

MINUTES OF THE MEETING OF SEPTEMBER 22, 2003

The regular meeting of Canton City Council was held on Monday, September 22, 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 2 Councilmember Kathleen Altieri-Bucher, followed by the Pledge of Allegiance led by President of Council Denczak.

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

ROLL CALL TAKEN BY CLERK OF COUNCIL:

11 COUNCILMEMBERS PRESENT: (BILL SMUCKLER, DON CASAR, MARY M. BABCOCK, GREG HAWK, KATHLEEN ALTIERI-BUCHER, R. 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 Altieri. Members of Council, you're being asked to suspend Rule 24B to add Resolutions #72 and 73. The Chair will recognize that motion right now, Member Smuckler.

MEMBER SMUCKLER: Mr. President, I move we suspend Rule 24B to add Resolutions #72 and 73 to the agenda; seconded.

PRESIDENT DENCZAK: Moved and seconded to suspend Rule 24B to add Resolutions #72 and 73 to the agenda.. Are there any remarks?... If not, roll call vote please.

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

PRESIDENT DENCZAK: Resolutions #72 and 73 are a legal part of your agenda.

PRESIDENT DENCZAK: You're being asked to suspend Rule 22A to add Ordinances #7 through and including #11.

MEMBER SMUCKLER: Mr. President, I move we suspend Rule 22A to add Ordinances #7 through #11 back to the agenda; seconded.

PRESIDENT DENCZAK: Moved and seconded to suspend Rule 22A to add Ordinances #7 through #11 to the agenda. Are there any remarks?... If not, roll call vote please.

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinances #7 through and including #11 are a legal part of your agenda, Members of Council.

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PRESIDENT DENCZAK: We had no scheduled public hearing at this time.

PUBLIC SPEAKS (ORDINANCES OR RESOLUTIONS FOR ADOPTION ONLY):

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

INFORMAL RESOLUTIONS

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

MEMBER SMUCKLER: Mr. President, I move 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 please.

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

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

PRESIDENT DENCZAK CALLED UPON CLERK OF COUNCIL VANCKUNAS TO READ RESOLUTIONS #71 THROUGH AND INCLUDING #73 BY TITLE, AS SHOWN BELOW. THE RESOLUTIONS ARE ON FILE IN THEIR ENTIRETY IN THE COUNCIL OFFICE WITH THE AGENDA ITEMS FILE DATED SEPTEMBER 22, 2003.

71. CARBENIA, WARD 9 MEMBER: COMMENDING THE AULTMAN HOME ON ITS 100TH ANNIVERSARY. - ADOPTED BY COUNCIL

MEMBER SMUCKLER: Mr. President, I move we adopt Resolution #71; seconded.

PRESIDENT DENCZAK: Moved and seconded that you adopt Resolution #71. 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 #71 ADOPTED BY UNANIMOUS VOICE VOTE

PRESIDENT DENCZAK: Resolution #71 is adopted.

RULE 24B SUSPENDED TO ADD RESOLUTIONS #72-73:

72. INTERGOVERNMENTAL & PUBLIC SERVICE COMMITTEE: OBJECTION TO ISSUANCE OF NEW

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C1, C2 LIQUOR PERMIT REQUESTED BY AHN, INC. dba STORE, 1105 TUSCARAWAS STREET W. - ADOPTED BY COUNCIL

MEMBER SMUCKLER: I move we adopt Resolution #72; seconded.

PRESIDENT DENCZAK: Moved and seconded that you adopt Resolution #72. Are there any remarks under this Resolution?... Very well, by...

MEMBER HAWK: Mr. President, this is in my Ward. I would like to support that we oppose this. This is very close to the new Timken High School and Timken Campus in an area that we have some problems with now, so I'd appreciate everyone's support on this. Thank you.

PRESIDENT DENCZAK: Any further remarks?... If not, by voice vote, all those in favor, signify by saying aye. Those opposed no.

NO REMARKS

RESOLUTION #72 ADOPTED BY UNANIMOUS VOICE VOTE

PRESIDENT DENCZAK: Resolution #72 is adopted.

73. INTERGOVERNMENTAL & PUBLIC SERVICE COMMITTEE: OBJECTION TO ISSUANCE OF NEW C1, C2 LIQUOR PERMIT REQUESTED BY R & S CONVENIENT MART, INC. dba B & B SUPERMARKET, 636 CHERRY AVENUE NE. - ADOPTED BY COUNCIL

MEMBER SMUCKLER: Mr. President, I move we adopt Resolution #73; seconded.

PRESIDENT DENCZAK: Moved and seconded that you adopt Resolution #73. 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 #73 ADOPTED BY UNANIMOUS VOICE VOTE

PRESIDENT DENCZAK: Resolution #73 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 22, 2003

363. AUDITOR KIM PEREZ, CITY OF CANTON: REQUEST FOR ADDITIONAL AMENDED CERTIFICATE DATED 9/18/03. - CLERK OF COUNCIL

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364. LIQUOR CONTROL DIVISION, STATE OF OHIO, 6606 TUSSING RD, PO BOX 4005, REYNOLDSBURG, OH 43068-9005: REQUEST FOR NEW C1, C2 LIQUOR LICENSE BY AHN, INC. dba STORE LOCATED AT 1105 W TUSCARAWAS ST. - INTERGOVERNMENTAL & PUBLIC SERVICE CMTE (See Resolution #72)
365. LIQUOR CONTROL DIVISION, STATE OF OHIO, 6606 TUSSING RD, PO BOX 4005, REYNOLDSBURG, OH 43068-9005: REQUEST FOR NEW C1, C2 LIQUOR LICENSE BY R&S CONVENIENT MART, INC. dba B&B SUPERMARKET, LOCATED AT 636 CHERRY AVE NE. - INTERGOVERNMENTAL & PUBLIC SERVICE CMTE (See Resolution #73)
366. MALONE COLLEGE, ASST PROFESSOR WELLING, Ph.D, 515 - 25TH ST NW, CANTON, OH 44709: THANKING PRESIDENT OF COUNCIL FOR WELCOMING OHIO HISTORY & GOVERNMENT CLASS ON 9/8/03. - RECEIVED & FILED
367. PLANNING COMMISSION, CITY OF CANTON, SHEILA K. THARP-BARRINO, SECRETARY: RECOMMENDING APPROVAL OF ZONE CHANGE REQUEST BY NORM ECKINGER CONSTRUCTION FOR OSTER SAND & GRAVEL FROM CURRENT PI-1 TO NEW PI-1 TO PERMIT EXPANSION OF EXISTING BUSINESS ON EAST CENTER DR NE INTO THE CITY. - LAW DIRECTOR. **PUBLIC HEARING 10/27/03 @ 7:30 PM**
368. PLANNING COMMISSION, CITY OF CANTON, SHEILA K. THARP-BARRINO, SECRETARY: RECOMMENDING APPROVAL TO REPLAT PARTS OF OUT LOTS 968, 970 & 971 & LOTS 41649 & 41653 REQUESTED BY COOPER & ASSOC. FOR BURNHAM HILLS CONDOMINIUMS. - LAW DIRECTOR
369. PLANNING COMMISSION, CITY OF CANTON, SHEILA K. THARP-BARRINO, SECRETARY: RECOMMENDING APPROVAL OF ZONE CHANGE REQUEST BY AMBULANCE ASSOCIATES FROM R-1A TO PB-4 TO BUILD NEW STORAGE BUILDING & PARKING AND REZONE EXISTING AMBULANCE GARAGE AT 614 MCGREGOR AVE NW. - LAW DIRECTOR. **PUBLIC HEARING 10/27/03 @ 7:31 PM**
370. PLANNING COMMISSION, CITY OF CANTON, SHEILA K. THARP-BARRINO, SECRETARY: RECOMMENDING APPROVAL OF VARIOUS ZONE CHANGE REQUESTS TO OFFICIAL ZONING MAP; RECOMMENDING DENIAL OF ZONE CHANGE REQUEST BY MEMBER HART FOR EAST END OF CHRISTMAS SEAL DRIVE FROM B-1 TO B-3. - LAW DIRECTOR. **PUBLIC HEARING 10/27/03 @ 7:32 PM**
371. SAFETY DIRECTOR JOSEPH CONCATTO, CITY OF CANTON: REQUEST FOR APPROVAL OF DEMOLITION OF 13 PARCELS. - LAW DIRECTOR. (See O#3, 1st Rdg)
372. SERVICE DIRECTOR MICHAEL MILLER, CITY OF CANTON: REQUEST TO NEGOTIATE & ENTER INTO SUPPLEMENTAL AGREEMENTS WITH CITY OF NORTH CANTON & STARK COUNTY FOR CAPITAL IMPROVEMENTS ASSOCIATED WITH WPCC DIGESTER PROJECT. - LAW DIRECTOR. (See O#4, 1st Rdg)

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PRESIDENT DENCZAK: We're now under Ordinances and Formal Resolutions for the first reading and referral. Ordinance #1 please.

NOTE: PRESIDENT DENCZAK CALLED UPON CLERK VANCKUNAS TO READ THE FOLLOWING ORDINANCES #1 THROUGH AND INCLUDING #6 FOR THE FIRST TIME BY TITLE & ANNOUNCED THE COMMITTEE REFERRAL, AS FOLLOWS. FOLLOWING THEIR FIRST READINGS AND COMMITTEE MEETINGS, ORDINANCES #3, 5 & 6 WERE RETURNED TO THE AGENDA FOR ACTION BY COUNCIL.

- #1 (1ST RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ADVERTISE, RECEIVE BIDS AND ENTER INTO CONTRACT FOR THE 44TH STREET NE IMPROVEMENT PROJECT; AMENDING APPROPRIATION ORDINANCE NO. 236/2002, AS AMENDED, BY MAKING THE SUPPLEMENTAL APPROPRIATION AND TRANSFER HEREIN DESCRIBED; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Finance Committee
- #2 (1ST RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CONTRACT WITH CT CONSULTANTS IN AN AMOUNT NOT TO EXCEED \$24,850.00 TO PROVIDE ENGINEERING SERVICES FOR THE FAIRMOUNT BOULEVARD NE STORM INTERCEPTOR PROJECT; 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
- #3 (1ST RDG) **ADOPTED AS ORDINANCE NO. 188/2003** AN ORDINANCE DECLARING 13 BUILDINGS TO BE PUBLIC NUISANCES; AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY TO ENTER INTO CONTRACT FOR THE DEMOLITION OF SAID BUILDINGS AUTHORIZING THE CLERK OF CANTON CITY COUNCIL TO CERTIFY THE COSTS OF DEMOLITION TO THE STARK COUNTY AUDITOR; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Community & Economic Development & Finance Committees
- #4 (1ST RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A SUPPLEMENTAL SEWER AGREEMENT WITH NORTH CANTON AND STARK COUNTY FOR THE WATER POLLUTION CONTROL CENTER'S "DIGESTER PROJECT;" AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Intergovernmental & Public Service & Finance Committees

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- #5 (1ST RDG) **DEFEATED** A RESOLUTION APPROVING THE RECOMMENDATIONS OF THE FACT FINDER'S REPORT DATED SEPTEMBER 17, 2003, CONCERNING SETTLEMENT OF CONTRACTUAL DISPUTES BETWEEN THE CITY OF CANON AND THE CANTON POLICE PATROLMEN'S ASSOCIATION LOCAL 98.
Referred to Personnel Committee

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#6 (1ST RDG) **ADOPTED AS ORDINANCE NO. 189/2003** AN ORDINANCE REJECTING THE RECOMMENDATIONS OF THE FACT FINDER'S REPORT DATED SEPTEMBER 17, 2003, CONCERNING SETTLEMENT OF CONTRACTUAL DISPUTES BETWEEN THE CITY OF CANON AND THE CANTON POLICE PATROLMEN'S ASSOCIATION LOCAL 98.

Referred to Personnel Committee

PRESIDENT DENCZAK: At this time the Chair is going to declare an in-house recess for the committees...

MEMBER SMUCKLER: Mr. President, even though it's an in-house recess, I would move that this Council, the Law Department, the Auditor, the Budget Director, Safety Director... Well, the Council President and City Council go into executive session based on the State Sunshine Law of letting us go into executive session to discuss labor contracts; seconded.

PRESIDENT DENCZAK: Moved and seconded to go into executive session to discuss labor contracts, that will be Ordinances #5 and 6, at this time. Are there any remarks?... If not, roll call vote, please.

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

PRESIDENT DENCZAK: This Council is dismissed to go to executive session to discuss Ordinance #5 and 6.

**AT 7:45 PM, COUNCIL RECESSED FOR EXECUTIVE SESSION ON ORDINANCES #5 AND 6.
PRESIDENT DENCZAK RECONVENED THE COUNCIL MEETING AT 8:08 PM**

MEMBER SMUCKLER: Mr. President, where did you lose control of this, Mr. Denczak?

PRESIDENT DENCZAK: It's that one guy. (LAUGHTER)

MEMBER SMUCKLER: Which guy?

PRESIDENT DENCZAK: The one that wanted the meeting started earlier and he's delaying it all the time.

MEMBER SMUCKLER: Mr. President, I move that we reconvene Canton City Council, seconded.

PRESIDENT DENCZAK: Moved and seconded that you reconvene City Council. Are there any remarks?... Roll call, please.

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

PRESIDENT DENCZAK: Council's back in session and you're still under a recess, Members of Council, for the three ordinances -- Community Economic Development and Finance Committee ordinance, and the two personnel ordinances.

AT 8:09 PM, COUNCIL RECESSED FOR COMMITTEE MEETINGS ON ORDINANCES #3, 5 AND 6

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WHICH WERE RETURNED TO THE AGENDA FOR ACTION. PRESIDENT DENCZAK RECONVENED THE COUNCIL MEETING AT 8:16 PM

PRESIDENT DENCZAK: Convening after the recess for committee meetings. The Chair will recognize Rule 22A, Member Smuckler, to place Ordinance #3 back on the agenda.

MEMBER SMUCKLER: Mr. President, I move we suspend Rule 22A and add Ordinances #3, 5 and 6 back to the agenda; seconded.

PRESIDENT DENCZAK: Moved and seconded to suspend Rule 22A to add Ordinances #3, 5 and 6 back to the agenda. Are there any remarks?... If not, roll call vote, please.

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinances #3, 5 and 6 are a legal part of your agenda, Member Smuckler.

#3 **ADOPTED AS ORDINANCE NO. 188/2003** AN ORDINANCE DECLARING 13 BUILDINGS TO BE PUBLIC NUISANCES; AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY TO ENTER INTO CONTRACT FOR THE DEMOLITION OF SAID BUILDINGS AUTHORIZING THE CLERK OF CANTON CITY COUNCIL TO CERTIFY THE COSTS OF DEMOLITION TO THE STARK COUNTY AUDITOR; AND DECLARING THE SAME TO BE AN EMERGENCY

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

PRESIDENT DENCZAK: There's a move to dispense with the three readings of Ordinance #3. Are there any 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 #3; seconded.

PRESIDENT DENCZAK: Moved and seconded that you adopt Ordinance #3. Are there any remarks under this Ordinance?...

MEMBER SMUCKLER: Mr. President, I think this would be a good place to just make a point of what I made in committee meetings - I'm sorry, in caucus - Just make the point that after a meeting last Friday with Member Hawk and myself with the people from the Building Department, for the record, that the Building Department and the Law Department have been instructed to take a very aggressive approach to homes that needed fixed up, torn down -- in this case, we're dealing with tear downs -- and to take a very aggressive approach with people that don't maintain their properties. There will be some reworking of some of the ordinances to try to deal with some of the time lines and possible

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bonding, and this is the message we've been trying to send for at least a year down here. And I think that you will see some action over the next year, especially after my conversation with Jason Reese in the Law Department that he plans on aggressively seeking a solution to a number of these properties.

PRESIDENT DENCZAK: Any further remarks?... You're voting on the question -- #3 -- Ordinance #3... Roll call vote please.

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance #3 is adopted.

#3 ADOPTED AS ORDINANCE NO. 188/2003

PRESIDENT DENCZAK: The question before you now is Ordinance #5. Member Smuckler.

#5 **DEFEATED** A RESOLUTION APPROVING THE RECOMMENDATIONS OF THE FACT FINDER'S REPORT DATED SEPTEMBER 17, 2003, CONCERNING SETTLEMENT OF CONTRACTUAL DISPUTES BETWEEN THE CITY OF CANON AND THE CANTON POLICE PATROLMEN'S ASSOCIATION LOCAL 98.

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

PRESIDENT DENCZAK: Moved and seconded that you adopt Ordinance #5. Are there any remarks?...

MEMBER SMUCKLER: Mr. President, I am urging this body to vote no on this ordinance, and this will have the effect we talked about because we have to vote the opposite in order to make sure that this will have the desired effect that we've all talked about in there.

PRESIDENT DENCZAK: Any other remarks?... Roll call vote, please.

NO REMARKS

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

PRESIDENT DENCZAK: Ordinance #5 is defeated.

#6 **ADOPTED AS ORDINANCE NO. 189/2003** AN ORDINANCE REJECTING THE RECOMMENDATIONS OF THE FACT FINDER'S REPORT DATED SEPTEMBER 17, 2003, CONCERNING SETTLEMENT OF CONTRACTUAL DISPUTES BETWEEN THE CITY OF CANON AND THE CANTON POLICE PATROLMEN'S ASSOCIATION LOCAL 98.

MEMBER SMUCKLER: Mr. President, I move we adopt Ordinance #6; seconded.

PRESIDENT DENCZAK: Moved and seconded that you adopt Ordinance #6. Are there any remarks under this ordinance?...

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MEMBER SMUCKLER: Mr. President, I am asking this body to please vote yes to gain the desired effect that we've talked about of turning down the fact finder's report.

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

NO REMARKS ROLL CALL: 10 YEAS, 0 NAYS, 1 ABSTENTION (DIAMOND ABSTAINED)

PRESIDENT DENCZAK: Ordinance #6 is adopted. **#6 ADOPTED AS ORDINANCE NO. 189/2003**

ORDINANCES & FORMAL RESOLUTIONS FOR SECOND READING

PRESIDENT DENCZAK: Ordinances and formal resolutions for the second reading. Ordinance #7, please.

NOTE: PRESIDENT DENCZAK CALLED UPON CLERK VANCKUNAS TO READ THE FOLLOWING ORDINANCES #7 THROUGH AND INCLUDING #11 FOR THE SECOND TIME BY TITLE, AS FOLLOWS.

RULE 22A SUSPENDED TO ADD #7 THROUGH 11:

- #7 (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 HRG 9/29/03 @ 7:30 PM
- #8 (2ND RDG) AN ORDINANCE APPROVING AND ACCEPTING THE REPLATTING OF ALL OR PARTS OF LOTS NOS. 41988-41991 AND 42205-42207; APPROVING AND ACCEPTING THE DEDICATION PLAT OF WAREHAM PLACE NE; AND DECLARING THE SAME TO BE AN EMERGENCY
- #9 (2ND RDG) AN ORDINANCE AUTHORIZING THE MAYOR TO SUBMIT NECESSARY APPLICATIONS TO THE DIRECTOR OF OHIO PUBLIC WORKS COMMISSION AND TO EXECUTE CONTRACTS FOR CURRENT STATE CAPITAL IMPROVEMENT AND LOCAL TRANSPORTATION IMPROVEMENT PROGRAMS FUNDING FOR CAPITAL IMPROVEMENT PROJECTS; AND DECLARING THE SAME TO BE AN EMERGENCY
- #10 (2ND RDG) AN ORDINANCE AUTHORIZING THE CITY AUDITOR TO PAY A MORAL OBLIGATION IN AN AMOUNT NOT TO EXCEED \$5,178.14 TO ATTORNEY DAVID B. LANGDON; AND DECLARING THE SAME TO BE AN EMERGENCY
- #11 (2ND RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A ONE YEAR CONTRACT FOR THE PURCHASE OF NATURAL GAS WITH FSG ENERGY SERVICES; RATIFYING SAID CONTRACT; AND DECLARING THE SAME TO BE AN EMERGENCY

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PRESIDENT DENCZAK: Ordinances or Formal Resolutions for the third and final reading. Let the journal show that all ordinances are being given their reading as required by State law. Ordinance #12, please.

NOTE: PRESIDENT DENCZAK CALLED UPON CLERK VANCKUNAS TO READ THE FOLLOWING ORDINANCES #12 THROUGH #21 FOR THE THIRD & FINAL TIME BY TITLE, AS FOLLOWS.

#12 (3RD RDG) **ADOPTED AS ORDINANCE NO. 190/2003** AN ORDINANCE AMENDING APPROPRIATION ORDINANCE #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 adopt Ordinance #12; seconded.

PRESIDENT DENCZAK: Moved and seconded that you adopt Ordinance #12. Are there any remarks under this ordinance?... Very well, roll call vote please.

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance #12 is adopted. **#12 ADOPTED AS ORDINANCE NO. 190/2003**

#13 (3RD RDG) **ADOPTED AS ORDINANCE NO. 191/2003** AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 236/2002, AS AMENDED, BY MAKING THE SUPPLEMENTAL APPROPRIATIONS AND TRANSFERS HEREIN DESCRIBED; AND DECLARING THE SAME TO BE AN EMERGENCY

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?... Very well, roll call vote please.

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance #13 is adopted. **#13 ADOPTED AS ORDINANCE NO. 191/2003**

#14 (3RD RDG) **ADOPTED AS ORDINANCE NO. 192/2003** AN ORDINANCE AMENDING APPROPRIATION ORDINANCE #236//2002, AS AMENDED, BY MAKING THE TRANSFER HEREIN DESCRIBED; AND DECLARING THE SAME TO BE AN

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EMERGENCY

MEMBER SMUCKLER: Mr. President, I move we adopt Ordinance #14; seconded.

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

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance #14 is adopted. **#14 ADOPTED AS ORDINANCE NO. 192/2003**

#15 (3RD RDG) **ADOPTED AS ORDINANCE NO. 193/2003** 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

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

PRESIDENT DENCZAK: Moved and seconded that you adopt Ordinance #15. Are there any remarks under this ordinance?... Very well, roll call vote please.

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance #15 is adopted. **#15 ADOPTED AS ORDINANCE NO. 193/2003**

#16 (3RD RDG) **POSTPONED TO 9/29/03** 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 THE REIMBURSEMENT OF ACQUISITION AND SITE DEVELOPMENT COSTS; AND DECLARING THE SAME TO BE AN EMERGENCY

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

PRESIDENT DENCZAK: Moved and seconded that you adopt Ordinance #16. Are there any remarks under this ordinance?...

MEMBER SMUCKLER: Mr. President, I move we postpone Ordinance #16 by the request of several Council people the to September 29th Council Meeting, 2003; seconded.

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PRESIDENT DENCZAK: Moved and seconded to postpone this Ordinance #16 to the September 29th meeting. Are there any remarks?... If not, by voice vote, all those in favor signify by saying aye. Those opposed no.

NO REMARKS

MOTION TO POSTPONE ORDINANCE #16 TO 9/29 MEETING APPROVED BY UNANIMOUS VOICE VOTE

PRESIDENT DENCZAK: Ordinance #16 is postponed until September 29th.

#17 (3RD RDG) **ADOPTED AS ORDINANCE NO. 194/2003** AN ORDINANCE AUTHORIZING THE MAYOR AND/OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CONTRACT WITH PRIMETIME 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

MEMBER SMUCKLER: Mr. President, I move we adopt Ordinance #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 #17 is adopted. **#17 ADOPTED AS ORDINANCE NO. 194/2003**

#18 (3RD RDG) **ADOPTED AS ORDINANCE NO. 195/2003** 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

MEMBER SMUCKLER: Mr. President, I move we adopt Ordinance #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 #18 is adopted. **#18 ADOPTED AS ORDINANCE NO. 195/2003**

#19 (3RD RDG) **ADOPTED AS ORDINANCE NO. 196/2003** AN ORDINANCE ESTABLISHING THE FAIR MARKET VALUE OF ONE PARCEL OF CITY OWNED REAL PROPERTY;

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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

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

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

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance #19 is adopted. **#19 ADOPTED AS ORDINANCE NO. 196/2003**

#20 (3RD RDG) **ADOPTED AS ORDINANCE NO. 197/2003** 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

MEMBER SMUCKLER: Mr. President, I move we adopt Ordinance #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 #20 is adopted. **#20 ADOPTED AS ORDINANCE NO. 197/2003**

#21 (3RD RDG) **ADOPTED AS ORDINANCE NO. 198/2003** AN ORDINANCE AUTHORIZING THE ALLOCATION OF \$200,000 PER YEAR, PLUS INTEREST, FOR FIVE YEARS TO THE CANTON COMMUNITY IMPROVEMENT CORPORATION; AND DECLARING THE SAME TO BE AN EMERGENCY

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

PRESIDENT DENCZAK: Moved and seconded that you adopt Ordinance #21. Are there any remarks under this ordinance?... Very well, roll call vote please.

NO REMARKS

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

PRESIDENT DENCZAK: Ordinance #21 is adopted. **#21 ADOPTED AS ORDINANCE NO. 198/2003**

MINUTES OF THE MEETING OF SEPTEMBER 22, 2003**ANNOUNCEMENT OF COMMITTEE MEETINGS**

PRESIDENT DENCZAK: Announcement of Committee Meetings please.

MEMBER MROCZKOWSKI: Finance Committee will meet at 6:30 September 29, 2003, Council Caucus Room.

PRESIDENT DENCZAK: Anybody else?

MEMBER ALTIERI: Intergovernmental and Public Service will meet at the same time on the 29th.

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

PUBLIC SPEAKS (OPEN FORUM--CITY BUSINESS ONLY)

PRESIDENT DENCZAK: Public Speaks, Open Forum. We have two people signed up to speak this evening. The first speaker is Valerie Kirkland.

MS. KIRKLAND: My name is Valerie Kirkland. I live at 1317 - 41st Street NW. I am here again. I have been here off and on for the last four months. With our property, the first issue - safety issues. I have spoke to four individuals that are standing, or actually sitting in front of me, saying that there would be no problem to put a street light up on the street behind our home. If it's not a big issue and something easy to fix, why is it taking so long? That means also we had promises to myself and to my husband, and promises weren't followed through. We ended up calling the AEP, and they do not have any records of anybody calling in regards to this matter. Also, the same four individuals had walked streets with us in our area. They are aware of the safety issue with open drainage water pipes. They are very corroded. I am very concerned for my children walking up the street to go to the park. We have no sidewalks. Some of the properties do, but these pipes are bare, they're open, and if they fall through, you're probably looking at some problems. This is an issue that, again, at least four people sitting in front of me are definitely aware of this situation. I do have children - safety is one of my main issues. And, I don't see much being done. And calling a street sweeper out at 10:00 at night on a school night is not appropriate. I live on a side street, not a main city street. You kept up teachers and people that have to get up at 4:00 - 5:00 in the morning to almost 11-- I'd say close to 11:00 PM with that street sweeper going up and down our street. It was almost a punch to us like somebody was doing this for a joke, and it was not a joking matter. The next thing I do need to say is that I am glad that they started a project on Shanabruck. They had started the project a couple weeks ago with catch basins. Again, I ask for the same four individuals to please, if you want to tonight if it's raining, please stop by and look at the catch basins. They are only catching 10% of the water that is coming down Shanabruck. You may have detoured the water a little bit, but now into my front yard, I have four to five feet wide of water in my front yard. So we definitely have a problem. If that was a band aid, due to the rain, the band aid has fallen off. This is a newer project and I know it's not completed yet, but the one side of the catch basin that was fixed and is completed, is not catching the water. It is up, they have cemented around it, the cement is several inches higher than the street itself. It cannot catch the water. So I hope in all matters that the individuals, especially the four Council representatives, will please go back and look at the projects that you're paying to be -- issuing out to be done. And if it's not done correctly, are we add-- are we going ahead and paying these people for doing a project that is not working?

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PRESIDENT DENCZAK: Ma'am, I'm sorry, but your three minutes are up. Just, wait...

MEMBER SMUCKLER: Mr. President...

PRESIDENT DENCZAK:wait. Remain at the microphone.

MEMBER SMUCKLER: Mr. Miller, I walked back in at the end of this. I was one of the individuals that she's talking about. Did you call AEP like I asked you to to discuss this?

SERVICE DIRECTOR MILLER: I called AEP in June when the meeting was held out in the neighborhood after the May 15th storm; followed that up because I had called to find out what had happened with the work order. Because it was verbal, apparently they lost it, so we followed it up in writing. I will have a copy of the communication to AEP down here in your Council box, and I mailed it out to the Kirklands here this week, because basically AEP doesn't know what they have. They called the 1-800 number in Columbus. The 1-800 number in Columbus, they don't even know where Canton is. Most of the people down there, when you call -- and I'm not sure who they talked to at AEP locally, but Ken Huot is aware of the problem, that's who we addressed the communication to, and the order has been put in for the street light.

MEMBER SMUCKLER: Ms. Kirkland, he's going to mail you a copy of that 'cause I want you to be on record that we did what we said we were gonna do. That's number one. Mr. Miller, do we clean streets at 10:00 at night?

SERVICE DIRECTOR MILLER: Yes, we do.

MEMBER SMUCKLER: Do we do it on side streets and neighborhoods too like this?

SERVICE DIRECTOR MILLER: There was a standing order that I'm going to have to probably talk to the people about that anytime it rains up in that area -- because that was a complaint that we received not only at the neighborhood meeting, but was repeated again on a number of occasions here in Council -- that every time it rains, there's gravel all over the streets and it's dangerous. Afternoon shift must not have had any other work that was pressing at that point in time so they took the street sweeper out and did what they were told to do, which is sweep after a rain storm.

MEMBER SMUCKLER: I understand, Mr. Miller. Could we have a little bit more reasonable hour in that neighborhood based on us going out there and taking a look at that? Number three, could you please go view the project before we finish paving so we don't run into the same problem of -- maybe the problem that we have out on Georgeview Estates where the road is higher in the middle of the road, and we get this paved correctly so the water swalled into the right area. Could you please go out and view this personally?

SERVICE DIRECTOR MILLER: It will be inspected. It is not complete yet, so therefore, it will be inspected before final payment is made.

MEMBER SMUCKLER: Did I miss anything?

MS. KIRKLAND: Not this time. I'll give you -- next Monday I've got more.

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MEMBER SMUCKLER: I'm trying.

PRESIDENT DENCZAK: Member Smuckler. Ma'am, you mentioned something about catch basins aren't doing their job?

MS. KIRKLAND: Yes.

PRESIDENT DENCZAK: What's that about?

MS. KIRKLAND: Well, some of the new ones that they installed -- and the one is completed on Shanabruck on one side -- there's barely any water going into it, so we're still having the flooding between -- it's like an alley way in between two homes at the end of Shanabruck.

MEMBER SMUCKLER: Mr. President, I went out there the other day after the Isabel-supposed rain that we got and spoke to the Kirklands, and they told me everything at that point in time was okay. Since that point in time with the rain that we had today, which was probably harder than the other day, I think that's -- Mr. President, I think that's what Ms. Kirkland's referring to is that we have to get Mike out there to make sure that that pavement is swalled correctly so the water goes into those two catch basins.

PRESIDENT DENCZAK: Okay. Thank you.

MS. KIRKLAND: Thank you.

PRESIDENT DENCZAK: The next speaker is Bill Aston.

MR. ASTON: Good evening, Council. My name is Bill Aston. I live at 1924 Dennison NW, City of Canton. My issue tonight is -- actually it was on the agenda, I didn't realize it -- but under the second reading it was Ordinance #11 -- Dominion East Ohio, the Shell Energy ordeal. I received a bill for this past month, it was \$133.00 from Dominion, and I said what's up with this. And I thought well, maybe the meter was wrong and I started looking at my back bills. In fact I spent a whole afternoon looking them over, writing them out, actually putting them on the computer so I could see what was going on. And what I found is a couple of months I had credits, and then I started looking and I found one issue where Dominion had made an incorrect meter reading. And, they only read every other month, one month it's a remote which is an actual reading, and then another time it's the estimate. Well, so I started looking more into it and realized what had happened, and the big bill, the \$133.00, was catching up. They had given me several credits and then this was kind of a catch up deal. So that didn't make me too happy. I'd rather just pay my bills as they come through. So I started looking a little further at -- like I said, I actually put all this on a spread sheet -- and started looking at some of the other costs, and this is where Shell Energy comes in, and we see it's coming up for renewal, and I got my letter. I am on that program. But I started looking at the Dominion bill, and the delivery costs from Dominion went from last winter at \$1.56 per unit of gas that you use on top of your fee, then over the summer three months it was .74 a unit, and beginning in August and September, it's up to \$3.53. You add that together, and on this \$133.00 bill I had, there was \$44.58 for delivery and \$77.00 for the gas. That's quite a bit, and you add that all together, you get \$9.71 a unit. Now, I also have another letter I got recently from Dominion, \$7.75. And after I talked to Dominion and we discussed it for quite a while, asking them why can't they read my meter correctly and those other things -- which is not an issue for the Council -- then

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I asked about this \$3.53 delivery, and I said were we informed, and they said yeah, we sent a letter. Well, I don't remember receiving it, but the woman from Dominion send she would re-send me a letter on that. I hung up from there and I called the Law Department and I talked with Jane of the Law Department -- I'm sure most of you know her -- and we had a few minute discussion and I kinda recapped what I just told you, and she's going to look into that, she's going to revisit this and to see-- When the City made this agreement with Shell apparently a year ago, whenever this last contract was, they looked at the delivery cost from Dominion and still assured us that we were getting a better deal with this. Now...

PRESIDENT DENCZAK: Bring your remarks to a close, please.

MR. ASTON: I'll wrap up. With that-- with the current rate that we have in this letter from Dominion-- or excuse me, from Shell, and the \$3.53 rate, we'll be at \$10.38 per unit.

PRESIDENT DENCZAK: Thank you.

SERVICE DIRECTOR MILLER: Mr. President, for the record, the delivery cost is \$1.38. That's set by Dominion and the Public Utilities Commission on top of the rate that we establish with Shell when the rate is set. The fixed price for November, December, January, February, March of this coming year, for those that are in the opt out program, is \$6.85 per thousand cubic feet, including the delivery cost. The delivery cost should not be changing and rather than talking with Dominion, you're best call would be down to the Public Utilities Commission of Ohio because they're the ones that establish what that delivery cost is, and if it's fluctuating, something's wrong.

MR. ASTON: Okay. I've got a whole year's worth of bills, and it was steady for three months, then it went to .74 and back up. Thank you.

SERVICE DIRECTOR MILLER: It should be a set price per thousand cubic feet just like the price per thousand cubic feet is set. So there should be a fixed price off to the side and that should be approximately \$1.38.

MR. ASTON: That doesn't surprise me. Dominion -- we were talking about AEP a few minutes ago. You know, you're never sure where they're coming from. Thanks for the information.

MISCELLANEOUS BUSINESS

PRESIDENT DENCZAK: We are now under Miscellaneous Business. Is there any Miscellaneous Business? Members of Council, I don't know if you noticed it or not, but the City Auditor, Perez, is walking around here with a sad and dejected face. Recently he was in charge of the security for the Kansas City Cheerleaders when they came to Canton for the Hall of Fame weekend, and he got a place mat signed by one of the cheerleaders -- and he was so tickled to get that -- only to find out that Bev is the one that gave him the place mat... (LAUGHTER)and not one of the Kansas cheerleaders. Now, I couldn't see one of the cheerleaders coming on to Kim Perez. I could see maybe one of the players, but... (LAUGHTER)not the cheerleaders, so that's why he's got the sad face. Is there any other Miscellaneous Business?...

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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 THE MOTION TO ADJOURN

ROLL CALL: 11 YEAS, 0 NAYS

ADJOURNMENT TIME: 8:47 P.M.

ATTEST:

APPROVED:

DEBRA VANCKUNAS
CLERK OF COUNCIL

RAY DENCZAK
PRESIDENT OF COUNCIL

