

MINUTES OF THE MEETING OF MARCH 3, 2003

The regular meeting of Canton City Council was held on Monday, March 3, 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 Richard D. Hart, 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, DONALD E. CASAR, MARY M. BABCOCK, GREG HAWK, KATHLEEN ALTIERI BUCHER, RICHARD A. MALLONN II, CRAIG MASSEY, DAVID R. DOUGHERTY, RICHARD D. HART, ROSEMARY DIAMOND & JOE CARBENIA)

1 COUNCILMEMBER ABSENT (JOHN R. MROCKOWSKI)

AGENDA CORRECTIONS & CHANGES

PRESIDENT DENCZAK: Agenda Corrections and Changes, Members of Council, you're being asked suspend Rule 24B to add Informal Resolutions #18, 19 and 20. You're being asked to suspend Rule 22A to add the second reading of Ordinances 6 through 16. You'll be asked to adopt Ordinance 13 under second readings; and you will be asked to postpone Ordinance #18 for one week. Member Smuckler, the Chair will recognize Rule 24B suspension,

MEMBER SMUCKLER: Mr. President, I move we suspend Rule 24B and add Informal Resolutions 18 through 20 back to the agenda; seconded.

PRESIDENT DENCZAK: Moved and seconded to suspend Rule 24B; are there any remarks?... If not, roll call vote please.

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

PRESIDENT DENCZAK: Rule 24B has been suspended and Resolutions 18, 19 and 20 are a legal part of your agenda.

MEMBER SMUCKLER: Mr. President, I move we suspend Rule 22A to add Ordinances 6 through 16 back to the agenda; seconded.

PRESIDENT DENCZAK: Moved and seconded to suspend Rule 22A; are there any remarks under this motion?... If not, roll call vote please.

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

PRESIDENT DENCZAK: Rule 22A has been suspended; Ordinances for the second reading 6 through 16 are a legal part of your agenda.

PUBLIC HEARINGS

PRESIDENT DENCZAK: There is 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 & Resolutions for Adoption.

INFORMAL RESOLUTIONS

PRESIDENT DENCZAK: Informal Resolutions; excusing members, Member Smuckler.

MEMBER SMUCKLER: Mr. President, I would like to make a motion to excuse Member Mroczkowski this evening; seconded.

PRESIDENT DENCZAK: Moved and seconded to excuse Member Mroczkowski; 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 Mroczkowski is excused. The Mayor has a presentation to make at this time?.... (*SERVICE DIRECTOR MILLER REPLIES THAT THAT'S BEEN POSTPONED*) We're postponing ordinances, and now we're postponing awards. Okay...Resolution #18 please.

PRESIDENT DENCZAK CALLED UPON CLERK OF COUNCIL VANCKUNAS TO READ RESOLUTIONS #18 THROUGH #22 BY TITLE, AS SHOWN BELOW. THE RESOLUTIONS ARE ON FILE IN THEIR ENTIRETY IN THE COUNCIL OFFICE WITH THE AGENDA ITEMS FILE DATED March 3, 2003.

18. BY THE ENVIRONMENTAL & PUBLIC UTILITIES COMMITTEE: RECOMMENDING THE LAW DIRECTOR PREPARE LEGISLATION WAIVING THE 2.4 INCREASE IN SEWER RATES. - ADOPTED & LAW DIRECTOR

MEMBER SMUCKLER: Mr. President, I move we adopt Resolution #18; seconded.

PRESIDENT DENCZAK: Moved and seconded that you adopt Resolution #18; 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

ADOPTED BY UNANIMOUS VOICE VOTE

PRESIDENT DENCZAK: Resolution 18 is adopted.

19. ENVIRONMENTAL & PUBLIC UTILITIES COMMITTEE: AUTHORIZING THE SERVICE DIRECTOR TO SUBMIT A NOTICE OF INTENT TO DISCHARGE STORM WATER UNDER THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM. - ADOPTED

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

PRESIDENT DENCZAK: Moved and seconded that you adopt Resolution 19; 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

ADOPTED BY UNANIMOUS VOICE VOTE

PRESIDENT DENCZAK: The Resolution is adopted.

20. INTERGOVERNMENTAL & PUBLIC SERVICE COMMITTEE: RECOMMENDING THE LAW DIRECTOR PREPARE LEGISLATION WHEREBY THE STARK COUNTY COMMISSIONERS & THE CITY OF CANTON JOINTLY AGREE TO ACCEPT THE DONATION OF THE EMERGENCY NOTIFICATION SYSTEM FROM THE MARATHON-ASHLAND PETROLEUM COMPANY. - ADOPTED & LAW DIRECTOR

MEMBER SMUCKLER: Mr. President, I move we adopt Resolution #20; seconded.

PRESIDENT DENCZAK: Moved and seconded that you adopt Resolution #20; 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

ADOPTED BY UNANIMOUS VOICE VOTE

PRESIDENT DENCZAK: Resolution #20 is adopted.

21. PERSONNEL COMMITTEE: COUNCIL CONFIRMS THE MAYOR’S REAPPOINTMENT OF JAMES “JEFF” SMITH TO SERVE AS A MEMBER ON THE CONSTRUCTION BOARD FOR THE TERM 3/1/03-2/28/06 - ADOPTED (See Communication #96)

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

PRESIDENT DENCZAK: Moved and seconded that you adopt Resolution 21; 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

ADOPTED BY UNANIMOUS VOICE VOTE

PRESIDENT DENCZAK: Resolution 21 is adopted.

22. SMUCKLER, BILL, COUNCIL MAJORITY LEADER: COUNCIL CONFIRMS THE APPOINTMENT OF COUNCILMEMBER CRAIG MASSEY TO SERVE AS A MEMBER ON THE COMMUNITY REINVESTMENT AREA HOUSING COUNCIL FOR THE TERM 3/1/03-2/28/06. - ADOPTED

MEMBER SMUCKLER: Mr. President, I move we adopt Resolution #22; seconded.

PRESIDENT DENCZAK: Moved and seconded that you adopt Resolution #22; 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

ADOPTED BY UNANIMOUS VOICE VOTE

PRESIDENT DENCZAK: The Resolution is adopted.

COMMUNICATIONS

PRESIDENT DENCZAK: All Communications are received as read.

NOTE: ALL COMMUNICATIONS WHICH FOLLOW, LISTED BY AGENDA TITLE, ARE ON FILE IN THEIR ENTIRETY IN THE COUNCIL OFFICE WITH THE AGENDA ITEMS FILE DATED March 3, 2003.

91. CANTON TOWNSHIP BOARD OF TRUSTEES, WILLIAM C. SMITH, PRESIDENT, 4711 CENTRAL AVENUE SOUTH, CANTON, OHIO 44707: CHRISTOPHER NICHOLS & CLERK SHERI GRIFFITH HAVE BEEN NAMED TO SERVE ON THE COMMITTEE STIPULATED IN THE CEDA ANNEXATION AGREEMENT. - RECEIVED & FILED
92. HEALTH BENEFITS ADMINISTRATOR ROSE BRESSON, CITY OF CANTON: JANUARY 2003 MONTHLY COMPARATIVE REPORT OF INSURANCE CLAIMS & JANUARY 2003 PAID CLAIMS & COMPARATIVE REPORT. - RECEIVED & FILED
93. LIQUOR CONTROL DIVISION, STATE OF OHIO, 6606 TUSSING ROAD, PO BOX 4005, REYNOLDSBURG, OHIO 43068-9005: NOTIFICATION THAT SEAN SNYDER HAS REQUESTED A TRANSFER OF OWNERSHIP & LOCATION RE: D5 LIQUOR PERMIT @ 220 MARKET AVENUE NORTH, CURRENTLY HELD BY ANDRE'S @ 331 CLEVELAND NW. - INTERGOVERNMENTAL & PUBLIC SERVICE CMTE
94. LIQUOR CONTROL DIVISION, STATE OF OHIO, 6606 TUSSING ROAD, PO BOX 4005, REYNOLDSBURG, OHIO 43068-9005: NOTIFICATION THAT THE HEARING SCHEDULED FOR 3/12/03 HAS BEEN CONTINUED RE: OBJECTION TO 2003 RENEWAL OF D1,2,3,3A LIQUOR PERMIT REQUESTED BY FRAME'S TAVERN @ 1600 BRYAN AVENUE SW. - INTERGOVERNMENTAL & PUBLIC SERVICE CMTE
95. LIQUOR CONTROL DIVISION, STATE OF OHIO, 6606 TUSSING ROAD, PO BOX 4005, REYNOLDSBURG, OHIO 43068-9005: NOTIFICATION THAT THE HEARING SCHEDULED FOR 3/12/03 HAS BEEN CONTINUED RE: OBJECTION TO C1,2,D6 LIQUOR PERMIT REQUESTED BY LA TIENDA HISPANA OVIEDOS @ 909 12TH STREET NW. - INTERGOVERNMENTAL & PUBLIC SERVICE CMTE
96. MAYOR RICHARD D. WATKINS, CITY OF CANTON: REQUESTING COUNCIL AUTHORIZATION OF THE REAPPOINTMENT OF JAMES "JEFF" SMITH TO THE CANTON

CONSTRUCTION BOARD FOR THE TERM 3/1/03-2/28/06 - PERSONNEL COMMITTEE (See Resolution #21)

97. SERVICE DIRECTOR MICHAEL L. MILLER, CITY OF CANTON: REQUEST TO ENTER INTO \$22,450 AGREEMENT WITH OSBORN ARCHITECTS AND ENGINEERS FOR PHASE 2, CANTON STATION RE: SCENIC RAILROAD PROJECT. - LAW DIRECTOR (See O#2, 1st Rdg)
98. SERVICE DIRECTOR MICHAEL L. MILLER, CITY OF CANTON: REQUEST TO ENTER INTO WORK AGREEMENTS & ESTABLISH FAIR MARKET VALUE OF PROPERTY IN CONJUNCTION WITH 4TH STREET NE RECONSTRUCTION PROJECT; & REQUEST TO PURCHASE SAID PARCELS AT ESTABLISHED FMV AND ENTER INTO WORK AGREEMENTS AND SANITARY SEWER EASEMENTS. - LAW DIRECTOR (See O#3, 1st Rdg)
99. SERVICE DIRECTOR MICHAEL L. MILLER, CITY OF CANTON: REQUEST TO ADVERTISE, RECEIVE BIDS & ENTER \$550,000 CONTRACT TO "MOTH-BALL" 8 DIGESTERS; REQUEST TO ENTER INTO \$23,900 CONTRACT WITH CT CONSULTANTS FOR ENGINEERING SERVICES; & REQUEST \$573,900 SUPPLEMENTAL APPROPRIATION FROM THE 5410 SANITARY SEWER FUND. - LAW DIRECTOR (See O#4, 1st Rdg)

ORDINANCES & FORMAL RESOLUTIONS FOR FIRST READING

PRESIDENT DENCZAK: We're now under Ordinances & 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 #5 FOR THE FIRST TIME BY TITLE ONLY AND ANNOUNCED THE COMMITTEE REFERRAL, AS FOLLOWS.

- #1 (1ST RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CONTRACT WITH NORRIS AUTO MALL IN AN AMOUNT NOT TO EXCEED \$15,540.75 FOR THE PURCHASE OF ONE VEHICLE PURSUANT TO OHIO REVISED CODE SECTION 125.04; AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CONTRACT WITH NORRIS AUTO MALL IN AN AMOUNT NOT TO EXCEED \$852.00 FOR THE PURCHASE OF RELATED EQUIPMENT; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to the Public Property Capital Improvement & Finance Committees
- #2 (1ST RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO AGREEMENT WITH OSBORN ARCHITECTS AND ENGINEERS IN AN AMOUNT NOT TO EXCEED \$22,450.00 FOR PHASE 2, FINAL SITE DEVELOPMENT; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to the Community & Economic Development and Finance Committees
- #3 (1ST RDG) AN ORDINANCE ESTABLISHING THE FAIR MARKET VALUE OF REAL PROPERTY IN CONJUNCTION WITH THE 4TH STREET N.E. RECONSTRUCTION PROJECT; AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO NEGOTIATE

AND PURCHASE SAID PARCELS AT THE ESTABLISHED FAIR MARKET VALUES, ENTER INTO WORK AGREEMENTS AND SANITARY SEWER EASEMENTS; AND DECLARING THE SAME TO BE AN EMERGENCY

Referred to the Community & Economic Development **(Referral changed to add:)* and Finance Committees*

- #4 (1ST RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ADVERTISE, RECEIVE BIDS AND ENTER INTO CONTRACT IN AN AMOUNT NOT TO EXCEED \$550,000.00 FOR THE CONSTRUCTION ASPECT OF THE WATER POLLUTION CONTROL CENTER (WPCC) DIGESTER PROJECT; AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CONTRACT WITH CT CONSULTANTS, INC. IN AN AMOUNT NOT TO EXCEED \$23,900.00 FOR ENGINEERING SERVICES ASSOCIATED WITH THE PROJECT; AMENDING APPROPRIATION ORDINANCE NO. 236/2002, AS AMENDED, BY APPROPRIATING FROM THE UNAPPROPRIATED BALANCE AND ALLOCATING SAME TO ITEMS HEREIN DESCRIBED; AND DECLARING THE SAME TO BE AN EMERGENCY

Referred to the Environmental & Public Utilities and Finance Committees

- #5 (1ST RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ACCEPT AN EXISTING PRIVATE DRAINAGE EASEMENT, INVESTIGATE IMPROVEMENTS TO THE DRAINAGE SYSTEM AND ENTER INTO EASEMENT AGREEMENTS; AND DECLARING THE SAME TO BE AN EMERGENCY

Referred to the Environmental & Public Utilities Committee

*PRESIDENT DENCZAK: One moment please.... Members of Council, on Ordinance #3, the Chair is going to add the Finance Committee also that referral, since there is a purchase of property which involves the spending of taxpayers money. So, change that referral to Community & Economic Development and the Finance Committee.

ORDINANCES & FORMAL RESOLUTIONS FOR SECOND READING

PRESIDENT DENCZAK: Ordinances & Formal Resolutions for their second reading.

NOTE: PRESIDENT DENCZAK CALLED UPON CLERK VANCKUNAS TO READ THE FOLLOWING ORDINANCES #6 THROUGH #16 FOR THE SECOND TIME BY TITLE, AS FOLLOWS. ORDINANCE #13 WAS ADOPTED FOLLOWING ITS SECOND READING.

- #6 (2ND RDG) AN ORDINANCE AMENDING SECTION 125.02, NONPAYMENT CHECKS, OF THE CODIFIED ORDINANCES OF THE CITY OF CANTON

- #7 (2ND RDG) AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 236/2002 TO APPROPRIATE MONEY FOR MOTOR VEHICLE PURCHASES; AND DECLARING THE SAME TO BE AN EMERGENCY

- #8 (2ND RDG) AN ORDINANCE AMENDING EXHIBIT A TO ORDINANCE NO. 164/2001, THE CLASSIFICATION PLAN FOR MANAGEMENT AND NON-BARGAINING UNIT

PERSONNEL EMPLOYED BY THE CITY OF CANTON; AND DECLARING THE SAME TO BE AN EMERGENCY

- #9 (2ND RDG) AN ORDINANCE AMENDING SECTION 1161.10, FEES FOR ZONING PERMITS, OF THE CODIFIED ORDINANCES OF THE CITY OF CANTON
- #10 (2ND RDG) AN ORDINANCE VACATING A PORTION OF WERTZ AVENUE N.W.; AND DECLARING THE SAME TO BE AN EMERGENCY
- #11 (2ND RDG) AN ORDINANCE APPROVING AND ACCEPTING THE REPLATTING AND RENUMBERING OF PART OF LOT NO. 35828; AND DECLARING THE SAME TO BE AN EMERGENCY
- #12 (2ND RDG) AN ORDINANCE APPROVING AND ACCEPTING THE REPLATTING AND RENUMBERING OF PARTS OF OUTLOTS NOS. 256 AND 257; AND DECLARING THE SAME TO BE AN EMERGENCY
- #13 (2ND RDG) **ADOPTED AS ORDINANCE NO. 34/2003** AN ORDINANCE AUTHORIZING THE CITY AUDITOR TO PAY A MORAL OBLIGATION IN AN AMOUNT NOT TO EXCEED \$26,000.00 TO ANNIHILATION WRECKING, INC; AND DECLARING THE SAME TO BE AN EMERGENCY

MEMBER SMUCKLER: Mr. President, I move we suspend statutory three readings of Ordinance #13; seconded.

PRESIDENT DENCZAK: There is a move to dispense with the three readings of Ordinance 13; 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 #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.

ADOPTED AS ORDINANCE NO. 34/2003

- #14 (2ND RDG) AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 236/2002, AS AMENDED, BY MAKING THE SUPPLEMENTAL APPROPRIATION HEREIN DESCRIBED; AND DECLARING THE SAME TO BE AN EMERGENCY
- #15 (2ND RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO AN AGREEMENT WITH HAMMONTREE & ASSOCIATES, LIMITED, IN AN AMOUNT NOT TO EXCEED \$24,968.00 FOR ENGINEERING SERVICES FOR THE

FULTON ROAD/PARK INTERSECTION IMPROVEMENT, G.P. 1077; AUTHORIZING THE CITY AUDITOR TO ESTABLISH THE 4549 FULTON ROAD/PARK INTERSECTION IMPROVEMENT G.P. 1077 FUND; AMENDING APPROPRIATION ORDINANCE NO. 236/2002, AS AMENDED, BY MAKING THE SUPPLEMENTAL APPROPRIATION HEREIN DESCRIBED; AND DECLARING THE SAME TO BE AN EMERGENCY

#16 (2ND RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO EXECUTE A PARTICIPATION AGREEMENT WITH THE STARK COUNTY BOARD OF COMMISSIONERS; AMENDING APPROPRIATION ORDINANCE NO. 236/2002, AS AMENDED, BY APPROPRIATING FROM THE UNAPPROPRIATED BALANCE AND ALLOCATING SAME TO ITEMS HEREIN DESCRIBED; AND DECLARING THE SAME TO BE AN EMERGENCY

ORDINANCES & FORMAL RESOLUTIONS FOR THIRD READING

PRESIDENT DENCZAK: Ordinances and Formal Resolutions for their third and final reading. Ordinance #17 please.

NOTE: PRESIDENT DENCZAK CALLED UPON CLERK VANCKUNAS TO READ THE FOLLOWING ORDINANCES #17 THROUGH & INCLUDING #22 FOR THE THIRD & FINAL TIME BY TITLE, AS FOLLOWS. FINAL ACTION ON ORDINANCE #18 WAS POSTPONED UNTIL MARCH 10, 2003.

#17 (3RD RDG) **ADOPTED AS ORDINANCE NO. 35/2003** AN ORDINANCE AMENDING ORDINANCE NO. 8/2003 AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO PROFESSIONAL SERVICES CONTRACTS FOR HEALTH CARE BENEFITS ADMINISTRATION AND STOP-LOSS INSURANCE FOR CITY EMPLOYEES AND THEIR DEPENDENTS; 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. 35/2003

#18 (3RD RDG) **POSTPONED TO 3/10/2003** AN ORDINANCE AMENDING CHAPTER 787, SEXUALLY ORIENTED BUSINESSES OF THE CODIFIED ORDINANCES OF THE CITY OF CANTON; AND DECLARING THE SAME TO BE AN EMERGENCY

MEMBER SMUCKLER: Mr. President, I move we adopt Ordinance #18; seconded.

PRESIDENT DENCZAK: Moved and seconded that you adopt Ordinance 18; are there any remarks under this ordinance?...

MEMBER SMUCKLER: Mr. President, I move we postpone Ordinance #18 for one week until March 10, 2003; seconded.

PRESIDENT DENCZAK: Moved and seconded to postpone Ordinance 18 until March the 10th, year 2003; are there any remarks?... If not, by voice vote, all those in favor, signify by saying aye—those opposed, no.

NO REMARKS

MOTION APPROVED BY UNANIMOUS VOICE VOTE

PRESIDENT DENCZAK: Ordinance #18 is postponed until March the 10th, year 2003.

#19 (3RD RDG) **ADOPTED AS ORDINANCE NO. 36/2003** 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 #19; seconded.

PRESIDENT DENCZAK: Moved and seconded that you adopt Ordinance 19; are there any remarks under this ordinance?... If not, roll call vote please.

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance #19 is adopted.

#19 ADOPTED AS ORDINANCE NO. 36/2003

#20 (3RD RDG) **ADOPTED AS ORDINANCE NO. 37/2003** AN ORDINANCE AUTHORIZING THE CITY OF CANTON TO ACCEPT DONATION OF REAL PROPERTY; 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. 37/2003

#21 (3RD RDG) **ADOPTED AS ORDINANCE NO. 38/2003** AN ORDINANCE ESTABLISHING THE FAIR MARKET VALUES OF REAL PROPERTY IN CONJUNCTION WITH THE 35TH STREET N.E. STORM SEWER PROJECT; AUTHORIZING THE DIRECTOR OF

PUBLIC SERVICE TO NEGOTIATE TEMPORARY EASEMENTS AND LAND IMPROVEMENTS AT THE ESTABLISHED FAIR MARKET VALUES; 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: 11 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance 21 is adopted.

#21 ADOPTED AS ORDINANCE NO. 38/2003

#22 (3RD RDG) **ADOPTED AS ORDINANCE NO. 39/2003** 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 #22; seconded.

PRESIDENT DENCZAK: Moved and seconded that you adopt Ordinance 22; are there any remarks under this ordinance?... Very well, roll call vote please.

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance #22 is adopted.

#22 ADOPTED AS ORDINANCE NO. 39/2003

ANNOUNCEMENT OF COMMITTEE MEETINGS

PRESIDENT DENCZAK: Announcement of Committee Meetings please.

MEMBER MASSEY: Mr. President, Community & Economic Development will meet March the 10th at 5:30.

MEMBER DOUGHERTY: Mr. President, Public Property Capital Improvement will also meet the 10th at 5:30.

PRESIDENT DENCZAK: Anybody else?...

MEMBER CASAR: Mr. President, the Finance Committee, on part of these other ordinances, will meet the same time.

MEMBER HAWK: Mr. President, Environmental & Public Utilities will meet at the same time, 5:30 on March 10th.

PUBLIC SPEAKS (OPEN FORUM--CITY BUSINESS ONLY)

PRESIDENT DENCZAK: Public Speaks, Open Forum, City Business Only. We have one person signed up to speak, Mr. Kendig.

MR. KENDIG: My name is Richard Kendig and I live at 1226 Valleyview SW in the City of Canton. Over a year ago, Council passed an ordinance saying no single family homes would be changed to multi-family homes because of crime and run down condition of many of the apartments in the City of Canton. Last Monday night at Mr. Mallonn's request, a home on Arlington Avenue SW was approved to be a triplex. The Planning Commission had recommended denial. I hear the people of the City of Canton and Councilmembers asking the Safety Director for help in their streets and in their wards because of crime. Since the Mayor is not here, I'll direct it to him anyway. Mr. Mayor, if this is to continue to happen, you will need to get rid of more people in your own office and add policemen because the crime rate will not go down. To top this off, the owners of the home do not live in the City of Canton, which makes them an absentee landlord. When will this stop? Thank you.

MISCELLANEOUS BUSINESS

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

MEMBER SMUCKLER: Mr. President. Safety Director Concatto, let me preface these remarks that I am not chastising you before I ask this question. I have discussed with a member of the Blake Myers Collection Agency that there are a number of people on your ordinance...your ordinance, of ambulance fees that are not being pursued that hold jobs that are able to pay either the deductible or, if they don't have insurance, they are able to pay the fee. Originally when you as Chief of the Fire Department and Council worked this out, we knew that it was sort of unwritten that people that couldn't afford to pay, we understood, but insurance companies and people that could afford to pay, we were going to actively pursue. Can we take a look at actively pursuing some of these people that have the wherewithal to pay the deductible that are currently saying we knew that you're not going to pursue us so we're not going to pay?

SAFETY DIRECTOR CONCATTO: Mr. President, Member Smuckler. The answer to your question is that we do do collections, it's what they call soft collections. We do not take the person to court, we don't go to that extent, to take a person to court. There has been, we have looked at that and we can revisit it. The one thing that, when we go to collection agencies, a lot of the bill that we have to collect could be just the 20% that's not paid by insurance. That fee could be \$80. If we go to court and pay a collection agency to go to court, we may see finally, maybe \$10 out of that bill. That's not a reason maybe not to do it, but there are some issues about going to court after these collections that we have to review also.

MEMBER SMUCKLER: Mr. President, in my discussions with one of the employees, the answer is that they collect a third, so if it's an \$80 bill, they get \$30, we get 50.

SAFETY DIRECTOR CONCATTO: Did they mention the fee that they charge to go to court? That's the issue that we have because we do soft collections...

MEMBER SMUCKLER: I understand that, but more and more people in soft collections, sort of like parking fees that are year old, if they know we're not going to pursue it, then they don't pay. And I would just...I mean I understand this is not a huge sum of money, but from my understanding from the collection agency, that this is more than \$50,000...and I'll grant you that it may only fund the cost of one policeman a year, but I'm looking to fund that one policeman a year.

SAFETY DIRECTOR CONCATTO: If that gets me one policeman, we'll do it.

MEMBER SMUCKLER: Thank you.

PRESIDENT DENCZAK: Members of Council, I don't know who's responsibility it is, but in 30 years of presiding over Council Meetings, I have never gone without cups to drink water with. I don't know who's responsibility it is to see to it that Council has the money...Tad, if that's your job, get us some money down here so we can get some glasses to drink water. I know we're hard pressed for funds, but this is ludicrous. Any other Miscellaneous Business?

MEMBER HART: Yeah, Mr. President. Yeah, just quickly, I want to publicly congratulate our elected officials in Washington, D.C. for effectively blocking the proposed landfill in Tuscarawas County. They heard the pleas of the residents of our community and they acted in our best interests. And, again, you know, we don't need another landfill in our community. So my hat's off to the gentlemen in Washington, D.C.

MEMBER MALLONN: Mr. President, yes, I'd like to respond to Mr. Kendig's comments.

PRESIDENT DENCZAK: You may.

MEMBER MALLONN: Mr. Kendig, you take the stand here and use this as a political forum, and that's fine, but I'd like you to answer one question, sir. By me letting that become a duplex, how is that increasing crime? Before you come up and state your facts, I wish you would have your facts straight sir. That problem has been a troubled house for the past 8 years when I've represented that area. Those folks bought that house with the understanding that it was a triplex. When they went to get it City Coded, they found out that it was not registered as a triplex. There's been nothing but drugs and crime in that home. These people have brought this house up to Code, have put a considerable amount of money into that residence and have made it a better place to live in Ward 3. You say that they're absentee landlords—I don't think that has anything to do with it if they do not live in the City. I spoke with those people, checked them out—they own a number of rental properties in the City, pay property taxes. And what they're doing to that residence on Arlington Avenue, I think it's for the betterment of my ward. Thank you.

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 please.

NO REMARKS PERMITTED ON THIS MOTION -- ROLL CALL VOTE: 11 YEAS, 0 NAYS

PRESIDENT DENCZAK: This meeting is adjourned. (SOUNDS GAVEL)

ADJOURNMENT TIME: 8:09 P.M.

ATTEST:

APPROVED:

DEBRA VANCKUNAS
CLERK OF COUNCIL

RAY DENCZAK
PRESIDENT OF COUNCIL