

**MINUTES OF THE MEETING OF SEPTEMBER 29, 2003**

*The regular meeting of Canton City Council was held on Monday, September 29, 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 3 Councilmember Richard A. Mallonn II, 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:***

ALL 12 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 & JOE CARBENIA)

**AGENDA CORRECTIONS & CHANGES**

PRESIDENT DENCZAK: Member Smuckler, did you wish to make an announcement?

MEMBER SMUCKLER: Mr. President. Mr. President, as you know, last night at 4:00 a.m., we lost a person who most of us have been friends with us over the years. A management employee in the Auditor's office by the name of Thurman Rohrer. Thurman was diagnosed with cancer very recently and after his diagnosis, did not have a long stay with us. I would ask that we please rise for a moment of silence to remember all the great gifts that one human being brings to another.

PRESIDENT DENCZAK: (**AFTER A MOMENT OF SILENCE WAS GIVEN IN REMEMBRANCE OF THURMAN ROHRER**) Agenda corrections and changes, Members of Council. You're being asked to suspend Rule 22A to add ordinances for the second reading 6 through and including #8. The Chair will now recognize that motion, Member Smuckler.

MEMBER SMUCKLER: I move we suspend Rule 22A to add ordinances 6 through 8 back to the agenda.

PRESIDENT DENCZAK: Moved and seconded to suspend Rule 22 A to add ordinances 6 through and including #8 to the agenda. Are there are remarks?... If not, roll call vote please.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

PRESIDENT DENCZAK: Rule 22A has been suspended. Ordinances 6, 7 and 8 are a legal part of your agenda. You're being asked to adopt ordinance 6 and 7 this evening on the second reading, Members of Council. This brings your Council agenda up to date.

**MINUTES OF THE MEETING OF SEPTEMBER 29, 2003****PUBLIC HEARINGS**

PRESIDENT DENCZAK: We have a scheduled public hearing for 7:30pm. It's a request to rezone lot 7137 located at 1306 - 15<sup>th</sup> Street SW from B-2 to PB-4 as requested by John & Brenda Gabriel. The Planning Commission recommends denial. The Chair opens the public hearing in regards to this matter. Is there anyone in the audience who wishes to speak for or against this re-zoning, please come forward..... Is there anyone in the audience wishing to speak for or against this re-zoning, please come forward.... Is there anyone in the audience wishing to speak for or against this re-zoning, please come forward.... Apparently not, the Chair will close the public hearing in regards to this matter. The matter now rests in the hands of Council. An ordinance will follow later this evening.

**PUBLIC SPEAKS (ORDINANCES OR RESOLUTIONS FOR ADOPTION ONLY):**

PRESIDENT DENCZAK: No one signed up for public speaks under Ordinances and Resolutions for Adoption. Also, nobody has signed up for Public Speaks under Open Forum.

**INFORMAL RESOLUTIONS**

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

***PRESIDENT DENCZAK CALLED UPON CLERK OF COUNCIL VANCKUNAS TO READ RESOLUTIONS #74 & 75 BY TITLE, AS SHOWN BELOW. THE RESOLUTIONS ARE ON FILE IN THEIR ENTIRETY IN THE COUNCIL OFFICE WITH THE AGENDA ITEMS FILE DATED SEPTEMBER 29, 2003.***

#74 SUBMITTED BY THE COUNCIL-AS-A-WHOLE COMMITTEE: COMMENDING CITY WORKERS INVOLVED IN THE RECENT FLOODING EMERGENCY DURING HALL OF FAME WEEK IN CANTON. - ADOPTED

MEMBER SMUCKLER: Mr. President, I move we adopt Resolution #74; seconded.

PRESIDENT DENCZAK: Moved and seconded that you adopt Resolution #74. Are there any remarks under this Resolution?

MEMBER MROCKOWSKI: Mr. President, I wonder if we could have the Clerk please read the resolution.

PRESIDENT DENCZAK: Clerk Vanckunas, would you please read the resolution?

*(READ BY CLERK OF COUNCIL VANCKUNAS) An Informal Resolution submitted by the Council Committee-of-the Whole on this 29<sup>th</sup> day of September 2003. Whereas, about 4 inches of rain fell between 4:30 & 7:30 PM on Sunday,*

**MINUTES OF THE MEETING OF SEPTEMBER 29, 2003**

July 27<sup>th</sup>, 2003. The Nimishillen Creek—where the East Branch of the Nimishillen Creek & Middlebranch Creek converge in Cook park on Mahoning Road—rose from about 2 feet to 8 feet in two hours, swelling to lake-sized proportions. The unexpected and fast-moving water made islands out of homes, businesses and churches. On Mahoning Road, some people tiptoed in chin-deep water to help others get to safety. Flood waters rose to the second stories of some homes as scuba divers searched to make sure the occupants had made it out. Rescuers reached more than 100 people by boat and, all told, more than 300 were evacuated from their homes--several off their roofs. A dramatic rescue at 3 AM saved a victim who was going into shock and losing his grip on a tree; and, Whereas, Before daybreak, the Stark County Emergency Preparedness Agency reported that the Nimishillen & Middlebranch Creeks were at the highest levels on record. Trash cans & a refrigerator, among other things, bobbed in flooded city streets. Telephone poles & tree branches floated down the Nimishillen Creek. Water Submerged cars. Nimisilla Park on Ira Turpin Way had turned into a swamp. Water rose to the top of a home run fence, about 5 or 6 feet high. Two chemical tanks tore loose from an industrial site. On Marion Motley Drive NE, vehicles were reported to have been floating inside a large building. Emergency personnel pulled together --their primary concern was getting the people out, and the job they did was outstanding; and, Whereas, the City's water treatment system reportedly hit the 100 million-gallon processing limit shortly before 6:30. Flood waters crested at about 9 AM. The receding waters left residents with flood-ravaged homes, vehicles, & mementoes--many without gas, electricity and hot water. On July 28<sup>th</sup>, Mayor Watkins declared a state of emergency, asking for local, state and federal assistance as a result of damages in excess of \$23 million, more than 200 homes and 40 to 50 businesses damaged ---Republic Storage Systems alone sustaining about \$5 million damage; and, Whereas, the heavy rains effected many other areas of Canton as well. City employees were called upon again, and responded to a massive clean-up. Flooded basements and sewer backups presented an urgency to prevent health contaminations. Proudly, our city employees responded with little thought of themselves and a deep concern for our citizens; and, Whereas, All of this was taking place during the Pro Football Hall of Fame Week in Canton when City services, equipment and personnel are already straining to sustain the needs of the entire community looking forward to the very busiest and best week of the year when Canton gains national attention; Now, Therefore, Be It Resolved: That Canton City Council hereby joins with all Cantonians in offering our commendation and grateful thanks to the employees of the City of Canton for the example they set for all of us during the July 28<sup>th</sup> flooding emergency that care and concern for the safety of human life outweigh that of personal concerns. All of you help make Canton a better place to live. Thank you and may God bless you.

PRESIDENT DENCZAK: Are there any remarks on this Resolution?

MEMBER MROCZKOWSKI: Mr. President, I request that a copy of this go to each department so that it be posted and show our appreciation of what the City employees, above and beyond the call, did to make Canton just a better place to live.

PRESIDENT DENCZAK: The Safety Director and Service Director, can you provide the Council office with the offices involved in *(INAUDIBLE--NOT SPEAKING INTO THE MICROPHONE)*....? *(SERVICE DIRECTOR RESPONDS AFFIRMATIVELY)* All right, are there any further remarks?..... Then, all those in favor of this Resolution, signify by saying aye. All those opposed, no.

NO FURTHER REMARKS

RESOLUTION #74 ADOPTED BY UNANIMOUS VOICE VOTE

PRESIDENT DENCZAK: The Resolution is adopted.

**MINUTES OF THE MEETING OF SEPTEMBER 29, 2003**

#75 SUBMITTED BY MAJORITY LEADER SMUCKLER: SUPPORTING NATIONAL ARTS & HUMANITIES MONTH. - ADOPTED

MEMBER SMUCKLER: Mr. President, I moved we adopt Resolution #75.

PRESIDENT DENCZAK: Moved and seconded that you adopt Resolution #75. Are there any remarks under this Resolution?..... If not, by voice vote, all those in favor, signify by saying aye. Those opposed, no. The Resolution is adopted.

NO REMARKS

RESOLUTION #75 ADOPTED BY UNANIMOUS VOICE VOTE

MEMBER SMUCKLER: Most of you know Rod Rubbo and I think that we have deliberated on many options for our Civic Center in the future. Tonight, you heard a report about the possibilities of new convention centers and civic centers and the possibilities of taking over the existing Civic Center and expanding the arts. And, I think one thing that we're all in agreement is that the quality of life in this community is important and there's nothing more that brings a greater quality of life than the arts to this community. I know that a lot of us participate in some form, if nothing else, at least on July 3<sup>rd</sup> or 2<sup>nd</sup>, in the Symphony. Others have tickets to the Players Guild, others have tickets to other outlying areas to shows and others attend the ballet or have the kids that performed in all these. One of the cornerstones that I think all of us have talked about is partnering with the schools. And, what I suggested to Lois DiGiacomo and some of the other people that are involved in the arts, that when the school system comes on line to take their schools open in the evening, that this would be a perfect opportunity to do more than just basketball and make programs available that help feed the arts and I hope that happens because it helps increase the number of things to do and it helps for an appreciation of what you and your whole community up there does.

MR. ROD RUBBO: I accept this on behalf of all the arts that are located at the Cultural Center for the Arts and throughout this community and we thank you. We'll do our best to be in every school, after school, before school, during school and every opportunity we can to make, excuse me, every opportunity we can to continue to be a part of our community, one of the best communities to live and work anywhere. Again, I thank you for this and we'll see that it is proudly displayed at the Cultural Center. Again, thank you all. (*APPLAUSE*)

**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 29, 2003.***

373. BUCKEYE ENERGY BROKERS, 8870 DARROW ROAD F#106, TWINSBURG, OH 44087: ANALYSIS OF CITY'S NATURAL GAS AGGREGATION PROGRAM FOR 2<sup>ND</sup> QUARTER 2003. - RECEIVED & FILED

**MINUTES OF THE MEETING OF SEPTEMBER 29, 2003**

374. ESMET, INC., 1406 5<sup>TH</sup> ST. SW, CANTON, OH 44702: REQUEST TO VACATE AN UNNAMED ALLEY BETWEEN 5<sup>TH</sup> & 6<sup>TH</sup> ST SW EAST OF SCHROYER AVE SW FOR A MORE EFFICIENT USE OF ESMET PROPERTY. - PLANNING COMMISSION
375. MUNICIPAL COURT, COURT ADMINISTRATOR KOCHERA, CANTON CITY HALL: REQUEST FOR APPROVAL OF COURT SECURITY PROPOSAL REQUIRING FUNDING FOR 3 ADDITIONAL POLICE OFFICERS. - FINANCE CHAIRMAN
376. PLANNING COMMISSION, CITY OF CANTON, SHEILA K. THARP-BARRINO, SECRETARY: RECOMMENDING APPROVAL OF REQUEST TO REPLAT ALL OR PARTS OF LOTS & OUTLOTS INTO RECONFIGURED LOTS AS REQUESTED BY COOPER & ASSOC. FOR CHERRY HOMES & ABCD/GATEWAY PLACE. - LAW DIR.
377. SAFETY DIRECTOR JOSEPH CONCATTO, CITY OF CANTON: REQUEST TO ENTER INTO WORK AGREEMENTS IN CONJUNCTION WITH THE FULTON ROAD TRAFFIC SIGNAL SYSTEM IMPROVEMENT PROJECT. - LAW DIRECTOR
378. SERVICE DIRECTOR MICHAEL MILLER, CITY OF CANTON: REQUEST FROM ODOT FOR PARTICIPATORY LEGISLATION IN THE PRELIMINARY CONSTRUCTION COSTS FOR STATE HIGHWAY IMPROVEMENT PROJECTS PROGRAMMED FOR STATE FISCAL YEAR 2007. - LAW DIRECTOR (See O#5, 1<sup>st</sup> Rdg)
379. STARK COUNTY COMMISSIONERS, JEFFREY R DUTTON, ASSISTANT CLERK: FORWARDING ALL DOCUMENTS RE: JEFFRIES BROTHERS ANNEXATION. - LAW DIRECTOR (See O#4, 1<sup>st</sup> Rdg)  
**PUB HRG 10/20/03 @ 7:33 PM**

**ORDINANCES & FORMAL RESOLUTIONS FOR FIRST READING**

PRESIDENT DENCZAK: We're now under Ordinances and Formal Resolutions for the first reading and referral. Let the journal show that all ordinances are being given their reading as required by State law. Ordinance #1 please.

***NOTE: PRESIDENT DENCZAK CALLED UPON CLERK VANCKUNAS TO READ THE FOLLOWING ORDINANCES #1 THROUGH AND INCLUDING #5 FOR THE FIRST TIME BY TITLE & ANNOUNCED THE COMMITTEE REFERRAL, AS FOLLOWS.***

- #1 (1<sup>ST</sup> 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. (FRICKER ZONE CHANGE)  
Referred to 2<sup>ND</sup> Reading Portion Of Next Agenda

**MINUTES OF THE MEETING OF SEPTEMBER 29, 2003**

- #2 (1<sup>ST</sup> 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. (MAGGIORE ZONE CHANGE)  
Referred to 2<sup>ND</sup> Reading Portion Of Next Agenda
- #3 (1<sup>ST</sup> 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 (HARDING ZONE CHANGE)  
Referred to 2<sup>ND</sup> Reading Portion Of Next Agenda
- #4 (1<sup>ST</sup> RDG) AN ORDINANCE AUTHORIZING CANTON TO ANNEX THE TERRITORY KNOWN AS THE JEFFRIES BROTHERS ANNEXATION AREA, CONTAINING 147 ACRES, MORE OR LESS, ASSIGNING SAID TERRITORY TO WARD 4 OF THE CITY, ZONING SAID TERRITORY AS I-1; AND DECLARING THE SAME TO BE AN EMERGENCY  
Referred to Annexation Committee
- #5 (1<sup>ST</sup> RDG) AN ORDINANCE AUTHORIZING & CONSENTING TO THE RESURFACING OF STATE ROUTE 43 FROM US RT 30 NORTH TO THE CHERRY AVENUE RAILROAD BRIDGE & STATE ROUTE 43D (WALNUT AVENUE) FROM STATE ROUTE 172 (TUSCARAWAS STREET EAST) SOUTH TO CHERRY AVENUE RAILROAD BRIDGE UNDER THE SUPERVISION OF THE DIRECTOR OF TRANSPORTATION OF THE STATE OF OHIO; AND DECLARING THE SAME TO BE AN EMERGENCY  
Referred to Public Safety and Thoroughfares Committee

**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 #6 THROUGH AND INCLUDING #8 FOR THE SECOND TIME BY TITLE, AS FOLLOWS. ORDINANCES #6 & 7 WERE ADOPTED FOLLOWING THEIR SECOND READINGS.***

**RULE 22A SUSPENDED TO ADD #6 THROUGH #8:**

- #6 (2<sup>ND</sup> RDG) **ADOPTED AS ORDINANCE NO. 199/2003** AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ADVERTISE, RECEIVE BIDS AND ENTER INTO CONTRACT FOR THE 44<sup>TH</sup> ST. NE IMPROVEMENT PROJECT; AMENDING APPROPRIATION O.236/2002, AS AMENDED, BY MAKING THE SUPPLEMENTAL APPROPRIATION AND TRANSFERS HEREIN DESCRIBED; AND DECLARING THE SAME TO BE AN EMERGENCY

MEMBER SMUCKLER: Mr. President, I move we suspend the statutory three readings of Ordinance #6.

**MINUTES OF THE MEETING OF SEPTEMBER 29, 2003**

PRESIDENT DENCZAK: There's a move to dispense with the three readings of Ordinance #6. Are there any remarks?..... If not, roll call vote please.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

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

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?

MEMBER SMUCKLER: Mr. President, may I ask the Mayor a question?

PRESIDENT DENCZAK: Yes you may.

MEMBER SMUCKLER: Is it possible just to put one sidewalk in front of one address in that area there, like in front of the former Safety Director's house? (*FORMER SAFETY DIRECTOR PAUL BAIR IS IN THE AUDIENCE*)

MAYOR WATKINS: Mr. President. Mr. Smuckler, he's sitting in here, you don't think I'm that crazy. (*Laughter*)

PRESIDENT DENCZAK: But Council can do so if you want. ...And assess him for it. (*Laughter*) Are there any further remarks?

MEMBER SMUCKLER: You obviously have never been to dinner with him, Mr. Denczak.

PRESIDENT DENCZAK: Are there any further remarks?

MEMBER DIAMOND: Mr. President. Mr. Bair was very democratic in the process. He was very active in soliciting the interest of his neighbors in whether or not they did want sidewalks and we had a very fair poll, and the majority of the people did not want sidewalks. If you've ever taken a ride down this road after it's rained, it's literally a lake. So, this is very much needed and I'm glad that Mr. Miller was so cooperative to change the specs to remove the sidewalks because the people did not want them. And I look forward to this project going forward and to eliminating a very dangerous drainage problem that we've had on this road for a long time. Thank you.

PRESIDENT DENCZAK: Member Diamond, during your remarks, did you say Mr. Bair was a Democrat? (*Laughter*)

MEMBER DIAMOND: You misunderstood. No.

PRESIDENT DENCZAK: All right. Are there any further remarks?

**MINUTES OF THE MEETING OF SEPTEMBER 29, 2003**

MAYOR WATKINS: Mr. President. Yeah, I think maybe he is. Besides that we're getting rid of a very dangerous situation up there and we're trading it for another one. Now we can't walk, so we'll get hit by a car.

PRESIDENT DENCZAK: Are there any other remarks?

MEMBER DIAMOND: Mr. President. I would say that we represent the people. And, we should certainly listen to what they choose to have and while it may not be something that we would choose in our own neighborhoods, we live in a democracy and when nine-tenths of the people want something and we want something differently, I think it's commendable that the Mayor and the Service Director do abide by the wishes of the neighbors. So, I do appreciate that. Thank you.

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

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance #6 is adopted.

**#6 ADOPTED AS ORDINANCE NO. 199/2003**

#7 (2<sup>ND</sup> RDG) **ADOPTED AS ORDINANCE NO. 200/2003** AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CONTRACT WITH CT CONSULTANTS IN AMOUNT NOT TO EXCEED \$24,850 TO PROVIDE ENGINEERING SERVICES FOR THE FAIRMOUNT BOULEVARD NE STORM INTERCEPTOR PROJECT; AMENDING APPROPRIATION O.236/2002 AS AMENDED BY MAKING THE TRANSFER HEREIN DESCRIBED; AND DECLARING THE SAME TO BE AN EMERGENCY

MEMBER SMUCKLER: Mr. President, I move we suspend statutory three readings of Ordinance #7; seconded.

PRESIDENT DENCZAK: There's a move to dispense with the three readings of Ordinance #7. Are there any remarks?..... If not, roll call vote please.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

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

MEMBER SMUCKLER: Mr. President, I move we adopt Ordinance #7; seconded.

PRESIDENT DENCZAK: Moved and seconded that you adopt Ordinance #7. Are there any remarks under this ordinance?

MEMBER DOUGHERTY: Mr. President, I have a question for the Service Director. Can you explain the time frame we have on this?

SERVICE DIRECTOR MILLER: The time frame is that we're trying to enter into contract with the engineering on this



**MINUTES OF THE MEETING OF SEPTEMBER 29, 2003**

to try to get the engineering done on this as quickly as possible. In the anticipation that if the funds are available in the 4501 account next year, then we could start the construction next week.

MEMBER DOUGHERTY: Thank you.

PRESIDENT DENCZAK: Any further remarks?..... If not, roll call vote please.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance #7 is adopted.

**#7 ADOPTED AS ORDINANCE NO. 200/2003**

#8 (2<sup>ND</sup> 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.

**ORDINANCES AND FORMAL RESOLUTIONS FOR THIRD READING**

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

***NOTE: PRESIDENT DENCZAK CALLED UPON CLERK VANCKUNAS TO READ THE FOLLOWING ORDINANCES #9 THROUGH #13 FOR THE THIRD & FINAL TIME BY TITLE, AS FOLLOWS.***

#9 (3<sup>RD</sup> RDG) **DEFEATED** AN ORDINANCE AMENDING O.55/77 AS AMENDED KNOWN AS THE CITY OF CANTON ZONING ORDINANCE ; AND DECLARING THE SAME TO BE AN EMERGENCY. (GABRIEL ZONE CHANGE)

MEMBER SMUCKLER: Mr. President I move we adopt Ordinance #9; seconded.

PRESIDENT DENCZAK: Moved and seconded that you adopt Ordinance #9. Are there any remarks?....

MEMBER SMUCKLER: Mr. President. At the request of the Ward Councilperson, I am asking Council to vote no on Ordinance #9.

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

NO REMARKS

ROLL CALL: 0 YEAS, 12 NAYS

PRESIDENT DENCZAK: The ordinance has been defeated.

**#9 DEFEATED**

**MINUTES OF THE MEETING OF SEPTEMBER 29, 2003**

#10 (3<sup>RD</sup> RDG) **ADOPTED AS ORDINANCE NO. 201/2003** AN ORDINANCE APPROVING AND ACCEPTING THE REPLATTING OF ALL OR PARTS OF LOTS NOS. 41988-41991 & 42205-42207 APPROVING AND ACCEPTING THE DEDICATION PLAT OF WAREHAM PL NE; AND DECLARING THE SAME TO BE AN EMERGENCY

MEMBER SMUCKLER: Mr. President, I move we adopt Ordinance #10; seconded.

PRESIDENT DENCZAK: Moved and seconded that you adopt Ordinance #10. Are there any remarks under this ordinance?..... Very well, roll call vote please.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance #10 is adopted. **#10 ADOPTED AS ORDINANCE NO. 201/2003**

#11 (3<sup>RD</sup> RDG) **ADOPTED AS ORDINANCE NO. 202/2003** 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

MEMBERS SMUCKLER: Mr. President, I move we adopt Ordinance #11; seconded.

PRESIDENT DENCZAK: Moved and seconded that you adopt Ordinance #11. Are there any remarks under this ordinance?.... Very well, roll call vote please.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance #11 is adopted. **#11 ADOPTED AS ORDINANCE NO. 202/2003**

#12 (3<sup>RD</sup> RDG) **ADOPTED AS ORDINANCE NO. 203/2003** 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

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: 8 YEAS, 4 NAYS

**MINUTES OF THE MEETING OF SEPTEMBER 29, 2003**

(CASAR, BABCOCK, MALLONN, CARBENIA VOTED NO)

PRESIDENT DENCZAK: The Ordinance is adopted. **#12 ADOPTED AS ORDINANCE NO. 203/2003**

#13 (3<sup>RD</sup> RDG) **ADOPTED AS ORDINANCE NO. 204/2003** 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

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: 12 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance #13 is adopted. **#13 ADOPTED AS ORDINANCE NO. 204/2003****ORDINANCES & FORMAL RESOLUTIONS - POSTPONED MATTER:**

PRESIDENT DENCZAK: Ordinances and Formal Resolutions for the postponed matter. Member Smuckler?...

#14 **POSTPONED TO 10/6/03: (POSTPONED FROM 9/22/03 CNCL MTG; HAS REC'D 3 RDGS)**  
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 postpone Ordinance #14.

PRESIDENT DENCZAK: Put it on the floor first and then....

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?... Member Smuckler?....

MEMBER SMUCKLER: Mr. President, I move we postpone Ordinance #14 until October 6<sup>th</sup>; seconded.PRESIDENT DENCZAK: Moved and seconded to postponed Ordinance #14 until October the 6<sup>th</sup>. Are there any

**MINUTES OF THE MEETING OF SEPTEMBER 29, 2003**

remarks?... If not, by voice vote, all in favor signify by saying aye. Those opposed no.

NO REMARKS

MOTION APPROVED BY UNANIMOUS VOICE VOTE

PRESIDENT DENCZAK: Ordinance #14 is postponed until October 6th.

**ANNOUNCEMENT OF COMMITTEE MEETINGS**

PRESIDENT DENCZAK: Announcement of Committee Meetings please.

MEMBER MROCKOWSKI: Mr. President. Finance Committee will meet at 6:45 October the 6<sup>th</sup>, 2003, Caucus Room of City Council.

MEMBER CARBENIA: Mr. President, the Annexation Committee will meet the same time, same place.

MEMBER BABCOCK: Public Safety and Thoroughfares will also meet October 6<sup>th</sup>.

**PUBLIC SPEAKS (OPEN FORUM--CITY BUSINESS ONLY)**

PRESIDENT DENCZAK: As I said before, no one has signed up for Public Speaks under Open Forum.

**MISCELLANEOUS BUSINESS**

PRESIDENT DENCZAK: We're now under Miscellaneous Business. Is there any other Miscellaneous Business?..... Is there any other Miscellaneous Business?.....

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: 12 YEAS, 0 NAYS

ADJOURNMENT TIME: 7:59 P.M.

ATTEST:

APPROVED:

DEBRA VANCKUNAS

RAY DENCZAK

**MINUTES OF THE MEETING OF SEPTEMBER 29, 2003**

CLERK OF COUNCIL

PRESIDENT OF COUNCIL

