live in this town to bring a referendum to the ballot if they so choose, and it leaves 6 months for the DMV, Department of Motor Vehicles, to begin to prepare to collect these taxes. This motor vehicle license tax will not be in effect until 2004. If it's not passed tonight, the window slams shut and we have to wait another year for this kind of a tax to be brought before Council. So again, the reason for not having an emergency is so that it is allowed to be brought to a referendum by the populace if they so choose; and it would, two other things, I'd like to bring to Council's attention is that the General Fund will be straining to meet next year. As you all know the sales tax passed, though SCOG, the Stark County Council of Governments, is going to be able to kick the contribution of the city and county back up 10 percent from where it is now at 5 to help pay for the county crime lab and the metro. Also, the courts have been talking with us at great lengths for a long time now about heightened security. I'll bring my remarks to a close, Mr. President, and those heightened security factors will cost money and that will come out of the General Fund, most likely. So, I fully anticipate a couple of 'hits' next year on the General Fund. There is a sub-committee of SCOG that's moving this week to begin to talk about where to go, where to go back to all the respective general legislatures and trustees. If they're not going to go back to 10 percent, we have to agree, more than half of the people in SCOG have to agree yet on a number. So again, we will be taking some hits from the General Fund and this can help relieve it.

PRESIDENT DENCZAK: Any other remarks?

MEMBER SMUCKLER: Mr. Law Director, you started off so elegantly like saying this money was going to go to the roads but you finished up on the reality of this money is trading money. And, I understand that and I have just one question to help me finish making up my mind besides the meeting that I left in Mr. Mroczkowski's Ward and that's why I was a little late this evening. How much more are we spending this year than we're taking in? What's the proposed, what's the proposed infinite figure this week?

LAW DIRECTOR MARTUCCIO: I would yield, Mr. Smuckler, Mr. President and Mr. Smuckler, to our budget director or a service director who can would answer that.

SERVICE DIRECTOR: The budget is passed right now and as it stands right now we are spending approximately 3 more million dollars than what we are bringing in.

PRESIDENT DENCZAK: Are you finished Member Smuckler?... Are there any other remarks?... If not, the question before you now is Ordinance number 15. Roll call vote please.

NO REMARKS

ROLL CALL: 7 YEAS, 5 NAYS

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

PRESIDENT DENCZAK: The ordinance passed. The ordinance only required only 7 votes because it did not contain an emergency. Ordinance number 16 please. **#15 ADOPTED AS ORDINANCE NO. 95/2003**

#16 (3RD RDG) **ADOPTED AS ORDINANCE NO. 96/2003** AUTHORIZING THE MAYOR TO ENTER INTO CONTRACT WITH THE OHIO DEPARTMENT OF TRANSPORTATION FOR THE UPGRADING OF INTERSECTION AND DECLARING THE SAME TO BE AN EMERGENCY

MEMBER SMUCKLER: Mr. President, I move we adopt Ordinance number 16; seconded.

PRESIDENT DENCZAK: Moved and seconded that you adopt Ordinance 16. Are there any remarks under this ordinance?... Very well, roll call vote please.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance number 16 is adopted. **#16 ADOPTED AS ORDINANCE NO. 96/2003**

#17 (3RD RDG) **ADOPTED AS ORDINANCE NO. 97/2003** AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE AND OR DIRECTOR OF PUBLIC SAFETY TO ADVERTISE, RECEIVE BIDS AND ENTER INTO CONTRACT 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.

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: 12 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance number 17 is adopted. **#17 ADOPTED AS ORDINANCE NO. 97/2003**

ANNOUNCEMENT OF COMMITTEE MEETINGS

PRESIDENT DENCZAK: Announcement of Committee Meetings please.

MEMBER SMUCKLER: There are none.

PRESIDENT DENCZAK: That's a first.

PUBLIC SPEAKS (OPEN FORUM--CITY BUSINESS ONLY)

PRESIDENT DENCZAK: We are now under public speaks, open forum. There's no one signed up to speak.

MISCELLANEOUS BUSINESS

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

MEMBER SMUCKLER: Mr. President, first, just an inquisitive question because I want to get a handle on this, and it won't take long. In effect now, are we still, can someone still use portable signs in this city? As of right this minute, can someone still use portable signs?

LAW DIRECTOR MARTUCCIO: Mr. President, Member Smuckler. Provided they stay within the laws as passed by this city. We are in litigation, we will be in litigation soon.

MEMBER SMUCKLER: I understand litigation was, at least for my part, canceled tomorrow. However, my understanding is, I got a call from a 501 C3 that was told from the Building Department they could not take out a permit for portable signs.

SAFETY DIRECTOR CONCATTO: Part of the ordinance states that he has to have a \$500,000 insurance policy. I don't have the exact language, but part of the ordinance that was passed last year in September included that he has to have that and I do not believe that he has it.

MEMBER SMUCKLER: You know what I'm talking about?

SAFETY DIRECTOR CONCATTO: Yes I do.

MEMBER SMUCKLER: Okay, because my understanding they were told that no permits, even with that insurance policy, would be issued.

SAFETY DIRECTOR CONCATTO: If that was stated, it was stated incorrectly. It's still by that ordinance, you can get..if you have the proper insurance, you pay the proper permit fee, I believe it's \$50, you can put a sign up once, for up to 30 days.

MEMBER SMUCKLER: That's what I told them. Okay, Thank you.

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

PRESIDENT DENCZAK: Moved and seconded that we adjourn. Roll Call vote please.

NO REMARKS PERMITTED ON THE MOTION TO ADJOURN

ROLL CALL: 12 YEAS, 0 NAYS

ADJOURNMENT TIME: 8:16 P.M.

ATTEST:

APPROVED:

DEBRA VANCKUNAS
CLERK OF COUNCIL

RAY DENCZAK
PRESIDENT OF COUNCIL