

MINUTES OF THE MEETING OF DECEMBER 8, 2003

The regular meeting of Canton City Council was held on Monday, December 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 Councilmember-at-Large, Don Casar, followed by the Pledge of Allegiance led by President of Council Ray Denczak.

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

ROLL CALL TAKEN BY CLERK OF COUNCIL:

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

1 COUNCILMEMBER ABSENT: (*BILL SMUCKLER) ***Smuckler preset at 7:38 p.m.**

AGENDA CORRECTIONS & CHANGES

PRESIDENT DENCZAK: Thank you, Member Casar. Agenda corrections and changes, Members of Council. You're being asked to suspend Rule 24B to add Informal Resolution #90 to the agenda. The Chair will now recognize that motion, Member Casar.

MEMBER CASAR: Mr. President, I move that Rule 24B be suspended so we can add Resolution #90 to tonight's agenda; seconded.

PRESIDENT DENCZAK: Moved and seconded to suspend Rule 24B to add Resolution #90. Are there any remarks?... If not, roll call vote, please.

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

PRESIDENT DENCZAK: Rule 24B is suspended and Resolution #90 is a legal part of your agenda. You are also being asked to suspend Rule 22A to add Ordinance 9A for first reading. The Chair will recognize that motion, Member Casar.

MEMBER CASAR: Mr. President, I move we suspend Rule 22A to put Ordinance #8A on tonight's agenda.

PRESIDENT DENCZAK: 9A.

MEMBER CASAR: 9A, excuse me.

PRESIDENT DENCZAK: Moved and seconded to suspend Rule 22A to add Ordinance #9A to the agenda. That ordinance pertains to a GSA courthouse IRS building to be known as the Canton Federal Center. That will be referred to the Finance Committee if you add this to your agenda. The question you're voting on now is to suspend Rule 22A

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to add Ordinance 9A to the agenda. Any remarks?... Roll call vote please.

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

PRESIDENT DENCZAK: Rule 22A has been suspended and Ordinance #9A is a legal part of your agenda. You are also being asked to adopt Ordinance #3 under first reading tonight, and you'll be asked to amend Ordinance #17 under postponed matters. This brings your agenda up to date. We'll proceed with the rest of the meeting.

PUBLIC HEARINGS

PRESIDENT DENCZAK: There's no scheduled public hearing for this evening.

PUBLIC SPEAKS (ORDINANCES OR RESOLUTIONS FOR ADOPTION ONLY):

PRESIDENT DENCZAK: Public speaks under Ordinances and Resolutions for adoption only. The people that signed up this evening should have signed on this sheet, however, they signed on the sheet for later on this evening. However, they should have signed up on the sheet for ordinances and resolutions that are to be adopted tonight and not just general business, so the Chair will recognize these people as they signed up under this portion of the public speaks. Let the Journal show that Member Smuckler is now in attendance. First speaker, under Council rules, this person didn't speak at the previous meeting so the Chair will have to recognize her first. Kim Van Blaricum. Just stand there and speak, yeah.

MS. VAN BLARICUM: Hello. My name is Kim Van Blaricum. I live at 1422 Wheeling Place NE. You should all have a note that I wrote. In it I say I strongly advocate for the alley vacation. This alley has been a major concern for me and my family. I believe that it will help stop the crimes and riffraff that currently frequent this small alley that have families and small children living in area housing. In the last four years, my car's been broken into four times and my apartment twice. The police won't even come out for the car break-ins. My chairs on my porch were also stolen. I love my apartment, but if this continues I cannot continue living there. I have two small children to consider. There are all kinds of people that are riffraff walking through the alley from Mahoning and Young Street. There are also allot of people that race through this alley at a very high speed. Blocking this alley off will improve the neighborhood a great deal. If you don't mind, I'd also like to say a couple words. These cars that race through here, it's only a very small alley. They don't even need to be in there. Half the time you can't even walk outside of my porch without people speeding by, and you have to be extremely careful. You're also seeing people that are drunk walking through the alley and other people that are not of the best character going through, and you get the good people too, but allot of times there's no need for these people to be there. As I said, it's a very small alley where we're at. Kathleen Altieri has a duplex and there's only two people living in them, and those are the two main people that it would affect, basically, and it would improve the neighborhood a great deal with this. And it would stop allot of problems in the area I believe. Thank you.

PRESIDENT DENCZAK: The next speaker that did not speak at the previous meeting is Sabrina Bucher.

MS. BUCHER: My name is Sabrina Bucher and I live on 1091 Lanner Street. I grew up with my grandpa and my mom on Mahoning Road. I came here with my grandpa to ask you to support the Wheeling Place alley vacation. I lived on Mahoning Road growing up and I just want-- I visit my grandpa and my mom frequently. The drug houses that were

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there when I was little are still there. They continue going up and down that road, across the street on Wheeling, and they're also on Payne Court, Irwin, and there's another one at the end of Wheeling. The drug dealers and addicts are up and down the alley at night and allot of the times during the day. There have been break-ins and car thefts and allot of damage from these people. I've come out of the gate last winter to almost run into a hunk of metal that you would call a car, the guy ripping the wreaths off my grandpa's fence. He takes off and he's gone. We called the cops, but-- I mean they're just wreaths, but still it's not your business. Mahoning Road and Wheeling Place slowly -- it would help stop the criminal activity that goes up and down there continuously, and it wouldn't affect anybody - it's not stopping anybody from getting in their driveways or their garages, and I just wanted to ask you to support this and please vote for the alley vacation. It's only 100 feet back off of Mahoning in order to put up a gate that hooks up with the rest of the fence. This isn't going to stop, like I said, anybody from getting in their garages or driveways. You might just have to go around the block two more minutes. It won't hurt anybody.

PRESIDENT DENCZAK: The next speaker is Mary Ellis.

MS. ELLIS: I'm Mary Ellis. I live at 1405 Nelson Place NE and I live adjacent to Wheeling Place. My personal feeling is that you have to -- in order to deter crime, that you should put a fence or something around your property and lock your car doors. I mean we can go back and say we don't want it, it's all about everybody's neighborhood. It's about respect for the neighborhood, and it's about being a good neighbor. Ralph couldn't be here right now because Ralph had to work. He could not get off. We just can't imagine how Ralph is going to be able to get out of his garage because the parking for the apartments is back there. The traffic is going to be rerouted back there. We just don't want it. That's all I can say.

PRESIDENT DENCZAK: The next speaker is Bev Sims.

MS. SIMS: My name is Beverly Sims. I live at 934 Francis Court NE. I had got 31 signatures to support me in keeping Wheeling Place open. Yes, there may be drugs in different areas and even around here, but that does not mean we're gonna jump and close every alley there is. And as far as flowers, I have seen Kathy Altieri's renter's children tear them. Cause I had called her father and I let him know what was going down. No, we are getting treated bad. We don't have a voice. Seems like every time she asks, everybody listens, but don't listen to us. We want our alley open and stay open, and -- who do I give this to? (SUBMITTING A PETITION)

PRESIDENT DENCZAK: Just hand it to him.

MS. SIMS: So, thank you and Merry Christmas to all of you.

PRESIDENT DENCZAK: The next speaker is Prosper Altieri.

MR. ALTIERI: My name is Prosper Altieri and I live at 925 Mahoning Road, which Wheeling goes west 100 feet on the side of my house. I am asking for the support for the Wheeling alley vacation and I request it. It is greatly needed and will stop the traffic that is causing the damage and theft that is occurring. Our safety there is of the utmost importance. The safety of the tenants, myself, my granddaughter, my daughter, and even Ralph Altieri. It is important. So please vote for the alley vacation. Thank you.

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PRESIDENT DENCZAK: The final speaker is Tim Walsh.

MR. WALSH: Ray, I'm gonna do this in about three parts, so when I have a minute left, if you'd give me a little something or other, let me know I got a minute left, I'd appreciate it.

PRESIDENT DENCZAK: Alright. State your name and address.

MR. WALSH: Okay. My name is Tim Walsh. I'm with Environmental Professionals in Tallmadge, Ohio. I was here and spoke last Monday night on behalf of Kathy's alley vacation. I've got a written statement. I'd like to show you some pictures. Then I've got a rendering that Kathy did to show you what her vision is for her property and the area that she lives in down there on Mahoning Road. Last Monday evening you heard some residents of the northeast section oppose an ordinance to vacate Wheeling Place NE. They also stated in opposition that the alley and the surrounding area was crime free and that there was no safety issues involved. Tonight I hold in my hand an official printout of police related incidents that have been reported and recorded concerning the alley and the surrounding block. This is an official report compiled by the Canton Police Department records division. I believe that these statistics you're about to hear will convince you that Councilwoman Altieri and her family have legitimate cause for concern for their own safety and the safety of their tenants and neighbors. Approval of the ordinance to vacate Wheeling Place will alleviate these concerns. In the concerned alley alone from January 1998 to November 2003 there were 34 incidents reported of which 29 ended in some form of police activity. All 34 incidents were reports of criminal or unruly behavior---15 of these incidents were in the portion of Wheeling Place requested to be vacated. In the grid of one block east and west of Mahoning Road and three blocks north and south of Wheeling Place, from January 1998 to November 21, 2003, there were 1987 reported police incidents in an area no larger than the space occupied by this City Hall here that we're all in tonight, and not even half the size of Nimisilla Park. Of the 1987 incidents reported, 868 were for criminal or unruly behavior. Specifically, these 868 incidents were as follows: 64 suspicious persons, 47 suspicious vehicles, 80 theft complaints...

PRESIDENT DENCZAK: Tim, you got one minute left here.

MR. WALSH: Okay, thanks. ...6 armed robberies, 16 burglaries. I can go on and on and on, but the most important thing I want to show you is I want to pass some pictures around. (COMMENTS INAUDIBLE - SPEAKER WALKS AWAY FROM MICROPHONE). ...Oh, here we go. Kathy and I have been traveling for ten years, and when we go to Atlantis, we go to the museum which...

PRESIDENT DENCZAK: You'll have to speak into the microphone so we can tape it.

MR. WALSH: Okay.

PRESIDENT DENCZAK: Take it with you.

MR. WALSH: She worked on the Palace Theater to renovate it, put a new roof on it, ten years ago. She recovered the screen out of the Palace Theater to save it. We have traveled all kinds of places, done all kinds of things. This lady is gonna stay in Canton. She wants to make her mark here. I have tried to drag her out of this town for a long, long time. I love that lady. She is my best friend. I would do -- I would walk through hot coals to do whatever it takes to please that lady. Now, let me show you what she did this afternoon. You heard from Mary here, she wants a fence. I hold

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before you Kathy's vision for her area. What you have is you have an entire fenced area right now. Right now her and her father's house is fenced. Just recently bought her grandmother's house who moved there in 1910 and she wants to continue putting her grandmother's plans back together of having a neighborhood that people want to live in, that has plants, shrubs, and creates an area where Darlene Leghart can bring people and people can get seeds and plants to do the same thing in their neighborhood. The right thing to...

PRESIDENT DENCZAK: Tim, your three minutes are up.

MR. WALSH: Pardon me?

PRESIDENT DENCZAK: Your three minutes are up. Bring your remarks to a close, please.

MR. WALSH: The right thing to do here is the right thing not only for Kathy and her family, but what's right for these folks, and the right thing is to vacate that alley and let a dream continue to come true that once it's going, instead of paying \$54.00 a half in property taxes -- I wish I had that kind of tax bill. I'd love to move into that neighborhood...

PRESIDENT DENCZAK: Speak into the microphone.

MR. WALSH: I'd love to move into that neighborhood and have these people make it happen because if anybody's gonna do it, Kathy and her family have already proven they're doing it, and they're just gonna finish the plan with this alley vacation. Thank you.

PRESIDENT DENCZAK: This concludes the public speaks portion under Resolutions or Ordinances for adoption.

INFORMAL RESOLUTIONS

PRESIDENT DENCZAK: Informal Resolutions. It will not be necessary to excuse any member of council. Let the journal show that all Councilmembers are present.

PRESIDENT DENCZAK CALLED UPON CLERK OF COUNCIL VANCKUNAS TO READ RESOLUTION #90 BY TITLE, AS SHOWN BELOW. THE RESOLUTION IS ON FILE IN ITS ENTIRETY IN THE COUNCIL OFFICE WITH THE AGENDA ITEMS FILE DATED DECEMBER 8, 2003.

90. INTERGOVERNMENTAL & PUBLIC SERVICE COMMITTEE: OBJECTING TO THE ISSUANCE OF A NEW C1, C2 LIQUOR PERMIT REQUESTED BY JENNINGS ENTERPRISES, INC. dba RJ'S, LOCATED AT 2417 4TH STREET NW - ADOPTED BY COUNCIL

MEMBER SMUCKLER: Mr. President, I move we adopt Resolution #90; seconded.

PRESIDENT DENCZAK: Moved and seconded that you adopt Resolution #90. Are there any remarks under this Resolution?... If not, by voice vote all those in favor, signify by saying aye. Those opposed no.

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NO REMARKS

RESOLUTION #90 ADOPTED BY UNANIMOUS VOICE VOTE

COMMUNICATIONS

PRESIDENT DENCZAK: All Communications are received as read.

NOTE: ALL COMMUNICATIONS WHICH FOLLOW, LISTED BY AGENDA TITLE, ARE ON FILE IN THEIR ENTIRETY IN THE COUNCIL OFFICE WITH THE AGENDA ITEMS FILE DATED DECEMBER 8, 2003

486. AUDITOR KIM PEREZ, CITY OF CANTON: REQUEST FOR ADDITIONAL AMENDED CERTIFICATE DATED 12/2/03. - REFERRED TO CLERK OF COUNCIL
487. AUDITOR KIM PEREZ, CITY OF CANTON: MONTHLY REPORT BY FUND FOR 11/1/03 - 11/26/03. - RECEIVED & FILED
488. AUDITOR KIM PEREZ, CITY OF CANTON: YEARLY REPORT BY FUND FOR 01/1/03 - 11/26/03. - RECEIVED & FILED
489. CLERK OF COUNCIL DEBRA VANCKUNAS, CITY OF CANTON: REQUEST FOR LEGISLATION OBJECTING TO THE 2004 RENEWAL OF IN-N-OUT, 805 MCKINLEY AVENUE SW; GASCO EXPRESS MART, 3325 HARMONT AVE., NE; & SHORB DRIVE THRU 829 12TH STREET NW. - LAW DIRECTOR (See O#7, 1st Rdg)
490. LAW DIRECTOR JOSEPH MARTUCCIO, CITY OF CANTON: SUBMITTING ORDINANCE REVISION FOR AN EXISTING SECTION OF CHAPTER 943, SEWER USE CODE. - LAW DIRECTOR (See O#1, 1st Rdg)
491. LIQUOR CONTROL DIVISION, STATE OF OHIO, 6606 TUSSING RD, PO BOX 4005, REYNOLDSBURG, OH 43068-9005 REQUEST FOR NEW C1, C2 LIQUOR PERMIT BY MEZES MARKET INC. dba MEZES MARKET LOCATED AT 1639 MAPLE AVENUE NE. - INTERGOVERNMENTAL & PUBLIC SERVICE COMMITTEE
492. LIQUOR CONTROL DIVISION, STATE OF OHIO, 6606 TUSSING RD, PO BOX 4005, REYNOLDSBURG, OH 43068-9005: REQUEST FOR NEW C1, C2 LIQUOR PERMIT BY MAGG MSCC LTD dba MAGGIORES CONV FOODS LOCATED AT 1939 MAHONING RD NE. - INTERGOVERNMENTAL & PUBLIC SERVICE COMMITTEE
493. LIQUOR CONTROL DIVISION, STATE OF OHIO, 6606 TUSSING RD, PO BOX 4005, REYNOLDSBURG, OH 43068-9005: REQUEST FOR NEW D3 LIQUOR PERMIT BY HOUSDEN INC. dba MIKES AGAIN LOCATED AT 1037-39 BEDFORD AVENUE SW. - INTERGOVERNMENTAL & PUBLIC SERVICE COMMITTEE

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494. MAYOR RICHARD WATKINS, CITY OF CANTON: REQUESTING CITY OF CANTON TRANSFER THE CHARLES EDE COMMUNITY SERVICE CENTER TO THE STARK METROPOLITAN HOUSING AUTHORITY ACCORDING TO MEMORANDUM OF UNDERSTANDING. - LAW DIRECTOR
495. MAYOR RICHARD WATKINS, CITY OF CANTON: SUBMITTING INTERFUND TRANSFERS, SUPPLEMENTAL APPROPRIATIONS, TRANSFERS & REDUCTIONS IN APPROPRIATIONS NEEDED TO FINISH THE FISCAL YEAR. - LAW DIRECTOR (See O#2, 1st Rdg)
496. OHIO DEPT OF COMMERCE, DIVISION OF LIQUOR CONTROL, 6606 TUSSING RD, PO BOX 4005, REYNOLDSBURG, OH 43068-9005: OVERRULING OBJECTION OF COUNCIL TO C-1-2 LIQUOR PERMIT APPLICATION BY AHN, INC. dba STORE LOCATED @ 1105 WEST TUSCARAWAS NW. & CONTINUE PROCESSING OF APPLICATION. - INTERGOVERNMENTAL & PUBLIC SERVICE COMMITTEE
497. SAFETY DIRECTOR JOSEPH CONCATTO, CITY OF CANTON: REQUEST FOR APPROVAL OF DEMOLITION OF 9 PARCELS. - LAW DIRECTOR (See O#3, 1st Rdg)
498. SERVICE DIRECTOR MICHAEL MILLER, CITY OF CANTON: REQUEST TO PAY \$750.00 MORAL OBLIGATION TO WASTE REMOVAL EQUIPMENT, INC. DUE TO LACK OF TRADE-IN OF USED REFUSE PACKER. - LAW DIRECTOR (See O#4, 1st Rdg)
499. SERVICE DIRECTOR MICHAEL MILLER, CITY OF CANTON: REQUEST TO RENAME SHORB AVENUE NW FROM TUSCARAWAS STREET WEST TO 3RD STREET NW TO FULTON ROAD NW. - LAW DIRECTOR (See O#5, 1st Rdg)
500. SERVICE DIRECTOR MICHAEL MILLER, CITY OF CANTON: REQUEST TO APPROVE A WATER MAIN EXTENSION ON WEST PARK AVENUE NW IN THE VILLAGE OF MEYERS LAKE. - LAW DIRECTOR
501. SERVICE DIRECTOR MICHAEL MILLER, CITY OF CANTON: REQUEST TO ENTER INTO FIVE YEAR CONTRACT WITH THE WORKSHOPS, INC. TO OPERATE, MANAGE AND SUPERVISE THE SNACK BAR ON THE FIRST FLOOR OF CITY HALL; REQUEST CITY AUDITOR TO ESTABLISH APPROPRIATE ACCOUNT. - LAW DIRECTOR (See O#6, 1st Rdg)
502. TOMASSETTI, TERESA, 703 30th ST NW, CANTON OHIO 44709: REQUEST TO REZONE LOT 36966 LOCATED AT 703 30TH STREET NW FROM R-1A TO PB-2 TO CONVERT THE 1ST FLOOR TO A RETAIL CONSIGNMENT STORE (PINK LADY CONSIGNMENT BOUTIQUE) & LIVING QUARTERS ON 2ND FLOOR APARTMENT. - PLANNING COMMISSION
503. TREASURER ROBERT SCHIRACK, CITY OF CANTON: COMPARATIVE REPORT OF INCOME TAX CASH RECEIPTS AS OF 11/30/03. - RECEIVED & FILED

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504. TREASURER ROBERT SCHIRACK, CITY OF CANTON: COMPARATIVE REPORT OF DEPOSITS & PAY INS TO AMBULANCE LOCK BOX ACCOUNT AS OF NOVEMBER 2003. - RECEIVED & FILED
505. TREASURER ROBERT SCHIRACK, CITY OF CANTON: COMPARATIVE REPORT OF PARKING METER REVENUE AS OF NOVEMBER 2003. - RECEIVED & FILED
506. TREASURER ROBERT SCHIRACK, CITY OF CANTON: REPORT OF BANK RECONCILIATIONS & OUTSTANDING INVESTMENTS AS OF NOVEMBER 28, 2003. - RECEIVED & FILED

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 #9A FOR THE FIRST TIME BY TITLE & ANNOUNCED THE COMMITTEE REFERRAL, AS FOLLOWS. ORDINANCE #3 WAS ADOPTED FOLLOWING ITS FIRST READING & COMMITTEE MEETING.

- #1 (1ST RDG) AN ORDINANCE AMENDING CHAPTER 943, SEWER REGULATIONS, OF PART NINE, STREETS, UTILITIES AND PUBLIC SERVICES CODE, OF THE CODIFIED ORDINANCES OF THE CITY OF CANTON
Referred to Judiciary Committee
- #2 (1ST RDG) AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 236/2002, AS AMENDED, BY MAKING THE SUPPLEMENTAL APPROPRIATIONS, TRANSFERS, REDUCTIONS IN APPROPRIATIONS AND INTERFUND TRANSFERS HEREIN DESCRIBED; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Finance Committee
- #3 (1ST RDG) **ADOPTED AS ORDINANCE NO. 258/2003** AN ORDINANCE DECLARING 9 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 Committee
- #4 (1ST RDG) AN ORDINANCE AUTHORIZING THE CITY AUDITOR TO PAY A MORAL OBLIGATION IN AN AMOUNT NOT TO EXCEED \$750.00 TO WASTE REMOVAL EQUIPMENT, INC.; AND DECLARING THE SAME TO BE AN EMERGENCY

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- #5 (1ST RDG) AN ORDINANCE RENAMING A PORTION OF SHORB AVENUE N.W. IN THE CITY OF CANTON, FULTON ROAD N.W.

Referred to Public Safety & Thoroughfares Committee

- #6 (1ST RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A CONTRACT WITH THE WORKSHOPS, INC. FOR SNACK BAR SERVICES FOR CITY HALL; AND DECLARING THE SAME TO BE AN EMERGENCY

Referred to Public Property Capital Improvement Committee

- #7 (1ST RDG) A RESOLUTION OBJECTING TO THE RENEWAL OF THREE LIQUOR PERMITS LOCATED WITHIN THE CITY OF CANTON; AND DECLARING THE SAME TO BE AN EMERGENCY

Referred to Intergovernmental & Public Service Committee

- #8 (1ST RDG) A RESOLUTION APPROVING THE STATEMENT OF SERVICES TO BE PROVIDED TO THE PROPERTY OWNER IN THE FORD/REPUBLIC GEORGETOWN ROAD ANNEXATION AREA, THE APPROXIMATE DATE SERVICES WILL BE PROVIDED, PROCEDURE FOR INCOMPATIBLE ZONING USES UPON ITS BEING ANNEXED TO THE CITY OF CANTON, OHIO; AND DECLARING THE SAME TO BE AN EMERGENCY

Referred to Annexation Committee

- #9 (1ST RDG) AN ORDINANCE AMENDING CHAPTER 181, INCOME TAX, OF THE CODIFIED ORDINANCES OF THE CITY OF CANTON; AND DECLARING THE SAME TO BE AN EMERGENCY

Referred to Judiciary Committee**RULE 22A SUSPENDED TO ADD #9A:**

- #9A (1ST RDG) AN ORDINANCE AUTHORIZING THE MAYOR AND/OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A MEMORANDUM OF AGREEMENT WITH THE UNITED STATES OF AMERICA ACTING BY AND THROUGH GENERAL SERVICES ADMINISTRATION (“GSA”) TO ACT AS THE GOVERNMENT’S AGENT TO ACQUIRE FEE SIMPLE TITLE TO A VIABLE SITE FOR CONSTRUCTION OF BUILDINGS TO BE LEASED BY GSA FOR FEDERAL COURTS, COURT RELATED AGENCIES, SOCIAL SECURITY ADMINISTRATION AND INTERNAL REVENUE SERVICE; AND DECLARING THE SAME TO BE AN EMERGENCY

Referred to Finance Committee

PRESIDENT DENCZAK: At this time the Chair’s going to declare an in-house recess for the Community Economic Development Committee to meet in-house in regards to Ordinance No. 3 under your first reading. You’re now in recess.

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(COUNCIL RECESSED AT 7:56 PM FOR A COMMITTEE MEETING ON ORDINANCE #3, WHICH WAS RETURNED TO THE AGENDA FOR ADOPTION. THE MEETING WAS RECONVENED BY PRESIDENT DENCZAK AT 8:01 PM)

PRESIDENT DENCZAK: Council is reconvening after the committee meeting. Member Smuckler, it's my understanding that Ordinance #3 is to be adopted tonight.

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

PRESIDENT DENCZAK: No, place it back on the agenda.

MEMBER SMUCKLER: I'm sorry. Mr. President, I move that we suspend Rule 22A and add Ordinance #3 back to the agenda; seconded.

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

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance #3 is a legal part of your agenda, Member Smuckler.

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

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance #3 is adopted.

#3 ADOPTED AS ORDINANCE NO. 258/2003

ORDINANCES & FORMAL RESOLUTIONS FOR SECOND READING

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

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NOTE: PRESIDENT DENCZAK CALLED UPON CLERK VANCKUNAS TO READ THE FOLLOWING ORDINANCE #10 FOR THE SECOND TIME BY TITLE, AS FOLLOWS.

RULE 22A SUSPENDED TO ADD #10:

#10 (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 (ZONE CHANGE REQUESTED BY MARTIN & DARLENE MORRIS)

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 #11 THROUGH AND INCLUDING #16 FOR THE THIRD & FINAL TIME BY TITLE, AS FOLLOWS. ALL THIRD READING ORDINANCES WERE ADOPTED FOLLOWING THEIR FINAL READINGS.

#11 (3RD RDG) **ADOPTED AS ORDINANCE NO. 259/2003** AN ORDINANCE AMENDING APPROPRIATION O.236/2002 AS AMENDED BY MAKING THE SUPPLEMENTAL APPROPRIATIONS HEREIN DESCRIBED; AND DECLARING THE SAME TO BE AN EMERGENCY

MEMBER 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. 259/2003

#12 (3RD RDG) **ADOPTED AS ORDINANCE NO. 260/2003** AN ORDINANCE AUTHORIZING THE CITY AUDITOR TO PAY A MORAL OBLIGATION IN THE AMOUNT NOT TO EXCEED \$23,740.00 TO THE UNITED INDUSTRIAL GROUP; 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: 12 YEAS, 0 NAYS

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PRESIDENT DENCZAK: Ordinance #12 is adopted. **#12 ADOPTED AS ORDINANCE NO. 260/2003**

#13 (3RD RDG) **ADOPTED AS ORDINANCE NO. 261/2003** AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO AGREEMENT WITH LIFE INVESTORS INSURANCE COMPANY OF AMERICA TO COMMENCE AND ADMINISTER A FLEXIBLE BENEFIT PLAN UNDER SECTION 125 OF THE INTERNAL REVENUE CODE; 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. 261/2003**

#14 (3RD RDG) **ADOPTED AS ORDINANCE NO. 262/2003** AN ORDINANCE AUTHORIZING THE MAYOR &/OR DIRECTOR OF PUBLIC SERVICE TO DESIGNATE THE CANTON COMMERCE DEVELOPMENT, LLC ITS AGENT TO SUBMIT A LOAN APPLICATION TO THE STATE OF OHIO URBAN REDEVELOPMENT LOAN PROGRAM IN AN AMOUNT NOT TO EXCEED \$1.3 MILLION DOLLARS FOR THE MILLS BUSINESS PARK; AUTHORIZING THE ALLOCATION OF \$200,000.00 FOR 2004 & 2005 FOR PURCHASE AND IMPROVEMENT OF THE MILLS BUSINESS PARK; AUTHORIZING THE MAYOR AND/OR DIRECTOR OF PUBLIC SERVICE TO ACCEPT AND ADMINISTER SAID LOAN; AND DECLARING THE SAME TO BE AN 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: 12 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance #14 is adopted. **#14 ADOPTED AS ORDINANCE NO. 262/2003**

#15 (3RD RDG) **ADOPTED AS ORDINANCE NO. 263/2003** AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO AN AGREEMENT WITH THE BOARD OF STARK COUNTY COMMISSIONERS FOR LEASE OF PARKING SPACES AT CORNERSTONE PARKING DECK; AND DECLARING THE SAME TO BE AN EMERGENCY

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

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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: 12 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance #15 is adopted.

#15 ADOPTED AS ORDINANCE NO. 263/2003

#16 (3RD RDG) **ADOPTED AS ORDINANCE NO. 264/2003** AN ORDINANCE VACATING A PORTION OF WHEELING PL NE A 12 FOOT RIGHT-OF-WAY RUNNING BETWEEN THE SOUTH LINE OF LOT 3080 AND THE NORTH LINE OF LOT 3081 AND FROM THE WEST LINE OF MAHONING ROAD NE TO THE WEST APPROXIMATELY 100 FEET; 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, may I ask the Service Director a question?

PRESIDENT DENCZAK: You may.

MEMBER SMUCKLER: Mr. President. Service Director, based on your years of experience, if we cut off just the bottom portion of Wheeling Avenue, can you tell us a little bit how you can provide service to that area, specifically in regards to what you just told me a few minutes ago.

SERVICE DIRECTOR MILLER: Mr. President. By cutting it off in mid-block, it's going to be difficult to service the half that's left because we're still responsible for plowing snow and doing any pothole repair or patching or paving on that section of the street. So it's gonna make that very difficult.

MEMBER SMUCKLER: Mr. President. Service Director, you sit on City Planning?

SERVICE DIRECTOR MILLER: Yes, sir.

MEMBER SMUCKLER: How did you vote on City Planning for this?

SERVICE DIRECTOR MILLER: I did not vote on this one.

MEMBER SMUCKLER: Thank you, Mr. Service Director.

MEMBER CASAR: Mr. President, I've been down there three times now and looked over the situation, and I see really nothing wrong with the vacation of this alley personally. As I understand, 100 feet there's a parking area right there now where a truck could absolutely get in there and plow right back out as I see it, cause I was there just this morning. I was

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looking that over, and I think it's feasible and possible, and I'm sure it could be done.

PRESIDENT DENCZAK: Any other remarks?...

SAFETY DIRECTOR CONCATTO: Mr. President, I'm not speaking for or against the closing, I just want -- because there's so many issues that they speak about safety, and I don't want somebody coming back to me in six months if I'm here stating that, you know what, you didn't reduce the crime that you said you would because of this blocking of this street, this alley. It is my opinion that blocking a 100 foot alley is not gonna prevent allot of crime in that area. I think it'll help. It will especially help that property owners in that area, but to think it's gonna eradicate crime in that area, this closing will not do that. I think there's a good plan there. I'm not opposed to it. I just don't want somebody coming back and saying, you know, you didn't reduce that number of crime by a 1000 because we closed that alley. If we could do that, I'd find allot of alleys in this city that we would close. Thank you.

MEMBER SMUCKLER: Mr. President....

PRESIDENT DENCZAK: Anyone else hasn't had his chance to speak?

MEMBER HAWK: Mr. President, how did the Planning Commission -- what was the recommendation of the Planning Commission on this vacation?

PRESIDENT DENCZAK: To approve.

MEMBER HAWK: Thank you, sir.

MEMBER SMUCKLER: I had to get up near the end, but I gotta believe that this is one of the toughest votes I've had to make down here, and last Saturday morning I took the opportunity to visit with one side and I've talked with the other side, and I have to say just for the record there's allot of personal issues here. More personal issues than I've ever seen in any neighborhood. But I'm also concerned that when the gentleman that has the garage that's upset about this, getting blocked off. And on the other hand I'm concerned that the neighbors don't understand what a great job that Kathy wants to do with the ultimate goal of improving the property there. I'm also concerned with the City providing services down there based on what the Service Director just said. I don't know why things got so bad in the neighborhood and how they deteriorated to such a point of the personal side of things, but I want to try to keep my vote to the issues of the alley vacation and the crime prevention and whether the man can get in and out of his garage and whether we can plow snow and all those other good things that this ought to be kept to. You know, I did what the residents wanted and opposed a boy scout development on Market Avenue years ago, and it ended up when the building went in for the -- no, it was for the HEPA, for the apartments, I got a call from Joe Carbenia's last opponent who went crazy and said how can you let them go in there? And I said because it was zoned that way and it's all a matter of be careful what you wish for, you may get it. I'm suggesting now at this point in time that I will probably go along with the overwhelming petition and the residents from the area based on the fact of what I've heard from the Service Director. But I believe that Kathy's done a wonderful job in keeping up her property. I wish her the best of luck of maintaining the rest of the property, but I'm not particularly thrilled at the situation of wanting to go along and try to get along down there. I've been down there, I've looked at it all, and I don't think we've ever done this anywhere else of closing part of a prop...

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PRESIDENT DENCZAK: Your three minutes are up, Member Smuckler.

MEMBER SMUCKLER: ...closing a part of the property.

PRESIDENT DENCZAK: Any other remarks?... If there are no other remarks, the question you are voting on now is the issue #16 Ordinance. Roll call vote please.

NO REMARKS

ROLL CALL: 9 YEAS, 2 NAYS, 1 ABSTENTION
(SMUCKLER AND DIAMOND VOTED NO, ALTIERI ABSTAINED)

PRESIDENT DENCZAK: The Ordinance passes with the emergency clause. The alley will be vacated, partially.
#16 ADOPTED AS ORDINANCE NO. 264/2003

ORDINANCES & FORMAL RESOLUTIONS - POSTPONED MATTER:

PRESIDENT DENCZAK: Ordinances and Formal Resolutions, Postponed Matter. Member Smuckler...

#17 **POSTPONED FROM 12/1/03 COUNCIL MTG; HAS REC'D 3 RDGS:**

ADOPTED AS ORDINANCE NO. 265/2003: AN ORDINANCE AMENDING O.164/2001 AS AMENDED, THE CLASSIFICATION PLAN AND GENERAL SALARIES FOR ALL MANAGEMENT AND NON-BARGAINING UNIT EMPLOYEES OF THE CITY OF CANTON; AMENDING EXHIBIT A TO O.164/2001, AS AMENDED; 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?...

MEMBER SMUCKLER: Mr. President, I move that we amend Ordinance #17 by the amendment placed in writing before every City Councilmember; seconded.

AMENDMENT: Pursuant to Rule No. 36, I hereby move to amend Section 2 to Agenda Item No. 17 to read as follows:

Section 2. Exhibit A to Ordinance No. 164/2001, as amended, be and the same is hereby amended as follows:
Position Group 80 AU, Auditor's Office

- (a) ***Establish a salary range of \$42,297 - \$59,483 for the classification Chief Deputy.***
- (b) ***Add the classification Chief Information Officer, number of employees allowed 1, with a salary range of \$42,297 - \$59,583.***
- (c) ***Establish a salary range of \$42,297 - \$59,483 for the classification of Deputy Auditor III.***
- (d) ***Establish a salary range of \$36,156 - \$42,297 for the classification Deputy Internal Auditor.***

The foregoing amendments are contained in Exhibit A attached hereto.

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I further move to amend Agenda Item No. 17 by substituting the Exhibit A attached to this Amendment for the Exhibit A attached to the ordinance currently pending before Council.

PRESIDENT DENCZAK: Moved and seconded to amend this Ordinance per the copy before each of you Councilmembers. Are there any remarks under this Amendment?...

MEMBER SMUCKLER: Mr. President, to briefly describe this Amendment just for the record, my understanding is that this caps the salary range at the current level, this reduces the starting salaries from \$50 -- help me, Mr. Perez.

AUDITOR PEREZ: \$50,846 to \$42,297.

MEMBER SMUCKLER: And this establishes a position and deletes another position. Am I correct, Auditor?

AUDITOR PEREZ: It deletes one Deputy Auditor III position and establishes Chief Information Officer's position.

MEMBER SMUCKLER: And this is -- and how does this affect the rest of the step system? It now turns into salary ranges?

AUDITOR PEREZ: Correct. It's now a salary range and that's based upon your budget passed by Council.

MEMBER SMUCKLER: And you have to live with it in those ranges?

AUDITOR PEREZ: Yes, unless you come back to Council to have the upper end of the range extended.

PRESIDENT DENCZAK: Are you finished?

MEMBER SMUCKLER: I'm done.

PRESIDENT DENCZAK: Are there any further remarks under the Amendment?...

MEMBER DIAMOND: Mr. President, could I ask the Auditor exactly -- since I assume this is a new position, what a Chief Information Officer's duties would entail?

PRESIDENT DENCZAK: Yes, you may. Auditor?

AUDITOR PEREZ: Chief Information Officer duties would entail organizing the technology staff, sharing the information with the public, getting the information to the Budget Director, Service Director, Safety Director, like we currently do. Get information to the Finance Chairman like we currently do. Be able to pull that information and data out and have one person to go to so the information you get is truly coming from the data base and not from a spread sheet.

MEMBER DIAMOND: Mr. President, another question for the Auditor. Who -- is that service not being performed now, or is it being performed by that employee and that she will just have a different title?

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AUDITOR PEREZ: That service is being performed currently by a person in the Deputy Internal-- I mean Deputy Auditor III position. This is more or less to clarify their positions on what their job duties will be. The Chief Information Officer will also be over the operations of the technical system, the maintenance of the technical system, all the upgrades of the technical system, the supervision of all the technical staff plus the users, the training issues, and those type of things that go along with running a system. We currently train everyone in the City to use the system from Kronos to Banner.

PRESIDENT DENCZAK: You still have two minutes, Member Diamond.

MEMBER DIAMOND: Mr. President, will there be discussion on the ordinance as amended or is all of the discussion now?

PRESIDENT DENCZAK: The discussion right now is germane to the Amendment. There will be discussion under the amended ordinance too.

MEMBER DIAMOND: Oh, okay. Thank you.

PRESIDENT DENCZAK: Are there any other remarks under the Amendment?... The question you're voting on now is the Amendment. By voice vote, all those in favor signify by saying aye. Those opposed no.

NO REMARKS

AMENDMENT ADOPTED BY UNANIMOUS VOICE VOTE

PRESIDENT DENCZAK: The Amendment has passed. The question before you now is the Ordinance as amended. Are there any remarks under this Ordinance as amended?...

MEMBER DIAMOND: Mr. President, I appreciate the Auditor's Office amending their original ordinance and decreasing the top salary ranges. My difficulty with this is a difficulty that the majority of the Councilmembers had eight months ago when this very same issue was brought to us and it received very little support. A city of 1200 people or a city workforce of 1200 or 1100 people needs to have a system in place that's fair and equitable, and while I would agree that our personnel ordinance needs some changes, I think that it's only fair that every appointing authority and every elected official had the same set of rules. I had sent a request to the Law Department two weeks ago to add an amendment to include all appointing authorities so that they could all reap the same benefits as the Auditor will. I was told by the Law Director that it would be close to impossible to formulate the salary ranges that would be necessary for all elected officials. I had asked as Personnel Chairperson that we postpone this until we could include all appointing authorities into the ordinance. That request was rejected. I don't disagree with the philosophy that managers should have the right to manage their employees and pay them out of a salary that City Council gives them; however, I think the system needs to be fair for everyone. I also do not believe that it's fair for any appointing authority to give a very small percentage of city employees raises while every other department has worked harder with less. A point is that last year we deleted a major's position from the police department and we deleted a captain's position. We didn't take that money, and I'm not saying the Auditor would do this with his extra money, but it's a possibility. We didn't take the money in the police department that was excess by saving those positions and give raises to the police management employees. I think the system needs to be fair. I don't disagree that it's an incorrect system, what's being proposed, but I think we need to wait until all appointing authorities have the same opportunity that the Auditor's Office will.

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PRESIDENT DENCZAK: Are there any other remarks under the amended ordinance?...

MEMBER CASAR: Mr. President, I agree with most of what Member Diamond said; however, I do agree with the philosophy of the Auditor, what he's doing with his department and how he wants to manage his department in regards to pay and pay salaries and so forth. But as I said in committee, or caucus room, I just felt that with the new administration coming aboard, four new members of Council, it should be done perhaps next year when all the other departments, Treasurer, Law Department, Administration, could get on board along with the Auditor. With that being said, but now I feel that because of the situation in Auditor Perez's office, losing an employee and down to three and his work schedule and so forth, I think that before the new administration could even have an inkling what's going on it's gonna be probably six to eight months. So for that reason alone, I will support this, and I feel with only four employees, well it'll be three now, but four when the new position is filled, it'll give us an opportunity to go in and look this situation over with a fine tooth comb and see how it's working, and give us an idea of how we will treat the other departments when they come forward. Thank you.

MEMBER SMUCKLER: Mr. President. Auditor Perez, you're talking about hiring somebody in. What are we talking about hiring them in at, what range?

AUDITOR PEREZ: Well, that's the key to this whole thing. Under the old system, I'd have to hire them in at \$50,000.00 minimum. The key to this whole thing, reducing it, you hire them in according to their experience. If I find someone that has 15 years experience doing payroll, PERS, police and fire pension, quarterly reports, unemployment and all the other reporting that we do up there, that's less training that I have to give that employee, the more knowledge they have of the business, and the more money I should be able to pay them. If not, if I bring someone that's green and needs to come in just out of college who doesn't have any experience whatsoever, they would start at the low end of the schedule, at the \$42,000.00 end. It depends on the interviews - I have three more people to interview - the interview, the process, and their experience on what it would be. But it has to come out of that same budget amount that I am currently working under.

MEMBER SMUCKLER: What are your -- so you plan on hiring someone to fill the position of who?

AUDITOR PEREZ: Well, currently I plan on moving Gary Young up to the Chief Deputy's position.

MEMBER SMUCKLER: Who was....?

AUDITOR PEREZ: Who was an Auditor III promotion.

MEMBER SMUCKLER: And who was the Chief Deputy?

AUDITOR PEREZ: It was Thurm Rohrer.

MEMBER SMUCKLER: Who passed away?

AUDITOR PEREZ: Who passed away in September, late September. I mean it's an unfortunate thing that I'm even down here. I mean, believe me, I would much rather have Thurm back upstairs than be down here going through this.

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This is untimely. I could not hire someone in that position until after I got elected because who wants to take a risk of taking a job when the person's up for election and you're not -- you don't know what's gonna happen after November. The timing has everything to do with the process. It was an election year. Someone's not gonna come in and work for three weeks and might be told at the end of the year they no longer have a job. So, I can't help the timing. It's something that's right for the City. I will guarantee you a savings in my budget off those four positions at the minimum of \$5,000.00, maximum of \$13,000.00 depending on how we flex that out depending on who we hire, and that's four positions. And just to get back to the one thing. We also lost people in the Auditor's office, going back to Rosemary's statement, major, captain. We're not taking that money and splitting it among people. There's four positions there, there will be four positions there, and they will live within that same budget. It's not we got rid of a job and splitting the excess money. It's not apples to apples. When you get promoted from captain to major, you get a pay raise as well as promotion.

PRESIDENT DENCZAK: Auditor Perez, your three minutes are up.

AUDITOR PEREZ: Thank you, sir.

PRESIDENT DENCZAK: Member Smuckler, you have two minutes left.

MEMBER SMUCKLER: What happens when you get promoted from captain to major?

AUDITOR PEREZ: When you get that promotion along comes the money. This is promotions. In Gary's situation, there is no money. Gary's at the top end as a Deputy Auditor III as he will be as a Chief Deputy. The salary range allows you to pay for the experience and the expertise of the person. It can still never go over what's budgeted and the top end of that cap, period.

PRESIDENT DENCZAK: Tempest is fighting on you. You finished?

MEMBER SMUCKLER: I would prefer, like Don, that the whole City do this too; however, I know the situation at the end here in December, and while we've been operating this, because I also remember walking upstairs with all of the same people in this room when people wanted re-evaluated positions as we call it, and Mr. Gaten would walk downstairs and say Council said no, you can't get your position re-evaluated, you can't get your increase or your whatever you want to call the money. And I tend to believe that managers should manage also. I would prefer that this would be done all at one time, but I understand the circumstances that we're in here now too, and I would prefer someone not being hired at \$50,000.00 a year, that someone be hired at the lesser amount, and I hope the Auditor takes that into consideration when they hire whoever that person may be and switches all this around, and does save the money that needs to be saved here.

MEMBER DIAMOND: Mr. President, the Auditor indicated that the employee who's currently a Deputy Auditor III would be the Chief Auditor. That's the \$50,000.00 position. Are you not planning on hiring outside the Deputy Internal Auditor which is the, I would assume the person with the least amount of expertise in your office?

AUDITOR PEREZ: Currently I don't know whether I'm gonna hire the Deputy Auditor III or move the Internal Auditor up or what I'm going to do. I have to once again sit down and interview, find out experiences out there, what type of candidates are out there, and then I will hire accordingly.

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MEMBER DIAMOND: Mr. President, it doesn't seem possible -- you're talking about three salaries that start at \$50,000.00 and that's a figure that keeps getting thrown out. The lowest position starts at \$36,000.00. I think it would be difficult knowing the caliber of the people that you have in the Auditor's office, that you could find somebody more experienced than the three that you already have, so it's reasonable to expect that you're gonna hire the lowest person, the Deputy Internal Auditor, which his position starts at \$36,000.00 right now. I don't understand the urgency to change this. There's nothing that you can't do right now without the passage of this ordinance that you couldn't do before.

AUDITOR PEREZ: Mr. President. You know, Ms. Diamond, maybe you should run for Auditor and then you can come up and manage the Auditor's office. My job is to manage the Auditor's office and I cannot tell you if I'm moving James up or if I'm gonna leave him at the Internal Auditor's. I don't even know who I'm gonna hire in the other position. There could be a new Deputy Auditor III or James could move up to a Deputy Auditor III, but that's called management. That's what we're trying to do is allow someone to manage based upon experience, knowledge, and that's the way business operates.

MEMBER DIAMOND: Mr. President.

PRESIDENT DENCZAK: Anybody else that hasn't had a chance to speak?

MEMBER DIAMOND: I don't need to run for Auditor. I'm the personnel chairperson, and as the personnel chairperson, it's my job to make sure the system is fair for everyone.

AUDITOR PEREZ: Mr. President...

PRESIDENT DENCZAK: Are you finished?

MEMBER DIAMOND: I'll just conclude in saying that I think managers should manage, but I think the system should be fair and equitable for everyone in the City and that we have the grades, we have the salaries that are available to the Auditor now without changing it exclusively only in the Auditor's Department. Thank you.

AUDITOR PEREZ: At the risk of saying something -- I'll just hold my comments.

LAW DIRECTOR MARTUCCIO: Mr. President, I understand and respect the positions of the Majority Leader and the Minority Leader in wanting to keep things uniform and bringing them at the same time. I also understand and respect the position of the Auditor who feels a sense of urgency with his four fiduciaries. I pledge that our office will work closely with the majority personnel chair and all members and appointing authorities who have an interest in the next phase. That being, once we have a new mayoral administration in place and we understand how many fiduciary positions are there, what their reorganized titles may be, if any -- she has I believe approximately 25 positions or so, our office has approximately 20, the Treasurer has I believe three or four - four, and Council has three. You know, we will do what we can to unify and make as uniform that system as possible, including the examination of some sort of less formal or internal procedure to make things as uniform as they can be given the autonomy that's sought for each appointing authority. What happens with the Auditor may serve as a template for the rest of us.

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

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MEMBER HART: Mr. President, question for the Law Director. What would make your job easier? To do this in one fatal swoop of organizing all the departments or doing the Auditor's Department and then maybe in another ordinance doing the Mayor's, doing City Council. What would make it easier on your staff, and more cost effective?

LAW DIRECTOR MARTUCCIO: Mr. President. Member Hart, obviously combining them all, but because we're dealing with four people here, and -- this amendment is a good example of what I think we all would like to see put into place on a much expanded version for the remainder of us. To answer your question, it would have been more difficult and time consuming to do a department of 20 or 25 separate from the rest, but it's a matter of math here as well. This amendment that you have before you is a good example of what we'll be looking to construct for the rest of us, titles, lower ranges, upper ranges. There may even be some hybrid version of steps left to make things more uniform. This is what we can explore together after we're all in place, the new Council, the new Administration and so on.

MEMBER HART: You know, again, I think going straight across the board would be best for the organization as a whole rather than to do this piecemeal and I guess I've seen, you know, people that work at the local hospitals, working for the school system. Again, everybody's had to do more with less, and I don't see what necessarily the problem is of waiting that few extra months to do something across the board.

MEMBER MROCZKOWSKI: Mr. President, as a member of the personnel committee and the chairman of the finance committee, over the last four years we've been in depth of what we can do for this City to make a difference as we go down this road. One of the most critical things we can do is how we're gonna manage the personnel that comes under our jurisdiction. We're not involved in negotiations with the unions, that's something that they're privy to do with their managers. This is the first step, as Member Casar said, the first step in getting an idea and to look at a different way of operations within the City. It gives you a good window to look at. The changes in a small scale as we make this slow movement to a different form of operations, and I'm asking my fellow members of Council to support this. I think it's good for the City now and it will only get better as the new Council comes into office. Thank you.

PRESIDENT DENCZAK: Are there any other remarks?... If not, the question you're voting on now is the Ordinance #17 as amended. Roll call vote, please.

NO REMARKS

ROLL CALL: 8 YEAS, 3 NAYS
(MASSEY, HART AND DIAMOND VOTED NO)

PRESIDENT DENCZAK: Ordinance #17 as amended has passed with the emergency.

#17 AS AMENDED ADOPTED AS ORDINANCE NO. 265/2003

ANNOUNCEMENT OF COMMITTEE MEETINGS

PRESIDENT DENCZAK: Announcement of Committee Meetings please.

MEMBER MROCZKOWSKI: Mr. President, Finance Committee will meet at 6:30 PM on December 15th.

PRESIDENT DENCZAK: Members of Council, one moment please. The first committee announcement is for 6:30 PM on December 15th. I've been asked by the County Treasurer Zeigler to make a presentation to Council next Monday.

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So I'm asking that you meet at 6:00 for that presentation. Going along with the rest of your committees, Member Smuckler.

MEMBER SMUCKLER: Mr. President, I move that judiciary meet at 6:15 next Monday night.

MEMBER CARBENIA: Mr. President, I move to have the annexation committee meet at the same time, same place, 6:15.

PRESIDENT DENCZAK: Any other committees?

MEMBER BABCOCK: Mr. President, Public Safety & Thoroughfares will meet at 6:15 Monday evening.

MEMBER DOUGHERTY: Mr. President, Public Property Capital Improvement, 6:30 Monday, the 15th.

PRESIDENT DENCZAK: Anybody else? Is that it? Intergovernmental and Public Service, that's uh...

MEMBER HAWK: That's Member Altieri's committee, sir. I will call that for the same time, 6:15 on the 15th.

PRESIDENT DENCZAK: Alright. Once again, I want to remind Councilmembers the committee meetings will start at 6:15, but the County Treasurer will make a presentation the same night starting at 6:00.

PUBLIC SPEAKS (OPEN FORUM--CITY BUSINESS ONLY)

PRESIDENT DENCZAK: No one signed up for public speaks, open forum.

MISCELLANEOUS BUSINESS

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

AUDITOR PEREZ: Mr. President, sir, just a reminder that Wednesday at 5:00 o'clock, Council Chambers, we have a group that would like to do a presentation for a neighborhood rehab program that will start like at the Timken Campus from Fulton Road to like McKinley Avenue up to the new Summit School. We've been working with this group since last winter, and it's with the Building Industry Association, it's with the Realtor's Association. We've met with the School Board, they have already had some plans drawn, and it's to revitalize the inner city of the downtown area to help possibly bring working families back into the downtown area. So if you're interested or you'd like to see what they have -- they also have a finance guy, didn't they say, Greg, that's gonna give a presentation on how some money could also be spent?

MEMBER HAWK: Yes, this will be a complete presentation of ...

PRESIDENT DENCZAK: Ask for the Chair.

MEMBER HAWK: Mr. President.

PRESIDENT DENCZAK: Do you want to speak now?

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MEMBER HAWK: Please. Thank you. Sir, yes, it will be a power point presentation encompassing all of that. It will include the areas we talked about. Everything will be brought forward, you can take a good look at it and make a decision.

PRESIDENT DENCZAK: 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: 8:41 P.M.

ATTEST:

APPROVED:

DEBRA VANCKUNAS
CLERK OF COUNCIL

RAY DENCZAK
PRESIDENT OF COUNCIL

