

MINUTES OF THE MEETING OF SEPTEMBER 8, 2003

The regular meeting of Canton City Council was held on Monday, September 8, 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 Ward 1 Councilmember Greg Hawk, followed by the Pledge of Allegiance led by President of Council Denczak.

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

ROLL CALL TAKEN BY CLERK OF COUNCIL:

10 COUNCILMEMBERS PRESENT: (BILL SMUCKLER, DON CASAR, MARY M. BABCOCK, GREG HAWK, CRAIG MASSEY, JOHN R. MROCKOWSKI, DAVID R. DOUGHERTY, RICHARD D. HART, ROSEMARY DIAMOND, & JOE CARBENIA)

2 COUNCILMEMBERS ABSENT: (R.A. MALLONN & KATHLEEN ALTIERI-BUCHER)

AGENDA CORRECTIONS & CHANGES

PRESIDENT DENCZAK: Thank you, Member Hawk. The only change to your agenda, Members of Council, is you're being asked to suspend Rule 22A to add 2nd readings of Ordinances #13 through and including #16 to the agenda. Member Smuckler, the Chair will now recognize that motion.

MEMBER SMUCKLER: Mr. President, I move we suspend Rule 22A and add Ordinances #13 through #16 back to the agenda; seconded.

PRESIDENT DENCZAK: Moved and seconded to suspend Rule 22A to add the Ordinances for 2nd reading, #13 through and including #16. Are there any remarks?... If not, roll call vote please.

NO REMARKS

ROLL CALL: 10 YEAS, 0 NAYS

PRESIDENT DENCZAK: Rule 22A is suspended and Ordinances #13 through and including #16 are a legal part of your agenda.

PUBLIC HEARINGS

PRESIDENT DENCZAK: There's no scheduled public hearing at this time.

PUBLIC SPEAKS (ORDINANCES OR RESOLUTIONS FOR ADOPTION ONLY):

PRESIDENT DENCZAK: No one has signed up for public speaks under Ordinances and Resolutions for Adoption.

MINUTES OF THE MEETING OF SEPTEMBER 8, 2003**INFORMAL RESOLUTIONS**

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

MEMBER SMUCKLER: Mr. President, I move that Member Altieri be excused from this evening's meeting, and Member Mallonn; seconded.

PRESIDENT DENCZAK: Moved and seconded that Members Altieri and Mallonn be excused. Are there any remarks?... Very well, roll call vote please.

NO REMARKS

ROLL CALL: 10 YEAS, 0 NAYS

PRESIDENT DENCZAK: Let the journal show that Members Altieri and Mallonn are excused.

PRESIDENT DENCZAK CALLED UPON CLERK OF COUNCIL VANCKUNAS TO READ RESOLUTION #70 BY TITLE, AS SHOWN BELOW. THE RESOLUTION IS ON FILE IN ITS ENTIRETY IN THE COUNCIL OFFICE WITH THE AGENDA ITEMS FILE DATED SEPTEMBER 8, 2003.

70. SMUCKLER, BILL, COUNCILMEMBER AT LARGE: COMMENDING ALLEN & CHRISTINE SCHULMAN FOR RECEIVING THE 2003 PRESERVATION AWARD FOR HISTORIC RESTORATION OF THE CARNEGIE BUILDING - ADOPTED BY COUNCIL

MEMBER SMUCKLER: Mr. President, I move for the Resolution's adoption; seconded.

PRESIDENT DENCZAK: Moved and seconded that Resolution #70 be adopted. 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 #70 ADOPTED BY UNANIMOUS VOICE VOTE

PRESIDENT DENCZAK: The Resolution is adopted.

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 SEPTEMBER 8, 2003

MINUTES OF THE MEETING OF SEPTEMBER 8, 2003

334. AUDITOR KIM PEREZ, CITY OF CANTON: MONTHLY REPORT BY FUND FOR 8/1/03 - 8/29/03. - RECEIVED & FILED
335. AUDITOR KIM PEREZ, CITY OF CANTON: YEARLY REPORT BY FUND FOR 1/1/03 - 8/29/03. - RECEIVED & FILED
336. HEALTH COMMISSIONER ROBERT PATTISON, CITY OF CANTON: REQUEST \$190,000 SUPPLEMENTAL APPROPRIATION FROM THE 2328 PHI FUND DUE TO RECEIPT OF ADDITIONAL PUBLIC HEALTH INFRASTRUCTURE GRANT FUNDS. - LAW DIRECTOR (See O#1, 1st Rdg)
337. LIQUOR CONTROL DIVISION, STATE OF OHIO, 6606 TUSSING RD, PO BOX 4005, REYNOLDSBURG OH43068-9005: NOTICE OF HEARING CONTINUED TO 10AM ON 9/22/03 @ 220 E TUSC IN THE CITY'S OBJECTION TO THE ISSUANCE OF A NEW C1,2 LIQUOR PERMIT TO TRASH ENTERPRISES, INC., DBA CHERRY MARKET @ 1494 CHERRY AVENUE SE. - INTERGOVERNMENTAL & PUBLIC SERVICE COMMITTEE
338. LIQUOR CONTROL DIVISION, STATE OF OHIO, 6606 TUSSING RD, PO BOX 4005, REYNOLDSBURG OH43068-9005: NOTICE OF HEARING CONTINUED TO 11AM ON 9/22/03 @ 220 E TUSC IN THE CITY'S OBJECTION TO THE ISSUANCE OF A NEW C1,2 LIQUOR PERMIT TO LA TIENDA HISPANA OVIEDOS AT 909 12TH STREET NW. - INTERGOVERNMENTAL & PUBLIC SERVICE COMMITTEE
339. LIQUOR CONTROL DIVISION, STATE OF OHIO, 6606 TUSSING RD, PO BOX 4005, REYNOLDSBURG OH 43068-9005: NOTIFICATION OF D2, D2X, D3, D3A LIQUOR LICENSE REQUESTED BY RAY BERTRAM, DBA FREEWAY TAVERN @ 1316 NAVARRE RD SW, 1ST & 2ND FLOORS. - INTERGOVERNMENTAL & PUBLIC SERVICE COMMITTEE
340. MAYOR RICHARD D. WATKINS, CITY OF CANTON: REQUEST \$11,595 SUPPLEMENTAL APPROPRIATION FOR VETERAN'S MEMORIAL PARK FUND, \$5,235.47 SUPPLEMENTAL & TRANSFER TO PERMANENTLY CLOSE THE 7118 BENEFITS & INSURANCE FUND, & \$87,000 TRANSFER FROM POLICE & FIRE DEPT BUDGETS TO MAINTAIN OPERATIONS IN THE DISPATCH CENTER. - LAW DIRECTOR (See O#2, 1st Rdg)
341. MASSEY, CRAIG, WARD 4 COUNCILMEMBER, CITY OF CANTON: REQUEST FOR CITY ENGINEERING TO INVESTIGATE GEORGEVIEW ESTATES FLOODING AREA, APPLY FOR OPW FUNDING AND PREPARE APPROPRIATE LEGISLATION. - SERVICE DIRECTOR
342. PLANNING COMMISSION, CITY OF CANTON, SHEILA K. THARP-BARRINO, SECRETARY: RECOMMENDING APPROVAL OF A ZONE CHANGE REQUEST BY CHRIS MAGGIORE FROM B-3 TO PB-4 @ 2535 FULTON DR NW TO PERMIT A CAR WASH. - LAW DIRECTOR. **PUBLIC HEARING 10/20/03 @ 7:31 PM**

MINUTES OF THE MEETING OF SEPTEMBER 8, 2003

343. PLANNING COMMISSION, CITY OF CANTON, SHEILA K. THARP-BARRINO, SECRETARY: RECOMMENDING APPROVAL OF A ZONE CHANGE REQUEST BY DANIEL & MARCIA HARDING FROM R-1a TO PB-3 @ 4330 KIRBY AVENUE NE FOR THE EXPANSION OF EXISTING HARDING'S PARK CYCLE BUSINESS. - LAW DIRECTOR. **PUBLIC HEARING 10/20/03 @ 7:32 PM**
344. PLANNING COMMISSION, CITY OF CANTON, SHEILA K. THARP-BARRINO, SECRETARY: RECOMMENDING DENIAL OF A ZONE CHANGE REQUEST BY JAMES & PATRICIA FRICKER FROM R-1a TO PR-2 @ 2409-2411 4TH STREET NW TO PERMIT A LEGAL DUPLEX - LAW DIRECTOR. **PUBLIC HEARING 10/20/03 @ 7:30 PM**
345. PLANNING COMMISSION, CITY OF CANTON, SHEILA K. THARP-BARRINO, SECRETARY: RECOMMENDING DENIAL OF A REQUEST BY NICK STREAMO JR. TO VACATE A PORTION OF 14TH STREET SW & LAWN AVENUE SW BETWEEN DUEBER & PARK AVENUES SW. - LAW DIRECTOR
346. SAFETY DIRECTOR JOSEPH CONCATTO, CITY OF CANTON: REQUEST TO ENTER INTO A \$43,995 CONTRACT WITH STEPHEN CAMPBELL & ASSOCIATES TO PURCHASE AN AUDIO LOGGER FOR THE CANTON POLICE DEPARTMENT IN ACCORDANCE WITH COOPERATIVE PURCHASING AGREEMENT. - LAW DIRECTOR (See O#3, 1st Rdg)
347. SERVICE DIRECTOR MICHAEL MILLER, CITY OF CANTON: SUBMITTING LIST OF DELINQUENT WATER & SEWER CHARGES FOR CERTIFICATION TO STARK COUNTY AUDITOR FOR COLLECTION. - LAW DIRECTOR. (See O#4, 1st Rdg)
348. SERVICE DIRECTOR MICHAEL MILLER, CITY OF CANTON: REQUEST TO TRANSFER \$26,500 INTO THE 4501 202052 GP 1051 35TH STREET NE STORM SEWER FUND FOR CHANGE ORDERS & ADDITIONAL DRAINAGE WORK IN THE 35TH STREET STORM SEWER PROJECT. - LAW DIRECTOR. (See O#5, 1st Rdg)
349. SERVICE DIRECTOR MICHAEL MILLER, CITY OF CANTON: ANNOUNCING A 4% WATER RATE INCREASE EFFECTIVE SEPTEMBER 1, 2003. - RECEIVED & FILED
350. TREASURER ROBERT SCHIRACK, CITY OF CANTON: COMPARATIVE REPORT OF PARKING METER REVENUE FOR MONTH OF AUGUST, 2003. - RECEIVED & FILED
351. TREASURER ROBERT SCHIRACK, CITY OF CANTON: COMPARATIVE REPORT OF DEPOSITS & PAY INS TO AMBULANCE LOCK BOX ACCOUNT FOR MONTH OF AUGUST, 2003. - RECEIVED & FILED
352. TREASURER ROBERT SCHIRACK, CITY OF CANTON: REPORT OF TREASURER'S OFFICE BANK RECONCILIATIONS & CITY'S OUTSTANDING INVESTMENTS AS OF AUGUST 29, 2003. -

MINUTES OF THE MEETING OF SEPTEMBER 8, 2003

RECEIVED & FILED

353. TREASURER ROBERT SCHIRACK, CITY OF CANTON: COMPARATIVE REPORT OF INCOME TAX CASH RECEIPTS AS OF 8/31/03. - RECEIVED & FILED
354. WILLIAMS, BRUCE, AGENT FOR PETITIONER: COPY OF ANNEXATION PETITION DOCUMENTS FILED WITH THE STARK COUNTY COMMISSIONERS IN THE FORD MOTOR COMPANY/GEORGETOWN ROAD CEDA ANNEXATION OF 176.280 ACRES IN CANTON TWP. - LAW DIRECTOR

RECOGNITION OF MALONE COLLEGE STUDENTS

PRESIDENT DENCZAK: In the audience this evening, we have students from Malone College, Ohio History students, and their instructor is Jackie Welling. Will you please stand for recognition? (APPLAUSE) Now, if you'll all be quiet, you'll get an A in this course, okay?

ORDINANCES & FORMAL RESOLUTIONS FOR FIRST READING

PRESIDENT DENCZAK: We're now under Ordinances. Let the journal show that all ordinances were 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 AND INCLUDING #12 FOR THE FIRST TIME BY TITLE & ANNOUNCED THE COMMITTEE REFERRAL, AS FOLLOWS. FOLLOWING ITS FIRST READING AND COMMITTEE MEETING, ORDINANCE #4 WAS RETURNED TO THE AGENDA FOR ADOPTION.

- #1 (1ST RDG) AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 236/2002, AS AMENDED, BY MAKING THE SUPPLEMENTAL APPROPRIATION HEREIN DESCRIBED; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Finance Committee
- #2 (1ST RDG) AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 236/2002, AS AMENDED, BY MAKING THE SUPPLEMENTAL APPROPRIATIONS AND TRANSFERS AS HEREIN DESCRIBED; AND DECLARING THE SAME TO BE AN EMERGENCY.
Referred to Finance Committee
- #3 (1ST RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY TO ENTER INTO CONTRACT WITH STEPHEN CAMPBELL AND ASSOCIATES IN AN AMOUNT NOT TO EXCEED \$43,900.00 FOR THE PURCHASE OF AN AUDIO LOGGER PURSUANT TO OHIO REVISED CODE SECTION 125.04(B); AND DECLARING THE SAME TO BE AN EMERGENCY

MINUTES OF THE MEETING OF SEPTEMBER 8, 2003Referred to Public Property Capital Improvement & Finance Committees

- #4 (1ST RDG) **ADOPTED AS ORDINANCE NO. 182/2003** AN ORDINANCE AUTHORIZING THE CLERK OF COUNCIL TO CERTIFY TO THE COUNTY AUDITOR UNPAID AND DELINQUENT CHARGES FOR WATER AND/OR SEWER SERVICES; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Intergovernmental & Public Service Committee
- #5 (1ST RDG) AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 236/2002, AS AMENDED, BY MAKING THE TRANSFER HEREIN DESCRIBED; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Finance Committee
- #6 (1ST RDG) AN ORDINANCE AUTHORIZING THE MAYOR AND/OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A ONE-YEAR CONTRACT WITH THE CANTON SYMPHONY ORCHESTRA ASSOCIATION TO PROVIDE A GRANT IN AN AMOUNT NOT TO EXCEED \$40,000.00 FOR THE CHILDREN'S ARTS CONNECTION PROGRAM; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Community & Economic Development & Finance Committees
- #7 (1ST RDG) AN ORDINANCE AUTHORIZING THE MAYOR AND/OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CONTRACT WITH HABITAT FOR HUMANITY OF GREATER CANTON, INC. TO PROVIDE A GRANT IN AN AMOUNT NOT TO EXCEED \$60,000.00 FOR REIMBURSEMENT OF ACQUISITION AND SITE DEVELOPMENT COSTS; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Community & Economic Development & Finance Committees
- #8 (1ST RDG) AN ORDINANCE AUTHORIZING THE MAYOR AND/OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CONTRACT WITH PRIME TIME BASKETBALL, INC. TO PROVIDE A GRANT IN AN AMOUNT NOT TO EXCEED \$31,325.00 FOR THE PRIME TIME BASKETBALL PROGRAM; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Community & Economic Development & Finance Committees
- #9 (1ST RDG) AN ORDINANCE AMENDING CHAPTER 515, FAIR HOUSING CODE, OF PART FIVE, GENERAL OFFENSES CODE, OF THE CODIFIED ORDINANCES OF THE CITY OF CANTON; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Judiciary Committee
- #10 (1ST RDG) AN ORDINANCE ESTABLISHING THE FAIR MARKET VALUE OF ONE PARCEL OF CITY-OWNED REAL PROPERTY; AUTHORIZING THE SALE AND CONVEYANCE OF SAID PROPERTY PURSUANT TO THE CITY'S RESIDENTIAL LAND DISPOSITION PROGRAM; AND DECLARING THE SAME TO BE AN EMERGENCY

MINUTES OF THE MEETING OF SEPTEMBER 8, 2003Referred to Community & Economic Development Committee

- #11 (1ST RDG) AN ORDINANCE ESTABLISHING THE FAIR MARKET VALUE OF ONE PARCEL OF CITY-OWNED REAL PROPERTY; AUTHORIZING THE SALE AND CONVEYANCE OF SAID PROPERTY PURSUANT TO THE CITY'S RESIDENTIAL LAND DISPOSITION PROGRAM; AND DECLARING THE SAME TO BE AN EMERGENCY

Referred to Community & Economic Development Committee

- #12 (1ST RDG) AN ORDINANCE AUTHORIZING THE ALLOCATION OF \$200,000.00 PER YEAR (PLUS INTEREST) FOR FIVE YEARS TO THE CANTON COMMUNITY IMPROVEMENT CORPORATION; AND DECLARING THE SAME TO BE AN EMERGENCY

Referred to Community & Economic Development & Finance Committees

PRESIDENT DENCZAK: The Chair is now gonna declare an in-house recess for the Intergovernmental & Public Service Committee to meet in regards to Ordinance #4 under 1st Reading. You're now in recess.

AT 7:40 PM, COUNCIL RECESSED FOR A COMMITTEE MEETING ON ORDINANCE #4, WHICH WAS RETURNED TO THE AGENDA FOR ADOPTION. PRESIDENT DENCZAK RECONVENED THE COUNCIL MEETING AT 7:46 PM

MEMBER SMUCKLER: Mr. President, I move we suspend Rule 22A and add Ordinance Number...

PRESIDENT DENCZAK: Four.

MEMBER SMUCKLER: ...4 back to the agenda; seconded.

PRESIDENT DENCZAK: Moved and seconded to suspend Rule 22A to add Ordinance #4 back to the agenda. Are there any remarks?... Very well, roll call vote please.

NO REMARKS

ROLL CALL: 10 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance #4 is a legal part of your agenda, Member Smuckler.

- #4 **ADOPTED AS ORDINANCE NO. 182/2003** AN ORDINANCE AUTHORIZING THE CLERK OF COUNCIL TO CERTIFY TO THE COUNTY AUDITOR UNPAID AND DELINQUENT CHARGES FOR WATER AND/OR SEWER SERVICES; AND DECLARING THE SAME TO BE AN EMERGENCY

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

PRESIDENT DENCZAK: There's a move to suspense with the three readings of Ordinance #4. Are there any remarks?... Very well, roll call vote please.

NO REMARKS

ROLL CALL: 10 YEAS, 0 NAYS

MINUTES OF THE MEETING OF SEPTEMBER 8, 2003

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

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

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

NO REMARKS

ROLL CALL: 10 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance #4 has been adopted. **#4 ADOPTED AS ORDINANCE NO. 182/2003**

ORDINANCES & FORMAL RESOLUTIONS FOR SECOND READING

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

NOTE: PRESIDENT DENCZAK CALLED UPON CLERK VANCKUNAS TO READ THE FOLLOWING ORDINANCES #13 THROUGH AND INCLUDING #16 FOR THE SECOND TIME BY TITLE, AS FOLLOWS. ORDINANCE #13 WAS ADOPTED FOLLOWING ITS SECOND READING.

RULE 22A SUSPENDED TO ADD #13 THROUGH 16:

#13 (2ND RDG) **ADOPTED AS ORDINANCE NO. 183/2003** AN ORDINANCE AMENDING ORDINANCE NO. 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 we suspend Statutory 3 readings of Ordinance #13; seconded.

PRESIDENT DENCZAK: There's a move to dispense with the 3 readings of Ordinance #14. Are there any remarks?...

MEMBER SMUCKLER: 13.

PRESIDENT DENCZAK: I'm sorry, Ordinance #13. Are there any remarks?... If not, roll call vote please.

NO REMARKS

ROLL CALL: 10 YEAS, 0 NAYS

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

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

PRESIDENT DENCZAK: Moved and seconded that you adopt Ordinance #13. Are there any remarks under this Ordinance?... If not, roll call vote please.

MINUTES OF THE MEETING OF SEPTEMBER 8, 2003

NO REMARKS

ROLL CALL: 10 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance #13 is adopted.

#13 ADOPTED AS ORDINANCE NO. 183/2003

#14 (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

#15 (2ND RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CONTRACT WITH BITZEL EXCAVATING FOR CONSTRUCTION OF WATER LINE EXTENSIONS AS PART OF THE LAWR-CHESTER PHASE TWO WATER MAIN EXTENSION PROJECT IN AN AMOUNT NOT TO EXCEED \$248,900.00; AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO MAKE APPLICATION AND ENTER INTO CONTRACT WITH THE OHIO WATER DEVELOPMENT AUTHORITY FOR A LOAN IN THE AMOUNT OF \$273,790.00; AUTHORIZING THE CITY AUDITOR TO ESTABLISH THE "5222 LAWR-CHESTER PHASE TWO WATER MAIN EXTENSION" FUND; AND DECLARING THE SAME TO BE AN EMERGENCY

#16 (2ND RDG) AN ORDINANCE VACATING PORTIONS OF THIRD STREET NW, QUEEN COURT NW AND WELLS AVENUE NW; APPROVING AND ACCEPTING THE REPLATTING OF ALL OR PARTS OF LOTS NOS. 244-246; 6057-6064; 1733-1739 AND VACATED PORTIONS OF THIRD STREET NW, QUEEN COURT NW AND WELLS AVENUE NW; AND DECLARING THE SAME TO BE AN EMERGENCY. **PUB HRG 9/15/03 @ 7:30PM**

ORDINANCES AND FORMAL RESOLUTIONS FOR THIRD READING

PRESIDENT DENCZAK: There are no Ordinances or Formal Resolutions for the third and final reading.

ANNOUNCEMENT OF COMMITTEE MEETINGS

PRESIDENT DENCZAK: Announcement of Committee Meetings please.

MEMBER SMUCKLER: Mr. President, the Judiciary Committee will meet next Monday at 6:00.

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

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

MEMBER DOUGHERTY: Mr. President, Public Property Capital Improvement will also meet Monday at 6:00.

MINUTES OF THE MEETING OF SEPTEMBER 8, 2003

MEMBER HAWK: Mr. President, Intergovernmental & Public Service Committee will meet Monday at 6:00.

PRESIDENT DENCZAK: #4 was already acted on. Is there anything else in Intergovernmental & Public Service Committee that requires a committee meeting?

MEMBER HAWK: No.

PRESIDENT DENCZAK: Okay.

MEMBER HAWK: I'm just filling in here. [*REFERRING TO THE ABSENCE OF COMMITTEE CHAIRPERSON KATHY ALTIERI-BUCHER*]

PUBLIC SPEAKS (OPEN FORUM--CITY BUSINESS ONLY)

PRESIDENT DENCZAK: Public Speaks, Open Forum. We have one person signed up, Wendy Bodenschatz.

MS. BODENSCHATZ: [*DUE TO TECHNICAL DIFFICULTIES, THIS PORTION OF THE MINUTES ARE INAUDIBLE.*]

PRESIDENT DENCZAK: Safety Director, can you respond to that?

SAFETY DIRECTOR CONCATTO: It's the first time I've heard of this issue. I will talk to Lt. Cole myself tomorrow, and see what we can do about the zone car. Beyond that, I'd need to have more information about what happened.

MEMBER SMUCKLER: Mr. President, if you could pass that partial plate number and description on to the Safety Director, I think it would help him immensely and possibly he can have a discussion with some of the people in our detective bureau to do something that we don't even want to advertise here publicly this evening.

SAFETY DIRECTOR CONCATTO: If you have them, I'll take them after the meeting, or you can call me tomorrow.

[*(PAUSE) - AGAIN, NOTHING IS AUDIBLE DUE TO SOME TECHNICAL PROBLEM*]

MISCELLANEOUS BUSINESS

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

MEMBER CASAR: Mr. President, I have a few questions. The first question is with regards to natural gas and our contract that we did not have as of Friday with Shell Energy. And I received some phone calls and also got my information from Dominion with regards to have until September 10th to sign on at \$7.75 per MCF which is two days from now. So, I called Shell Energy to find out, you know, what the negotiated price is the City of Canton has for the opt-in, you know, that we passed that ordinance a year or so ago. And at that particular time, Friday around 11:00 AM,

MINUTES OF THE MEETING OF SEPTEMBER 8, 2003

they said they didn't have a contract with the City of Canton as of yet, but the surrounding areas -- she mentioned some cities, Stow, I think, whatever city she mentioned -- that they were on board and they were paying \$6.75 per MCF which is a little bit less than the \$7.75, so right away I got on the phone, I called Law Director Martuccio and he wasn't there but he returned my call, and he said as of Friday afternoon, they signed the agreement with Shell Energy for \$6.85 per MCF which is 10% more than the surrounding -- in this area that Shell has contracts with. I mean, 10% doesn't sound like a lot of money, but in the same token neither did \$5.00 license fees sound like a lot of money, but when you have two or three vehicles, it is. My question, why did it take the City of Canton so long to get on board, number one, and why are we paying more than the cities that are smaller than us and have less participants to this contract? And, Joe's not here, so possibly Service Director Miller could answer my question.

SERVICE DIRECTOR MILLER: Yes, sir. The price is not negotiated. The price is struck. It's based upon the New York stock exchange price for natural gas on the date that the price is struck. We could have struck at any time this summer. At this point, at any point this summer, it was much higher than that price that was struck either on Friday or by Green and some other towns, or cities, on Tuesday. On Tuesday, the Law Director and I met and consulted with our consultant. The consultant at that point in time indicated that Green and some others were going to strike that day, on Tuesday; that at that point they didn't know the price, but at about 2:00 in the afternoon when you have to strike, it was around the \$6.75 range, and what our consultant told us was that he didn't see it going down again on Wednesday, but there was a report, storage report, for natural gas that comes out every Thursday at 10:30 AM, and he anticipated based upon the information he had available that that gas report would be favorable and that that could drive the price down lower than that \$6.75. He also indicated that at some point in time he felt that the bottom of the market was going to hit \$6.50 at some point between Tuesday of last week and the time that we had to strike which is October 10th. That's the point in our contract that we have to strike on the opt-out program. The problem with that opt-out date, October 10th, obviously is a lot of people want to know by September 10th including myself what that price is gonna be so that you can strike or change your program on September 10th. So, in essence, we have a September 10th date. What happened then was on Thursday the storage report came out, it was not as good as anticipated, the price went up 8 to 10 cents a thousand cubic feet, and we struck that on Friday when it came back down a little bit on that Friday. It is higher than Green but it's lower than all the surrounding communities. Unfortunately, this year we didn't do as well vis-a-vie Green as we did the year before because last year we struck first and ended up with a lower price than Green did the next Monday or Tuesday. It's all based upon what the commodities market has at the two-- we have to strike based upon the price at 2:00. It's the close of day at the day we strike.

MEMBER CASAR: Service Director Miller, thank you very much for your answer, but, you know, Friday -- and the 10th is what, Saturday I think -- so, that's just a week that, you know, when most of the people got -- City constituents got the same information I got from Dominion, \$7.75, which had to be -- that's the problem. You know, people did -- should they jump on the \$7.75, should they wait, and I think that that was calling it pretty close. Now we have two days 'til the 10th, and I hope that it gets some publicity that the people know that they better, you know, opt-in that's -- just an example, my last bill was \$8.75, \$8.57 MCF plus recovery charges which was close to \$10.56 which is Dominion 'cause I didn't go with Shell. Well, obviously now I'll go with Shell, but I hope that we get this message out. We have two days, you know, \$7.75 Dominion or \$6.85 -- and I'm not happy with the \$6.85. See I was hoping we should have as good a price if not better than the surrounding communities. You mentioned Green, but the person I spoke to from Shell mentioned other cities up around Cleveland that are getting that rate. Thank you.

SERVICE DIRECTOR MILLER: If I may respond to that. That's correct, there are a number that struck the price.

MINUTES OF THE MEETING OF SEPTEMBER 8, 2003

There are a number yet that have not struck because the market still has not, in the opinion of the consultants, hit the bottom. We could have struck earlier, but if we had struck earlier, the price would have been \$7.10, \$7.15, \$7.20. In fact, there was a point two or three weeks ago where the Law Director called me in based upon the consultant's advice and said maybe we ought to strike now; the market's come down a little bit. And it had come down at that point to about \$7.10 or \$7.15, so we were trying to wait in order to be able to obtain the best price for the citizens of Canton.

PRESIDENT DENCZAK: Is there any other Miscellaneous Business?

MEMBER MROCZKOWSKI: Mr. President, I know that we have guests from Malone, and we're always happy to see those attending the higher educations participate in a forum. One of the things that I'll request from them is that this Saturday we have Feed the Needy, and we could use all the help we can to assist the Council as we go through that process. If you can be available, we'll be right here in the alley behind City Hall, 9:00 in the morning. Thank you.

PRESIDENT DENCZAK: Is there any other Miscellaneous Business?

MEMBER CASAR: I think it must be utility evening because I have a question with regards to the City water rate increase that Service Director Miller announced on September 3rd which is a 4% increase. There again, you know, \$5.00 here or \$5.00 there type of situation, and in his letter to Council, or in his news release, he said the rate increase was necessary for capital improvements and also for security procedures of all three Canton water treatment plants, and the total cost of upgrading the equipment at Northwest and Northeast Water Treatment Plants in Sugarcreek would be approximately, estimated at \$7,000,000.00. I think I want to ask that in two separate questions. Number one, have we tried or have we not tried to achieve or to acquire security grants from the government for home security in regards to a terrorist situation, whatever, because I feel that other communities as I read in the newspaper, have been receiving such funds for protection of water and/or other utilities. So, has the City of Canton applied or do we have any application for grants for the security other than having to increase our rates to pay for it?

SERVICE DIRECTOR MILLER: Yes, sir. We've already received a grant of about \$110,000.00. We've expended some of that. We're gonna expend the rest on some improvements for security, but again, most of the capital expenditures that were spoken to in that press release are not so much security related, and we'll continue to go after those grants for security and other purposes. But, looking at the situation that happened in Cleveland and some other situations that have come out with the black out and other things that we've looked at in the plan over time, we want to be able to be self-sufficient in the event that we have a loss of power. In the event that we had a loss of power such as Cleveland, we have stores of about 27,000,000 gallons. We usually pump about 24,000,000 gallons in a day, so we have storage for a day. We can continue with a back up generator at one of the plants to produce another 14,000,000 gallons in a day, but we want to be able to be much more self-sufficient. We want to be able to make sure that we can deliver service in any event in any kind of situation that comes up. And, again, we want to make sure that we continue to do what needs to be done at the water plants now rather than putting it off down the line and having a much bigger capital expenditure facing us down the line.

MEMBER CASAR: My concern goes way back to March 11 of '02 regarding capital improvement costs. At that time, we passed an ordinance of \$3.2 million to extend water to the Lake Hartville area, and I'm wondering-- in fact, I'm pretty sure-- that is not coming like the way it was supposed to. We're not getting the hook ups that we were promised by Hartville. I spoke with Bev Green Friday and she said there's been a handful of hook ups in the Village that she knows

MINUTES OF THE MEETING OF SEPTEMBER 8, 2003

of. So I called our Water Department, which you knew probably 15 minutes after I called, that-- and I got a fax of how many hook ups there's been since we extended that water, and my question -- and the minutes of March 11th are right here, you know, they're very extensive and I questioned the return on our investments to the tax payers and so forth, on and on and on. I'm not gonna get into all that. If there's anyone who wants to read the minutes, they can. But at that particular time, they said that, you know, a survey went out and Bev Green said, you know, we have 350 people that said they would hook on, and one of my comments were they're not gonna hook on as long as their wells are producing good water, which obviously must be true. But as I see, we hooked-- the first hook up was Lake Local School District which was 12/20/02, and the last one was 7/14/03 which is a total of 49 hook ups, and the value of that frontage fee and so forth or whatever is about \$185,000.00. That doesn't even make our payment of our interest that we have to pay...

PRESIDENT DENCZAK: Member Casar, your three minutes are up. Let me see if anybody else has anything to say. Anybody else have anything to say?... Member Casar.

MEMBER CASAR: That doesn't even come close to breaking even. In fact we're probably 20% in the hole on investment, and as I stated back on March 11th of '02, you know -- and I was not against the fact to send water to Hartville because I know we can't annex them, so I supported it after a lot of questions that I asked and you answered and Bev Green from Hartville answered and so forth and etc. But before I voted for it, I asked a lot of different questions and the survey was one that you said they was gonna-- and, you know, this is a person running for Mayor -- and I hate to bring up politics -- in Hartville, and she promised water to everybody and now the City can't put a lot of money out and we're not getting our return on our investment. I should say the taxpayers' investment. There was supposed to be 190 condos that were ready to hook on. They haven't even had their plans approved yet, 'cause I spoke with them on Friday, and so that's, who knows, six months, two years down the road that they're not even close to hooking on. Also, at that time, Service Director Miller, you said to me that -- let's see, I'll read what you said here somewhere, and this is the part I'm very concerned about because we only have 49 hook ups right now. Page 8? Oh, you have that copy ready too. You're so quick and so efficient, I can't believe it. Page 8? Well anyway it's from memory. I'll find it. Maybe you could just read it, save some of my time.

INAUDIBLE RESPONSE FROM UNKNOWN VOICE

MEMBER CASAR: Yes, that's exactly right. I'll find it. And I was very concerned then and I'm still concerned, but at that time you said there was gonna be approximately 200 and-- this is from memory, I can't exactly put my finger on it right now. It's like I said, these minutes are very extensive, and I said I'd be happy if we had had that. Well, obviously we haven't had near that, and it's costing the taxpayers a lot of money. You know, even at simple interest today at 2%, we would be further ahead than we are. We're not getting a return on our dollar, and that's my point. And you can say all you want to say about their paying 2 ½ times, that's all fine and good, but it still costs the taxpayers money, that \$3.2 million, and we're not even coming close to paying our principle on what we're promised by Hartville, and Service Director Miller, that you said that's a matter of public record, if I find it, what you said. You said 400 to 500 customers. I said I'd be thrilled if there's 200 the first year. And we're not even near that. So my question is how can we justify that \$3.2 million that we're getting-- you know, we got nothing in return for our stockholders, the tax payers of the City of Canton.

SERVICE DIRECTOR MILLER: Mr. President, I believe I hear a pause so I'll go ahead and answer at this point. The actual figure that we borrowed-- and again, when we talked about it on March 11, 2002, that \$3.2 million was an

MINUTES OF THE MEETING OF SEPTEMBER 8, 2003

estimate at that point in time. The actual contract came in at \$2,120,000.00, so it was about \$1,100,000.00 shy of that 3.2. The annual payment at this point in time is \$157,313.00. We have a current balance in the account as of August 1st of \$341,290.00. So at this point in time it is paying for itself and it's set up to pay for itself for the next two years. Those both come from the Auditor's Office. You're correct. What I indicated in the discussion is that based on the information we had at that point in time, that we would have approximately 200 to 400 customers with one year completion. The project was completed in January of 2003. We're not quite a year out yet, but it does look at this point in time like it is not going to be quite -- the Hartville end brings up the numbers as far as the customers that hook in in the first year. What we have had since then, you've got the 49 that are on the actual line itself; there's another 30 in Cornerstone Allotment, I believe it is, that have hooked on as well. That was another one of the facts where there's permits been issued for a number of houses on Meandering Creek, on Lisa and on Adelaide. In addition to that, immediately after this Council passed that ordinance in March of 2002, two other allotments came in that had to have the Hartville line put in before they could extend the line at their cost and add customers to our base. One is Diamond Park that came in May 7th with 71 homes; another one on May 19, 2002 was Diamond, Dawnwood and Williams Streets up in Plain Township with another 24 homes. Those are hooking up and being built as we speak. The communication that got a reading tonight, actually second reading, I believe, Lawr-Chester, there's another 43 homes that are going to hook up to that line, about 5 years pay back, so for the next 5 years after that they will also be helping to pay for this. We have talked to Hartville as well. EPA has issued them a permit to install for their Hartville extension that runs up Market Avenue and through town. It's going to go over to the east side of town to Longaberger. It's going to have Longaberger hooked up; Edison Shopping Center at this point has indicated they're going to hook up; Manor Care Nursing has indicated they're gonna hook up, as well as two more elementary schools. Cornerstone Allotment, the one that you talked about, I believe that's in Planning Commission in Hartville. There are 88 condos -- I'm sorry, Mr. President...

PRESIDENT DENCZAK: Your three minutes are up. Anybody else have anything to say?

MEMBER CASAR: Mr. President, I don't think my three minutes are up, are they?

PRESIDENT DENCZAK: Yes, they are.

MEMBER CASAR: They are? (LAUGHTER)

PRESIDENT DENCZAK: Just as the gong went off, he heard it. I have a witness. Is there any other Miscellaneous Business? I'll come back to you, Member Casar.

MEMBER CASAR: I'll try to keep this as short as I possibly can.

PRESIDENT DENCZAK: I wish both of you would.

MEMBER CASAR: Thanks for, you know, your long three minute answer. But, now that you've said the actual amount that we borrowed from Ohio Water Development was \$2.1 million, is that what you said?...

[INAUDIBLE RESPONSE FROM SERVICE DIRECTOR MILLER]

MEMBER CASAR: Okay. So that's gonna bring it down because at the \$3.2 million, we'd have to bring in

MINUTES OF THE MEETING OF SEPTEMBER 8, 2003

approximately 500 new residents or taps a year to break even according to all these figures I have in front of me that I haven't had out for a year and a half. But, that's still a far cry even if it goes onto \$2.1 million to a break even point. A break even point of 500 customers back when before I knew that the figures you just gave me work into the \$3.2 million, it would have been 500 customers would bring in about \$240,000.00 a year. That was working with 500 customers, so we brought in 49 customers and these allotments you just told me about, we don't know when the homes are gonna be built. It could be -- 'cause I have all that information also that you gave me. So, you know, it could be six months; it could be a year. All I'm saying is that this Council supported at that time \$3.2 million, now \$2.1, whatever, because you as a Service Director guaranteed 200 to 400, and I basically said I would be happy with 200. And here we are, almost, you know, pushing two years later and we have 49 hook ups, so either -- and the majority of those hook ups are not in Hartville. They're on Applegrove, they're on Market, they're all within a stone's throw of the City of Canton, not even in Hartville. There may be 10 or 12 in the Hartville area. So, I'm concerned, myself as a Councilman voted that type of investment to the taxpayers and we're not getting any return. We're costing the taxpayers money, and I don't think it's fair, and if we were the Board of Directors for a major corporation, the corporate-- or I should say the -- what's the word I want to use -- shareholders, they would be all over us. And so, myself as a Councilman, you know, we better start producing customers on for this water line because we are taking a bath with taxpayers' money.

SERVICE DIRECTOR MILLER: Mr. President, first of all, read the record. There's nowhere in there that I guaranteed anything. In fact, you all know me down here well enough to know that I don't believe I've ever guaranteed much of anything because there's too many variables out there in this world to be guaranteeing. We are not out a year from the completion. The fact of the matter is, the statement and the record is, that a year-- once it's completed within a year, we expected 200 to 400 people to hook up. Right now we're well on our way to that 200. We've got -- even though they're not all in Hartville -- the Hartville line is what the expenditure is on and we have 200 customers hooked up or being ready to hook up to that line as was discussed at that point in time. The figures are from the Auditor's Office. If you want me to get something over the Auditor's signature, the payments are \$157,000.00, the balance in the account is \$341 or \$340-- we can go back and get the exact figures so I don't misquote -- \$341,290.22 as of August, beginning-- in the middle of August -- based upon the information I got from Gary Young. The project is paying for itself. It's paid for itself for the next two years. There's not gonna be any general rate payer money going into that. That project pays for itself based upon the income coming in from Hartville. And, based upon what's going on, that will continue to pay for itself out of the money that comes in from Hartville. There is a break down of all the projects that we've done outside the City of Canton with City of Canton money. Right now we're over \$1,000,000.00 ahead of what our investment is, and we gotten -- that record speaks for itself.

MEMBER CASAR: Mr. President, real quickly and I'll finish. You may not have completely guaranteed this, Service Director Miller, but here's what you said. I asked the question -- "I don't know how many of us will be sitting here two years from now; I'd like to know that there'll be a minimum of 250 customers in the first year from now when it is completed." Service Director Miller: "I can assure you based on what has been told to me by the Village of Hartville, and especially this evening on the record, that we're looking at approximately 400 to 500 customers in the first year that the line is complete." So you have a lot of work to do, so you better get going.

PRESIDENT DENCZAK: Is there any other Miscellaneous Business?

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

MINUTES OF THE MEETING OF SEPTEMBER 8, 2003

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

NO REMARKS PERMITTED ON THE MOTION TO ADJOURN

ROLL CALL: 10 YEAS, 0 NAYS

ADJOURNMENT TIME: 8:21 P.M.

ATTEST:

APPROVED:

DEBRA VANCKUNAS
CLERK OF COUNCIL

RAY DENCZAK
PRESIDENT OF COUNCIL