

MINUTES OF THE MEETING OF JUNE 16, 2003

The regular meeting of Canton City Council was held on Monday, June 16, 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 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 Council to order. In the absence of the Majority and Assistant Majority Leader, in order to expedite this meeting, the Chair is going to call upon the Minority Leader, Member Diamond, to run the floor until the Majority Leader gets here. Roll call vote please.

ROLL CALL TAKEN BY CLERK OF COUNCIL:

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

3 COUNCILMEMBERS ABSENT: (*BILL SMUCKLER, DONALD E. CASAR & JOE CARBENIA)

***MEMBER SMUCKLER PRESENT AT 7:43 PM, MAKING 10 MEMBERS PRESENT, 2 ABSENT AT THAT TIME.**

AGENDA CORRECTIONS & CHANGES

PRESIDENT DENCZAK: Thank you, Member Hart. Agenda Corrections, Members of Council, you are being asked to suspend Rule 22A to add second readings of Ordinances #17, 20, 21, 22, 25, 26, 27, 28, 29, 31 and 32 to the agenda; suspend Rule 24B to add Resolution 53 to the agenda. You are being asked to adopt all second readings. The Chair will now recognize Rule 22A suspension, Member Diamond.

MEMBER DIAMOND: Mr. President, I move that we suspend Rule 22A to add Ordinances to the second readings 17, 20, 21, 22, 25, 26, 27, 28, 29, 31 and 32 to the agenda; seconded.

PRESIDENT DENCZAK: Moved and seconded to dispense with Rule 22A to add the Ordinances to the agenda. Are there any remarks?... If not, roll call vote please.

NO REMARKS

ROLL CALL: 9 YEAS, 0 NAYS

PRESIDENT DENCZAK: The ordinances under second readings are a legal part of your agenda. The Chair now recognizes Rule 24B, Member Diamond.

MEMBER DIAMOND: Mr. President, I make a motion to suspend Rule 24B to add Resolutions 53 and 54.

PRESIDENT DENCZAK: Member Diamond, correction -- 54 will not be acted on tonight so state your motion again.

MEMBER DIAMOND: I make a motion to suspend Rule 24B to add Resolution 53 to the agenda; seconded.

PRESIDENT DENCZAK: Moved and seconded to suspend Rule 24B to add Resolution 53 to the agenda. Are there any remarks?... If not,let the journal show that Member Smuckler is now in attendance. We're voting now on the suspension of Rule 24B to add Resolution 53 to the agenda. If there are no remarks, roll call vote please.

NO REMARKS

ROLL CALL: *10 YEAS, 0 NAYS

***MEMBER SMUCKLER PRESENT AT 7:43 PM, MAKING 10 MEMBERS PRESENT, 2 ABSENT AT THAT TIME.**

PRESIDENT DENCZAK: Rule 24B is suspended and Resolution #53 is a legal part of your agenda. This brings your agenda up to date Members of Council.

PUBLIC HEARINGS

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

PUBLIC SPEAKS (ORDINANCES OR RESOLUTIONS FOR ADOPTION ONLY)

PRESIDENT DENCZAK: Public Speaks - Ordinances or Resolutions. No one has signed up for that portion

INFORMAL RESOLUTIONS

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

MEMBER SMUCKLER: Mr. President, I move that Member Carbenia, Member Casar and Member Massey be excused this evening.

PRESIDENT DENCZAK: Massey is here.

MEMBER SMUCKLER: Oh, I didn't see him walk up there. Member Casar and Member Carbenia; seconded.

PRESIDENT DENCZAK: Moved and seconded that Members Casar and Carbenia be excused. Are there any remarks?... If not, roll call vote.

NO REMARKS

ROLL CALL: 10 YEAS, 0 NAYS

PRESIDENT DENCZAK: Let the journal show that Members Casar and Carbenia are excused.

PRESIDENT DENCZAK CALLED UPON CLERK OF COUNCIL VANCKUNAS TO READ RESOLUTIONS #52 & 53 BY TITLE, AS SHOWN BELOW. THE RESOLUTIONS ARE ON FILE IN THEIR ENTIRETY IN THE COUNCIL OFFICE WITH THE AGENDA ITEMS FILE DATED June 16, 2003.

#52 BY JOE CARBENIA, WARD 9 MEMBER: COMMENDING OFF-DUTY POLICE OFFICER GERALD ZACHARY FOR HEROIC RESCUE FROM A BURNING BUILDING. - ADOPTED

PRESIDENT DENCZAK: The chair will recognize a motion to adopt this.

MEMBER SMUCKLER: Mr. President, I move we adopt Resolution #52; seconded.

PRESIDENT DENCZAK: Moved and seconded that you adopt Resolution #52. Are there any remarks under this resolution?...

MEMBER MASSEY: Mr. President, can we have that resolution read?

PRESIDENT DENCZAK: Madam Clerk, will you please read the resolution.

RESOLUTION #52 READ BY CLERK OF COUNCIL VANCKUNAS: An Informal Resolution respectfully submitted by Joe Carbenia, Ward 9 Councilmember on this 16th day of June 2003. WHEREAS, today, the opportunity presents itself to officially acknowledge a member of the Canton community and an employee of the City of Canton who has contributed in an unselfish and heroic manner toward promoting a high standards of excellence by serving the public good; and WHEREAS, off-duty police officer Gerald Zachary could not have known what was about to unfold on the evening of Monday, June 2, 2003 as he completed an off-duty job at Maggiore's Drive Thur at East Tusc & Belden Avenue. Spotting smoke and flames coming from a house on Second Street, and without concern for his own safety, he immediately sprang into action; and WHEREAS, hearing that children were trapped inside the home, Officer Zachary ran inside and crawled along the smoke-filled second floor to rescue 7 hr old Shannon Nail and her 3 yr old brother Anthony Scott. Zachary crawled to the top of the steps, staying low and calling for the children. Through the darkness, all that was visible was flames and smoke, but the children made their way to his voice. Shannan and Anthony were treated for smoke inhalation and released from Aultman Hospital, allowing Shannan, a first-grader at Belden School, to continue her attendance record at school. Now therefore be it resolved, that we the Members of the Council of the city of Canton, Oh on this 16th day of June, 2003, do hereby go on public record by offering our commendation and our grateful thanks to Canton Police Office Gerald Zachary, for his heroism at the house fire which occurred at 2137 2nd. Street NE on June 2nd of this year, and for the example for which he has set for all the citizen for Canton that care and concern for human life outweigh the threat of personal risk, and that with people like Officer Zachary, Canton is a better place to live. Thank you Office, and God Bless you.

PRESIDENT DENCZAK: Are there any remarks under this resolution?... If not, roll call vote please. I'm sorry. I'll wake up pretty soon. Voice vote please. All those in favor signify by saying 'aye'. Those opposed 'no.'

NO FURTHER REMARKS

RESOLUTION #52 ADOPTED BY UNANIMOUS VOICE VOTE

PRESIDENT DENCZAK: The resolution is adopted. Officer Zachary will you please come forward. Member Massey will present the resolution. Officer Zachary, will you approach the Chair. (*PRESIDENT DENCZAK*

MAKES SOME OFF-THE-RECORD REMARKS TO OFFICER ZACHARY)

SAFETY DIRECTOR CONCATTO: Mr. President, I also would like to commend Officer Zachary on his efforts. Coming from the fire side of the Safety Forces, I realize the danger maybe even more than you realize that he had entering that house with the smoke, heat and flames. And although you may have had a small area of vision for yourself, it could have been eluded very quickly with more smoke. You are to be commended. It was a brave act, and we certainly appreciate it.

MAYOR WATKINS: Mr. President. Officer Zachary, we are very proud of you. We have plenty of reason to be proud of our fire services in this City. We have some wonderful men and women who are dedicated to their job and are dedicated to serving the people. We certainly epitomize that. We're proud of you and we thank you.

PRESIDENT DENCZAK: Officer Zachary, one point of consolation is that if you ever get tired of your job on the Police Department, you've got one on the Fire Department, and I think we can start you out as Chief.....or Safety Director.

SAFETY DIRECTOR: You can start any time. *(Laughter)*

PRESIDENT DENCZAK: Congratulations officer on a job well done.

#53 BY ENVIRONMENTAL & PUBLIC UTILITIES COMMITTEE: AUTHORIZING THE SERVICE DIRECTOR TO ENTER INTO RIGHT OF ENTRY AGREEMENT WITH STARK COUNTY COMMISSIONERS FOR CONSTRUCTION OF A 15" SANITARY SEWER LINE ALONG 30th STREET NE. - ADOPTED

MEMBER SMUCKLER: Mr. President, I move we adopt Resolution #53.

PRESIDENT DENCZAK: Moved and seconded that you adopt Resolution number 53. Are there any remarks under this resolution?... Very well, by voice vote, all those in favor, signify by saying 'aye'. Those opposed 'no.'

NO REMARKS

RESOLUTION #53 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 June 16, 2003

219. AUDITOR KIM R. PEREZ, CITY OF CANTON: REQUEST FOR ADDITIONAL AMENDED CERTIFICATE DATED 6/4/03. - CLERK OF COUNCIL

220. AUDITOR KIM R. PEREZ, CITY OF CANTON: MONTHLY REPORT BY FUND FOR 5/1/03 - 5/30/03. - RECEIVED & FILED
221. AUDITOR KIM R. PEREZ, CITY OF CANTON: YEARLY REPORT BY FUND FOR 1/1/03 - 5/30/03. - RECEIVED & FILED
222. CANTON ASSOCIATES, 40 CUTTER MILL ROAD, SUITE 201, GREAT NECK, NY 11021: REQUEST TO REZONE OL#842 & PT OF OL#800 LOCATED @ 3200 ATLANTIC BLVD NE FROM B3 TO PB-4, PLANNED SPECIAL BUSINESS, FOR CONSTRUCTION OF WAL-MART STORE & PAVED PARKING AREA. - PLANNING COMMISSION (See C#240 & O#5 ,1st Rdg)
223. CITIZENS FOR A BETTER STARK COUNTY, C/O STARK MANAGEMENT SERVICES, 330 THIRD STREET NW, CANTON OH 44702: THANKING COUNCIL FOR PASSAGE OF A RESOLUTION IN SUPPORT OF THE STARK COUNTY SALES TAX. - RECEIVED & FILED
224. COMMUNITY DEVELOPMENT DEPARTMENT, LISA CURRENCE, CITY OF CANTON: TITLE WORK TO PROPERTY LOCATED ON SW CORNER OF MAHONING/14th NE DONATED BY J.R. COLEMAN COMMUNITY RENOVATION CORP. - RECEIVED & FILED (See O#100/2003 adopted 6/2/03)
225. FRICKER, JAMES & PATRICIA, 916 RIDGE ROAD NW, CANTON OHIO 44703: REQUEST TO REZONE LOT #29043 LOCATED @ 2409-2411 4th ST NW FROM R-1a TO PR-2, PLANNED TWO-FAMILY RESIDENTIAL, TO REGAIN DUPLEX STATUS. - PLANNING COMMISSION
226. HARDING, DANIEL & MARCIA, 1458 PARKDALE DRIVE, DOVER, OHIO 44622: REQUEST TO REZONE OL#837 LOCATED @ 4330 KIRBY AVE NE FROM R-1a TO PB-3, PLANNED GENERAL BUSINESS, FOR EXPANSION OF EXISTING BUSINESS (HARDING'S PARK CYCLE). - PLANNING COMMISSION
227. HEALTH BENEFITS ADMINISTRATOR BRESSON, CITY OF CANTON: MAY 2003 MONTHLY COMPARATIVE REPORT OF INSURANCE CLAIMS, AND JANUARY-MAY 2003 PAID CLAIMS & COMPARATIVE REPORT. - RECEIVED & FILED
228. HEALTH COMMISSIONER PATTISON, CITY OF CANTON: REQUEST FOR APPROVAL OF PAYMENT OF \$3,498.51 AS A MORAL OBLIGATION TO THE WORKSHOPS, INC. FOR JANITORIAL SERVICES PROVIDED IN MAY 2003. - LAW DIRECTOR
229. LAW DIRECTOR MARTUCCIO, CITY OF CANTON: RECOMMENDING AUTHORIZATION TO EXECUTE RELEASE & ASSIGNMENT OF CLAIM & ANY OTHER NECESSARY AGREEMENTS TO SETTLE CASE NO. 02 CV 2240 WHEREIN BLACKTOP PAVERS SUED THE CITY REGARDING MARIETTA AVE NE IMPROVEMENT PROJECT. - RECEIVED & FILED (See O#7, 1st Rdg)
230. LIQUOR CONTROL DIVISION, STATE OF OHIO, 6606 TUSSING RD, PO BOX 4005, REYNOLDSBURG OH 43068-9005: REQUEST FOR NEW D5 LIQUOR LICENSE BY FREEWAY TAVERN INC, dba MALLONN'S GRILL & BAR LOCATED @ 2234 W TUSC. - INTERGOVERNMENTAL & PUBLIC SERVICE COMMITTEE

231. LIQUOR CONTROL DIVISION, STATE OF OHIO, 6606 TUSSING RD, PO BOX 4005, REYNOLDSBURG OH 43068-9005: REQUEST FOR NEW C1, C2 LIQUOR LICENSE BY AMEERS, dba IN 'N OUT LOCATED @ 805 MCKINLEY SW. - INTERGOVERNMENTAL & PUBLIC SERVICE COMMITTEE
232. LIQUOR CONTROL DIVISION, STATE OF OHIO, 6606 TUSSING RD, PO BOX 4005, REYNOLDSBURG OH 43068-9005: REQUEST FOR STOCK TRANSFER IN THE C2, C2X, D6 LIQUOR LICENSE BY CANTON HORIZON PETROLEUM, dba GASCO EXPRESS MART, LOCATED @ 3325 HARMONT NE. - INTERGOVERNMENTAL & PUBLIC SERVICE CMTE
233. LIQUOR CONTROL DIVISION, STATE OF OHIO, 6606 TUSSING RD, PO BOX 4005, REYNOLDSBURG OH 43068-9005: REQUEST FOR TRANSFER OF OWNERSHIP D2, D2X, D3, D3A LIQUOR LICENSE FROM RICHARD A. MALLONN II TO MALLONN'S, INC., dba MALLONN'S FINE FOOD & SPIRITS, LOCATED @ 2412 W TUSC. - INTERGOVERNMENTAL & PUBLIC SERVICE COMMITTEE
234. LIQUOR CONTROL DIVISION, STATE OF OHIO, 6606 TUSSING RD, PO BOX 4005, REYNOLDSBURG OH 43068-9005: REQUEST FOR STOCK TRANSFER IN THE D2, D2X, D3 LIQUOR LICENSE BY PAONE & SONS, dba CONESTOGA RESTAURANT & BAR LOCATED @ 221 2nd STREET NW, 1st FL & BASEMENT. - INTERGOVERNMENTAL & PUB SERVICE CMTE
235. MALLONN, RICHARD A., II, WARD 3 MEMBER OF COUNCIL, CITY OF CANTON: REQUEST THAT COUNCIL OBSERVE CERTAIN PROCEDURES DUE TO CONFLICT OF INTEREST RE: OWNERSHIP TRANSFER OF D2, D2X, D3, D3A LIQUOR PERMIT LOCATED @ 2412 W TUSC. - INTERGOVERNMENTAL & PUBLIC SERVICE COMMITTEE
236. MARATHON ASHLAND PETROLEUM: REQUEST VACATION & REPLAT OF PORTIONS OF ROSLYN, MARYLAND, BROOKS, LINWOOD, BELLFLOWER, 22ND & 23RD STREETS SW FROM GAMBRINUS AVE TO CORPORATION LINE. - PLANNING COMMISSION
237. MAYOR RICHARD D. WATKINS, CITY OF CANTON: NOTICE OF APPOINTMENT OF DR. PETER FERGUSON TO REPLACE TIM FOLEY ON CANTON CIVIL SERVICE COMMISSION EFFECTIVE 6/3/03 - 12/31/07. - RECEIVED & FILED
238. MAYOR WATKINS: REQUEST FOR ADOPTION OF 2004 CITY OF CANTON TAX BUDGET & REQUEST THAT PUBLIC HEARING BE SCHEDULED FOR JUNE 30, 2003 @ 7:30 PM FOR CONSIDERATION OF SAME. - PRESIDENT OF COUNCIL (See C#241 & O#8, 1st Rdg)
239. OHIO DEPARTMENT OF TRANSPORTATION, JEFFREY M. HISEM, ADMINISTRATOR, OFFICE OF ESTIMATING, PO BOX 899, COLUMBUS, OHIO 43216-0899: COPY OF EXECUTED COOPERATIVE CONTRACT BETWEEN CITY OF CANTON & ODOT RE: UPGRADE OF INTERSECTIONS ALONG CLEVELAND AVE NW, 8TH TO 47TH STREET. - RECEIVED & FILED (See 96/2003 adopted 5/19/03)
240. PLANNING COMMISSION, CITY OF CANTON, SHEILA K. THARP-BARRINO, SECRETARY: RECOMMENDING APPROVAL OF ZONE CHANGE REQUEST BY CANTON ASSOCIATES

FOR 3200 ATLANTIC BLVD NE FROM B-3 TO PB-4, PLANNED SPECIAL BUSINESS, TO PERMIT A NEW WAL-MART SUPERSTORE. - LAW DIRECTOR **PUB HRG 7/14/2003 @ 7:34 PM** (See O#5, 1st Rdg)

241. PRESIDENT OF COUNCIL RAY DENCZAK, CITY OF CANTON: SCHEDULING PUBLIC HEARING FOR **JUNE 30, 2003 @ 7:30 PM** RE: CITY OF CANTON'S YEAR 2004 TAX BUDGET. - RECEIVED & FILED
242. SAFETY DIRECTOR CONCATTO, CITY OF CANTON: REQUEST LEGISLATION AUTHORIZING DONATION OF USED TURNOUT GEAR TO STARK STATE COLLEGE OF TECHNOLOGY FIRE SCIENCE DEPT. - LAW DIRECTOR
243. SAFETY DIRECTOR CONCATTO, CITY OF CANTON: REQUEST LEGISLATION AUTHORIZING ACCEPTANCE OF \$1,960.42 GRANT FROM THE OHIO DEPT OF PUBLIC SAFETY FOR THE FIRE DEPT, & \$1,960.42 SUPPLEMENTAL APPROPRIATION FROM 2812 EMS TRAINING & EQUIPMENT FUND. - LAW DIRECTOR (See O#9, 1st Rdg)
244. SAFETY DIRECTOR CONCATTO, CITY OF CANTON: REQUEST TO AMEND CITY CODE SEC. 1351.02(b) TO INCLUDE IRC APPLICABILITY FOR CONSTRUCTION OF SINGLE, TWO & THREE DWELLING UNIT RESIDENTIAL STRUCTURES . - LAW DIRECTOR (See O#10, 1st Rdg)
245. SAFETY DIRECTOR CONCATTO, CITY OF CANTON: REQUEST LEGISLATION AUTHORIZING APPLICATION FOR & ACCEPTANCE OF \$36,607 GRANT FROM OFFICE OF GOVERNOR'S HIGHWAY SAFETY REP FOR A SELECTIVE TRAFFIC ENFORCEMENT PROGRAM FOR 2004. - LAW DIRECTOR (See O#11, 1st Rdg)
246. SAFETY DIRECTOR CONCATTO, CITY OF CANTON: REQUEST FOR APPROVAL OF DEMOLITION OF 7 PARCELS (900 HIGH AVENUE NW, ETC). - LAW DIRECTOR (See O#109/2003)
247. SERVICE DIRECTOR MILLER, CITY OF CANTON: REQUEST TO APPROVE OIL & GAS LEASES WITH GONZOIL, INC. FOR PROPERTY LOCATED IN NORTHEAST QUARTER SEC #12 OF PERRY TOWNSHIP. - LAW DIRECTOR
248. SERVICE DIRECTOR MILLER, CITY OF CANTON: REQUEST TO ENTER INTO \$23,500 CONTRACT WITH FINKBEINER, PETTIS & STROUT TO CONDUCT SANITARY SEWER STUDY OF I-77/FAIRCREST ANNEXATION AREA; REQUEST TO ESTABLISH PROJECT ACCOUNT & TRANSFER FUNDS FOR THIS PURPOSE. - LAW DIRECTOR (See O#13, 1st Rdg)
249. STARK COUNTY COMMISSIONERS GAYLE A. JACKSON, RICHARD REGULA, & JANE VIGNOS: RESOLUTION GRANTING I-77/FAIRCREST ANNEXATION OF 866.025 ACRES IN CANTON TOWNSHIP. - PLANNING COMMISSION & LAW DIRECTOR
250. TREASURER SCHIRACK, CITY OF CANTON: COMPARATIVE REPORT OF DEPOSITS & PAY INS TO AMBULANCE LOCK BOX FOR MAY 2003. - RECEIVED & FILED
251. TREASURER SCHIRACK, CITY OF CANTON: COMPARATIVE REPORT OF PARKING METER

REVENUE FOR MAY 2003. - RECEIVED & FILED

252. TREASURER SCHIRACK, CITY OF CANTON: REPORTS OF BANK RECONCILIATIONS & OUTSTANDING INVESTMENTS AS OF MAY 30, 2003. - RECEIVED & FILED
253. WILLIAMS, BRUCE, AGENT FOR PETITIONER: COPY OF LEGAL NOTICE OF PUBLIC HRG SET 8/19/03 BY STARK COUNTY COMMISSIONERS RE: JEFFRIES BROS ANNEXATION AREA CONSISTING OF 147.051 ACRES IN CANTON & PLAIN TWPS. - RECEIVED & FILED

ORDINANCES & FORMAL RESOLUTIONS FOR FIRST READING

PRESIDENT DENCZAK: We are 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 number 1 please.

NOTE: PRESIDENT DENCZAK CALLED UPON CLERK VANCKUNAS TO READ THE FOLLOWING ORDINANCES #1 THROUGH AND INCLUDING #14 FOR THE FIRST TIME BY TITLE & ANNOUNCED THE COMMITTEE REFERRAL, AS FOLLOWS. FOLLOWING ITS FIRST READING & A COMMITTEE MEETING, ORDINANCES #12 WAS RETURNED TO THE AGENDA FOR ADOPTION.

- #1 (1st RDG) AN ORDINANCE AMENDING O.55/77 AS AMENDED KNOWN AS THE CITY OF CANTON ZONING ORDINANCE AND DECLARING THE SAME TO BE AN EMERGENCY (LAVERNE DALE ZONE CHANGE)
Referred to Second Reading Portion of Next Agenda. **PUB HRG 7/14/03 @ 7:30 PM**
- #2 (1st RDG) AN ORDINANCE AMENDING ZONING O.55/77 AS AMENDED KNOWN AS THE CITY OF CANTON ZONING ORDINANCE AND DECLARING THE SAME TO BE AN EMERGENCY. (LAMBOS [KFC] ZONE CHANGE)
Referred to Second Reading Portion of Next Agenda. **PUB HRG 7/14/03 @ 7:31 PM**
- #3 (1st RDG) AN ORDINANCE AMENDING O.55/77 AS AMENDED KNOWN AS THE CITY OF CANTON ZONING ORDINANCE AND DECLARING THE SAME TO BE AN EMERGENCY (AULTMAN HOSPITAL. ZONE CHANGE)
Referred to Second Reading Portion of Next Agenda. **PUB HRG 7/14/03 @ 7:32 PM**
- # 4 (1st RDG) AN ORDINANCE AMENDING O.55/77 AS AMENDED KNOWN AS THE CITY OF CANTON ZONING ORDINANCE AND DECLARING THE SAME TO BE AN EMERGENCY (GRAVILLA/CCS ZONE CHANGE)
Referred to Second Reading Portion of Next Agenda. **PUB HRG 7/14/03 @ 7:33 PM**
- #5 (1st RDG) AN ORDINANCE AMENDING O.55/77 AS AMENDED KNOWN AS THE CITY OF CANTON ZONING ORDINANCE AND DECLARING THE SAME TO BE AN

EMERGENCY

(WAL-MART ZONE CHANGE)

Referred to Second Reading Portion of Next Agenda.

PUB HRG 7/14/03 @ 7:34 PM

- #6 (1st RDG) AN ORDINANCE APPROVING A CANTON CITY WATER MAIN EXTENSION TO CANTON TWP. AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE DIRECTOR TO ENTER INTO CONTRACT FOR THE EXTENSION OF SAID WATER MAIN AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Environmental & Public Utilities Committee.
- #7 (1st RDG) AN ORDINANCE AUTHORIZING THE SETTLEMENT OF BLACKTOP PAVERS SHEET METAL COATINGS INC. v. CITY OF CANTON, v. AMERICAN MOTORIST INSURANCE CO. et al., AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Finance Committee.
- #8 (1st RDG) AN ORDINANCE ADOPTING THE CITY OF CANTON'S PROPOSED TAX BUDGET FOR FISCAL YR ENDING 12/31/04 AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Finance Committee **PUB HRG 6/30/03 @ 7:30 PM**
- #9 (1st RDG) AN ORDINANCE AUTHORIZING DIRECTOR OF PUBLIC SAFETY TO ACCEPT A GRANT IN THE AMOUNT OF \$1,960.42 FROM OHIO DEPT OF PUBLIC SAFETY FOR THE FIRE DEPARTMENT; AMENDING APPROPRIATION O.236/2002 AS AMENDED BY MAKING THE SUPPLEMENTAL APPROPRIATION HEREIN DESCRIBED AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Public Property Capital Improvement & Finance Committees.
- #10 (1st RDG) AN ORDINANCE AMENDING CHAPTER 1313, ELECTRICAL; CHAPTER 1315, PLUMBING; CHAPTER 1317, HEATING, VENTILATING & AIR CONDITIONING CODE; CHAPTER 1333, RESIDENTIAL BUILDING CODE; & CHAPTER 1351, PURPOSE & SCOPE OF THE CODIFIED ORDINANCES OF THE CITY OF CANTON
Referred to Judiciary Committee.
- #11 (1st RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY TO MAKE APPLICATION FOR & ACCEPT GRANT IN AN AMOUNT NOT TO EXCEED \$36,607 FROM THE OFFICE OF THE GOVERNOR'S HIGHWAY SAFETY REP FOR A SELECTIVE TRAFFIC ENFORCEMENT PROGRAM AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Finance Committee.
- #12 (1st RDG) **ADOPTED AS ORDINANCE NO. 109/2003** AN ORDINANCE DECLARING 7 BUILDINGS TO BE PUBLIC NUISANCES; AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CONTRACT FOR DEMOLITION OF SAID BUILDINGS; AUTHORIZING THE CLERK OF CANTON CITY COUNCIL TO CERTIFY THE COSTS OF DEMOLITION TO STARK COUNTY AUDITOR AND DECLARING THE SAME TO BE AN EMERGENCY

Referred to Community & Economic Development & Finance Committees.

#13 (1st RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CONTRACT WITH FINKBEINER, PETTIS & STROUT IN AN AMOUNT NOT TO EXCEED \$23,500.00 TO CONDUCT A SANITARY SEWER STUDY; AMENDING APPROPRIATION O.236/2002 AS AMENDED BY MAKING THE TRANSFER HEREIN DESCRIBED AND DECLARING THE SAME TO BE AN EMERGENCY

Referred to Environmental & Public Utilities & Finance Committees.

#14 (1st RDG) AN ORDINANCE AUTHORIZING THE PAYMENT OF THE MINIMUM SCOG ALLOCATION OF 5% FOR BALANCE OF 2003 AND DECLARING THE SAME TO BE AN EMERGENCY.

Referred to Finance Committee.

AT 7:56 P.M., COUNCIL RECESSED FOR A COMMITTEE MEETING ON ORDINANCE NUMBER 12 WHICH WAS RETURNED TO THE AGENDA FOR ADOPTION. PRESIDENT DENCZAK RECONVENED THE COUNCIL MEETING AT 8:02 P.M.

PRESIDENT DENCZAK: Council is reconvening after recess. We're now back in session. Council has met on Ordinance # 12. Member Smuckler?...

MEMBER SMUCKLER: Mr. President, I move we suspend statutory three readings of Ordinance #12

PRESIDENT DENCZAK: Well, place it back on the agenda first.

MEMBER SMUCKLER: Right. Mr. President, I'm sorry. I move to suspend Rule 22A and add ordinance number 12 back to the agenda; seconded.

PRESIDENT DENCZAK: Moved and seconded to suspended Rule 22A. Are there any remarks?... If not, roll call vote please.

NO REMARKS

ROLL CALL: 10 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance #12 is a legal part of your agenda Member Smuckler.

MEMBER SMUCKLER: Mr. President, I move that we suspend the statutory 3 readings of Ordinance # 12; seconded.

PRESIDENT DENCZAK: There's a move to dispense with the three readings of Ordinance #12. Are there any remarks?... Very well, roll call vote please.

NO REMARKS

ROLL CALL: 10 YEAS, 0 NAYS

PRESIDENT DENCZAK: You've heard the 3 readings, Member Smuckler.

MEMBER SMUCKLER: Mr. President, I move that 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: 10 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance #12 is adopted.

#12 ADOPTED AS ORDINANCE NO. 109/2003

ORDINANCES & FORMAL RESOLUTIONS FOR SECOND READING

NOTE: PRESIDENT DENCZAK CALLED UPON CLERK VANCKUNAS TO READ THE FOLLOWING ORDINANCES #15 THROUGH #32 FOR THE SECOND TIME BY TITLE, AS FOLLOWS.

PRESIDENT DENCZAK: Second reading ordinances. Ordinance #15 please.

#15 (2NDRDG) **ADOPTED AS ORDINANCE NO. 110/2003** AN ORDINANCE AUTHORIZING A CONTRACT AMENDMENT BETWEEN CITY OF CANTON & AFSCME LOCAL 2937 AND OHIO COUNCIL 8 AFSCME AND DECLARING THE SAME TO BE AN EMERGENCY.

MEMBER SMUCKLER: Mr. President, I move we suspend statutory three readings of Ordinance #15; seconded.

PRESIDENT DENCZAK: There's a move to dispense with the three readings of Ordinance #15. Are there any remarks?... If not, roll call vote please.

NO REMARKS

ROLL CALL: 10 YEAS, 0 NAYS

PRESIDENT DENCZAK: There's your three readings, Member Smuckler.

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

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

NO REMARKS

ROLL CALL: 10 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance #15 is adopted.

ADOPTED AS ORDINANCE NO. 110/2003

#16 (2ND RDG) **ADOPTED AS ORDINANCE NO. 111/2003** AMENDING EXHIBIT A TO O.40/2000 AS AMENDED A CLASSIFICATION PLAN FOR BARGAINING UNIT PERSONNEL EMPLOYED BY THE CITY OF CANTON AND DECLARING THE SAME TO BE AN EMERGENCY.

***AT THIS TIME, VICE PRESIDENT SMUCKLER HAS TEMPORARILY ASSUMED THE DUTIES OF PRESIDENT OF COUNCIL DENCZAK.**

CHAIRMAN SMUCKLER: Could I hear a motion to... move to suspend rules?

MEMBER DIAMOND: Mr. President, I suspend Rule 22A to dispense the three readings of Ordinance #16; seconded.

CHAIRMAN SMUCKLER: I need a motion to suspend Ohio statutory rules of 3 readings.

MEMBER DIAMOND: I make a motion to suspend Ohio statutory 3 readings of Ordinance #16; seconded.

CHAIRMAN SMUCKLER: Moved and seconded to dispense with the three readings of Ordinance #16. Any remarks?... Roll call.

NO REMARKS

ROLL CALL: 10 YEAS, 0 NAYS

CHAIRMAN SMUCKLER: Member Diamond?...

MEMBER DIAMOND: Mr. President, I make a motion to adopt Ordinance #16; seconded.

CHAIRMAN SMUCKLER: Moved and seconded to adopt Ordinance #16. Is there any discussion?... Roll call.

NO REMARKS

ROLL CALL: 10 YEAS, 0 NAYS

MEMBER SMUCKLER: Ordinance #16 is adopted.

ADOPTED AS ORDINANCE NO. 111/2003

MEMBER SMUCKLER: Ordinance #17.

#17 (2ND RDG) **ADOPTED AS ORDINANCE NO. 112/2003** AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY TO ACCEPT A GRANT IN THE AMOUNT OF \$940 FROM OHIO DEPARTMENT OF PUBLIC SAFETY FOR THE FIRE DEPARTMENT; AMENDING APPROPRIATION O.236/2002 AS AMENDED BY MAKING A SUPPLEMENTAL APPROPRIATION HEREIN DESCRIBED AND DECLARING THE SAME TO BE AN EMERGENCY.

CHAIRMAN SMUCKLER: Do I hear a motion to suspend Statutory Ohio rules?

MEMBER DIAMOND: Mr. President, I move to suspend Statutory Ohio rules for Ordinance #17; seconded

CHAIRMAN SMUCKLER: Been moved and seconded to dispense with the three readings of Ordinance #17. Is there any discussion?... Roll call.

NO REMARKS

ROLL CALL: 10 YEAS, 0 NAYS

CHAIRMAN SMUCKLER: Member Diamond, could I hear a motion to adopt?

MEMBER DIAMOND: Mr. President, I make a motion to adopt Ordinance #18....Seventeen; seconded

CHAIRMAN SMUCKLER: Been moved and seconded to adopt Ordinance #17. Is there any discussion?...

Roll call.

NO REMARKS

ROLL CALL: 10 YEAS, 0 NAYS

CHAIRMAN SMUCKLER: Ordinance #17 is adopted.

ADOPTED AS ORDINANCE NO. 112/2003

CHAIRMAN SMUCKLER: Ordinance #18.

#18 (2nd. RDG) **ADOPTED AS ORDINANCE NO. 113/2003** AN ORDINANCE APPROVING A CANTON CITY WATER MAIN EXTENSION TO PLAIN TOWNSHIP; AUTHORIZING THE SERVICE DIRECTOR TO ENTER INTO CONTRACT FOR THE EXTENSION OF SAID WATER MAIN AND DECLARING THE SAME TO BE AN EMERGENCY

CHAIRMAN SMUCKLER: Do I hear a motion to dispense with Ohio's Statutory rules of 3 readings?

MEMBER DIAMOND: Mr. President, I make a motion to suspend the Ohio Statutory 3 readings of Ordinance #18.

CHAIRMAN SMUCKLER: It's been moved and seconded to dispense with the 3 readings of Ordinance #18. Is there any discussion?... Roll Call.

NO REMARKS

ROLL CALL: 10 YEAS, 0 NAYS

CHAIRMAN SMUCKLER: Member Diamond, could I have a motion to adopt?

MEMBER DIAMOND: Mr. President, I make a motion to adopt Ordinance #18; seconded.

CHAIRMAN SMUCKLER: It's been moved and seconded to adopt Ordinance #18. Is there any discussion?... Roll Call.

NO REMARKS

ROLL CALL: 10 YEAS, 0 NAYS

CHAIRMAN SMUCKLER: Ordinance #18 is adopted.

ADOPTED AS ORDINANCE NO. 113/2003

CHAIRMAN SMUCKLER: Ordinance #19.

#19 (2nd RDG) **ADOPTED AS ORDINANCE NO. 114/2003** AN ORDINANCE APPROVING A CANTON CITY WATER MAIN EXTENSION TO PLAIN TOWNSHIP; AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CONTRACT FOR THE EXTENSION OF SAID WATER MAIN AND DECLARING THE SAME TO BE AN EMERGENCY

MEMBER DIAMOND: Mr. President, I move to suspend the Statutory 3 readings of Ordinance #19; seconded.

CHAIRMAN SMUCKLER: It's been moved and seconded to dispense with the 3 readings of Ordinance #19. Is there any discussion?.... Roll call.

NO REMARKS

ROLL CALL: 10 YEAS, 0 NAYS

***AT THIS TIME, PRESIDENT DENCZAK HAS RESUMED THE DUTIES OF THE CHAIR.**

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

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

NO REMARKS

ROLL CALL: 10 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance #19 is adopted.

ADOPTED AS ORDINANCE NO. 114/2003

#20 (2nd RDG) **ADOPTED AS ORDINANCE NO. 115/2003** AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ADVERTISE, RECEIVE BIDS & ENTER INTO A CONTRACT IN AN AMOUNT NOT TO EXCEED \$150,000 FOR THE CONSTRUCTION ASPECT OF THE REIFSNYDER PARK WETLAND PHASE I; AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CONTRACT WITH URS CORPORATION IN AN AMOUNT NOT TO EXCEED \$13,900 FOR BIDDING & CONSTRUCTION ADMINISTRATION SERVICES ASSOCIATED WITH THE PROJECT; AMENDING APPROPRIATION O.236/2002 AS AMENDED BY APPROPRIATING FROM THE UNAPPROPRIATED BALANCE AND ALLOCATING SAME TWO ITEMS HEREIN DESCRIBED AND DECLARING THE SAME TO BE AN EMERGENCY

MEMBER SMUCKLER: Mr. President, I move we suspend the statutory 3 readings of Ordinance #20; seconded.

PRESIDENT DENCZAK: There's a move to dispense with the 3 readings of Ordinance #20. Are there any remarks?... If not, roll call vote please.

NO REMARKS

ROLL CALL: 10 YEAS, 0 NAYS

PRESIDENT DENCZAK: You've heard the 3 readings Member Smuckler.

MEMBER SMUCKLER: Mr. President, I move we adopted Ordinance #20; seconded.

PRESIDENT DENCZAK: Moved and seconded we adopt Ordinance #20. Are there any remarks under this ordinance?....

MEMBER SMUCKLER: Mr. President. I want to repeat my remarks from committee meetings for the record so that some day, somebody can't come back and say you never said anything. I think this is backwards. I am very familiar with Reifsnnyder Park. It is at the end of the dead end street where my business is at. I believe a retention basin should be put in there before we put in this 'tubing' that water's going to sit in. I've discussed this with Mr. Miller, Mayor. He wants to do it this way first. I think this can alleviate a lot of pressure along, up the line on the Nimishillen if we do it the other way first. We are having, every Spring and Summer, tremendous flooding problems, and Maple Park, Martindale Park, and some of the areas there are 'atypical' of what's happening in our sewer system and the bright spot about Reifsnnyder Park is ..is to my knowledge, and I have a good knowledge of it, other

than the teenagers that are using it in the evening, back in the woods, there isn't much going on down there, period. So it would be an appropriate place to build a retention basin to help alleviate some of the flooding problems in our city.

PRESIDENT DENCZAK: Are there any remarks?... The question we're voting on now is Ordinance #20. Roll call vote please.

NO REMARKS

ROLL CALL: 10 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance #20 is adopted.

ADOPTED AS ORDINANCE NO. 115/2003

#21 (2nd RDG) **ADOPTED AS ORDINANCE NO. 116/2003** AN ORDINANCE AMENDING APPROPRIATION O.236/2002 AS AMENDED BY MAKING THE SUPPLEMENTAL APPROPRIATION HEREIN DESCRIBED AND DECLARING THE SAME TO BE AN EMERGENCY.

PRESIDENT DENCZAK: Member Smuckler.

MEMBER SMUCKLER: Mr. President, I move we suspend Statutory 3 readings of Ordinance #21; seconded.

PRESIDENT DENCZAK: There's a move to dispense with the 3 readings of Ordinance #21. Are there any remarks?... If not, roll call vote.

NO REMARKS

ROLL CALL: 10 YEAS, 0 NAYS

PRESIDENT DENCZAK: You've heard the 3 readings, Member Smuckler.

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

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

NO REMARKS

ROLL CALL: 10 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance #21 is adopted.

ADOPTED AS ORDINANCE NO. 116/2003

#22 (2nd RDG) **ADOPTED AS ORDINANCE NO. 117/2003** AN ORDINANCE AMENDING APPROPRIATION O.236/2002 FOR AS AMENDED BY MAKING THE SUPPLEMENTAL APPROPRIATION AND TRANSFER HEREIN DESCRIBED AND DECLARING THE SAME TO BE AN EMERGENCY.

MEMBER SMUCKLER: Mr. President, I move we suspend Statutory 3 readings of Ordinance #22; seconded.

PRESIDENT DENCZAK: There's a need to dispense with the three readings of Ordinance #22. Are there any remarks?... If not, roll call vote please.

NO REMARKS

ROLL CALL: 10 YEAS, 0 NAYS

MEMBER SMUCKLER: Mr. President, I move we adopt Ordinance #22.

PRESIDENT DENCZAK: Moved and seconded that you adopt Ordinance #22. Are there any remarks under this ordinance?... If not, roll call vote please.

NO REMARKS

ROLL CALL: 10 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance #22 is adopted.

ADOPTED AS ORDINANCE NO. 117/2003

#23 (2nd RDG) **ADOPTED AS ORDINANCE NO. 118/2003** AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO EXECUTE & DELIVER TO COPLEY OHIO NEWSPAPERS, INC. AN EASEMENT ON PROPERTY OWNED BY THE CITY OF CANTON AND DECLARING THE SAME TO BE AN EMERGENCY

MEMBER SMUCKLER: Mr. President, I move we suspend Statutory 3 readings of Ordinance #23; seconded.
PRESIDENT DENCZAK: There's a need to dispense with the three readings of Ordinance #23. Are there any remarks?... If not, roll call vote.

NO REMARKS

ROLL CALL: 10 YEAS, 0 NAYS

PRESIDENT DENCZAK: You've heard the 3 readings Member Smuckler.

MEMBER SMUCKLER: Mr. President, I move we adopt Ordinance #23; seconded.

PRESIDENT DENCZAK: Moved and seconded that you adopt Ordinance #23. Are there any remarks under this ordinance?... Very well, roll call vote please.

NO REMARKS

ROLL CALL: 10 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance #23 is adopted.

ADOPTED AS ORDINANCE NO. 118/2003

#24 (2nd RDG) **ADOPTED AS ORDINANCE NO. 119 /2003** AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO EXECUTE & DELIVER TO EUGENE C. WACKERLY INC. EASEMENT OF ON PROPERTY OWNED BY THE CITY OF CANTON AND DECLARING THE SAME TO BE AN EMERGENCY

MEMBER SMUCKLER: Mr. President I move we suspend the Statutory three readings of Ordinance #24; seconded.

PRESIDENT DENCZAK: There's a move to dispense with the three readings of Ordinance #24. Are there any remarks?... If not, roll call vote.

NO REMARKS

ROLL CALL: 10 YEAS, 0 NAYS

PRESIDENT DENCZAK: You've heard the 3 readings, Member Smuckler.

MEMBER SMUCKLER: Mr. President, I move we adopt Ordinance #24; seconded.

PRESIDENT DENCZAK: Moved and seconded that you adopt Ordinance #24. Are there any remarks under this ordinance?... Very well, roll call vote please.

NO REMARKS

ROLL CALL: 10 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance #24 is adopted.

ADOPTED AS ORDINANCE NO. 119 /2003

#25 (2nd RDG) **ADOPTED AS ORDINANCE NO. 120/2003** AN ORDINANCE AUTHORIZING THE CITY AUDITOR TO PAY MORAL OBLIGATION IN THE AMOUNT OF \$1,178.00 TO WEST GROUP AND DECLARING THE SAME TO BE AN EMERGENCY.

MEMBER SMUCKLER: Mr. President, I move we suspend the Statutory 3 readings of Ordinance #25; seconded.

PRESIDENT DENCZAK: There's a move to dispense with the three readings of Ordinance #25. Are there any remarks?... If not, roll call vote please.

NO REMARKS

ROLL CALL: 10 YEAS, 0 NAYS

PRESIDENT DENCZAK: You've heard the 3 readings, Member Smuckler.

MEMBER SMUCKLER: Mr. President, I move we adopt Ordinance #25; seconded.

PRESIDENT DENCZAK: Moved and seconded that you adopt Ordinance #25. Are there any remarks under this ordinance?... Very well, roll call vote please.

NO REMARKS

ROLL CALL: 10 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance #25 is adopted.

ADOPTED AS ORDINANCE NO. 120/2003

#26 (2nd RDG) **ADOPTED AS ORDINANCE NO. 121/2003** AN ORDINANCE AMENDING O.17/89 AS AMENDED AUTHORIZING THE MAYOR TO ENTER INTO AN AMENDED CONTRACT WITH THE CANTON COMMUNITY IMPROVEMENT CORPORATION TO ADMINISTER ADDITIONAL COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS IN AN AMOUNT NOT TO EXCEED \$600,000.00 AND DECLARING THE SAME TO BE AN EMERGENCY

MEMBER SMUCKLER: Mr. President, I move we suspend Statutory 3 readings of Ordinance #26; seconded.

PRESIDENT DENCZAK: There's a need to dispense with the 3 readings of Ordinance #26. Are there any remarks?... If not, roll call vote please.

NO REMARKS

ROLL CALL: 10 YEAS, 0 NAYS

PRESIDENT DENCZAK: You've heard the 3 readings Member Smuckler.

MEMBER SMUCKLER: Mr. President, I move we adopt Ordinance #26; seconded.

PRESIDENT DENCZAK: Moved and seconded that you adopt Ordinance #26. Are there any remarks under this ordinance?...

MEMBER SMUCKLER: Mr. President. A question to the Law Director. Mr. Law Director, is there any cap to the amount of money that CIC can offer any group or individual that comes down there asking for a loan or grant?

LAW DIRECTOR MARTUCCIO: Mr. President. Member Smuckler. I am not aware of any chapter that allows the CIC to do this, or in their by-laws or articles of corporation. However, that is not to say there isn't one. I suspect that the cap is driven by how much they are allocated by this Council, and how much they feel they need to disperse for worthy projects through the course of the year. Without looking further into the chapter, the articles of incorporation and by laws, I'm not sure I can answer that question.

MEMBER SMUCKLER: Mr. President. My understanding is presumably, this whole \$600,000 could be allotted to one person based on the discussion that we had 2 weeks ago on the property across from Ford which was the old T & C Credit Union. My question is regarding when does a group have to come here for a business loan before this body and when do they, and what's the definition of when they have to come to CIC?

LAW DIRECTOR MARTUCCIO: Mr. President. As I understand it, the Ohio Revised Code created the CIC to act as a sort of hybrid organization, that is, creature of the city but not 'the' city, and it has its own Board and its own articles of incorporation and by laws. Yet it is obligated to follow certain rules and regulations. Again, to answer your question, I don't know if there is a cap on individual projects. Certainly the Board has to consider the scope of the year and the amount of money it's given each year and the amount of projects it anticipates each year. Some things are already obligated, some things get obligated as it is presented but they are presented before this particular Board. It is somewhat [WORD HERE IS UNINTELLIGIBLE] the way the law is structured under title 17, I believe.

MAYOR WATKINS: Mr. President...

PRESIDENT DENCZAK: Member Smuckler still has the floor. Member Smuckler?...

MEMBER SMUCKLER: I'd like to hear from the Mayor. That's fine, Mr. President.

PRESIDENT DENCZAK: Are you finished then? (INAUDIBLE RESPONSE)

MAYOR WATKINS: Mr. President, Member Smuckler, Members of Council. No there is no cap as far as the funding that is available. It's all determined by the amount of money that is there to be utilized. It is..part of it is grant money, part of it is revolving loan money which is a 3% loan program. And, it depends upon the individual circumstances as to whether or not we have the funding we are able to address the needs of the individuals involved. We were talking about T & C as an example and that's a case there where we feel that it is extremely important to proceed with that one because that is our ingress and egress to the Ford property which we inherited and that's going to be a very important factor for us in the future.

MEMBER SMUCKLER: Mr. President, Mayor, I'm fully behind the Ford property project. I guess the best

question then to you is what is the criteria for when one of these projects goes to the full body of this Council, or ends up going just to CIC?

MAYOR WATKINS: Mr. President, Member Smuckler. Before it comes to Council it has to go before the CIC. There are two members of Council who sit on that Board and, as...on a regular basis, and they review the information that is put forth and at that point, then we come forward to Council for any additional requests.

MEMBER SMUCKLER: You, in the past Mr. Mayor, have brought projects directly down to Council and not gone with them to CIC. I guess again, my question is what is the criteria of when they go to CIC and when they come down here to the full body?

MAYOR WATKINS: Well, if it's going strictly to the Community Development Cor.....ah, Community Development itself, then it could come directly to Council without the benefit of the CIC. If it's a project that requires either a grant or a loan through the Community Investment Corporation, then it has to be approved by that Board and thereafter comes to Council for approval.

MEMBER SMUCKLER: Mr. Mayor, are you in dire need of this money within the next 2 weeks?

MAYOR WATKINS: We are as far as....as far as the T & C project is concerned, yes.

MEMBER SMUCKLER: Is that out of last year's budget or this \$600,000 in here?

MAYOR WATKINS: It will be coming out of this year's budget. And, it is urgent because of the fact that they had a Board meeting on Friday last in which they wanted an answer from us as to whether or not we would approve this so we can go forward with the project. I think its imperative that we do so, that we're not trying to enter into that property from Marietta Avenue as opposed to Georgetown Road. And, the acquisition of that 10 acres that we're talking about with T & C certainly makes all the difference in the world.

PRESIDENT DENCZAK: Are you finished Member Smuckler?

MEMBER SMUCKLER: Mr. President, I'd like to get...I understand this and I'm trying to be very cooperative since we're in summer schedule with getting some of these through. That's why I agreed at the committee meetings to help push this laundry list through and I understand Sheila's problems of just getting the money through on June 1st or June 2nd, awarded to her through the Federal Government. The problem I have, and I have a problem with this and I don't mind allocating \$105,000 or \$106,000, whatever you need for this Board project, but, I think there ought to be some criteria set up of when CIC gets these projects and when Council gets these projects because two weeks ago when I was asking these questions, you were here, there was an emergency meeting called, I had Council people calling me saying what is going on, why is this being streamlined and rushed through in a matter of 48 hours and, I'm not saying this project isn't deserving, I'm saying that some of these people voted against the project. What I'm saying here is that I think there ought to be a little bit more outlined criteria of what's involved. And, I'd feel a little better of when a project comes to this whole Body, and when a project just goes to CIC. And, I am more than willing to amend this, if my colleagues see fit, I think the price tag last week was \$105,000 or \$106,000, \$110,000 and to help determine some criteria in the next 2 weeks.....

PRESIDENT DENCZAK: Member Smuckler, your 3 minutes are up, bring your remarks to a close.

MEMBER SMUCKLER: Mr. President, I move that we amend this ordinance instead of \$600,00 to read \$110,000

and I would then like to refer the other \$100....whatever it is, back to committee just for two weeks to get some criteria down, to cover the problem with Ford but I'm still at a loss of when this stuff comes to CIC and when this comes to the full Body.

MAYOR WATKINS: Mr. President....

PRESIDENT DENCZAK: One moment please, there's a....there's a....are you making an amendment?

MEMBER SMUCKLER: Yes sir.

PRESIDENT DENCZAK: Do you have that in writing?

MEMBER SMUCKLER: No I don't.

PRESIDENT DENCZAK: Well, you know you have to have that in writing.

MEMBERS SMUCKLER: I do. I will make it, I'll....if I have to call a 5, if I get a second, if I have to call a 5 minute recess, I will.

PRESIDENT DENCZAK: All right, I'm going to grant a 5 minute recess.

MAYOR WATKINS: Mr. President....

PRESIDENT DENCZAK: There is a 5 minute recess.

Council recessed at 8:31pm and resumed at 8:36pm

PRESIDENT DENCZAK: Council is reconvening after their 5 minute recess. Council is now back in session. Member Smuckler, you intended to introduce an amendment. Is that still your goal?

MEMBER SMUCKLER: Mr. President, after further discussion with some of the members of the rest of this Body, I will just vote accordingly.

PRESIDENT DENCZAK: All right then, there was no second for your.... We're back at the beginning. Are there any further remarks?... Mayor?...

MAYOR WATKINS: Member Smuckler, Members of Council, we don't wish to restrain you from having any information in the world that you need. I will be glad to sit down with you personally and go over all of these figures and all of the programs and make sure you have a fair understanding of how we're doing it and what we're doing. I'll be glad to do that.

MEMBER SMUCKLER: Mr. President, I am for business development in this community. I am for the CIC in this community, I just feel that there ought to be some limits of when CIC supports and does these projects and when this Body supports and does these projects. And, that's my only concern about this whole thing.

PRESIDENT DENCZAK: Any further remarks?... The question you're voting on now is Ordinance #26. Roll call vote, please.

NO REMARKS

ROLL CALL: 10 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance #26 is adopted.

ADOPTED AS ORDINANCE NO. 121/2003

#27 (2nd RDG) **ADOPTED AS ORDINANCE NO. 127/2003** AN ORDINANCE AUTHORIZING THE MAYOR &/OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CONTRACT WITH THE CANTON COMMUNITY CLINIC, INC. TO PROVIDE A GRANT IN AN AMOUNT NOT TO EXCEED \$251,000 FOR OPERATIONAL EXPENSES AND DECLARING THE SAME TO BE AN EMERGENCY

MEMBER SMUCKLER: Mr. President, I move we suspend Statutory 3 readings of Ordinance #27.

PRESIDENT DENCZAK: There's a move to dispense of the three readings of Ordinance 27. Are there any remarks?... If not, roll call vote please.

NO REMARKS

ROLL CALL: 10 YEAS, 0 NAYS

PRESIDENT DENCZAK: You've heard the 3 readings Member Smuckler.

MEMBER SMUCKLER: Mr. President I move we adopt Ordinance #27; seconded.

PRESIDENT DENCZAK: Moved and seconded that you adopt Ordinance # 27. Are there any remarks under this ordinance? ... Very well, roll call vote please.

NO REMARKS

ROLL CALL: 10 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance #27 is adopted.

ADOPTED AS ORDINANCE NO. 122/2003

#28 (2nd RDG) **ADOPTED AS ORDINANCE NO. 123/2003** AN ORDINANCE AUTHORIZING THE MAYOR AND/OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CONTRACT WITH THE CANTON REGIONAL CHAMBER OF COMMERCE TO PROVIDE A GRANT IN AN AMOUNT NOT TO EXCEED \$160,000 FOR A COMPREHENSIVE DOWNTOWN DEVELOPMENT PLANNING ASSISTANCE PROGRAM & AN ECONOMIC DEVELOPMENT PROGRAM AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT DENCZAK: Member Smuckler...

MEMBER SMUCKLER: Mr. President, I move we adopt Ordinance #28. I'm sorry, I move we suspend the statutory three readings of ordinance number 28; seconded.

PRESIDENT DENCZAK: There's a move to dispense with the 3 readings of Ordinance #28. Are there any remarks?... If not, roll call vote please.

NO REMARKS

ROLL CALL: 10 YEAS, 0 NAYS

PRESIDENT DENCZAK: You've heard the 3 readings Member Smuckler.

MEMBER SMUCKLER: Mr. President, I move we adopt Ordinance #28; seconded.

PRESIDENT DENCZAK: Moved and seconded that you adopt 28. Are there any remarks under this ordinance?...

MAYOR WATKINS: Mr. President, Members of Council, I sincerely hope that you'll support this one hundred percent. Certainly the work that's been done by the Chamber of Commerce under the Comprehensive Downtown Development Program assistance program and economic development program is worthwhile. It will generate in excess of \$500,000. That certainly, in my estimation, is worthy of our consideration and our support. They've done a great job with the money in the past and I anticipate they'll continue to do so in the future.

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

NO REMARKS

ROLL CALL: 10 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance #28 is adopted.

ADOPTED AS ORDINANCE NO. 123/2003

#29 (2ND RDG) **ADOPTED AS ORDINANCE NO. 124/2003** AN ORDINANCE AUTHORIZING THE MAYOR AND/OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CONTRACT WITH THE STARK COUNTY DISTRICT LIBRARY IN AN AMOUNT NOT TO EXCEED \$104,000 FOR THE PURCHASE OF FURNITURE & EQUIPMENT FOR THE MADGE YOUTZ LIBRARY AND DECLARING THE SAME TO BE AN EMERGENCY

MEMBER SMUCKLER: Mr. President, I move we suspend Statutory 3 readings of Ordinance #29; seconded.

PRESIDENT DENCZAK: There's a move to dispense with the three readings of Ordinance #29. Are there any remarks? ... If not, roll call vote please.

NO REMARKS

ROLL CALL: 10 YEAS, 0 NAYS

PRESIDENT DENCZAK: You've heard the 3 readings Member Smuckler.

MEMBER SMUCKLER: Mr. President, I move we adopt Ordinance #29; seconded.

PRESIDENT DENCZAK: Moved and seconded that you adopt Ordinance 29. Are there any remarks under this ordinance?... Very well, roll call vote please.

NO REMARKS

ROLL CALL: 9 YEAS, 0 NAYS, 1 ABSTENTION (MROCKOWSKI)

PRESIDENT DENCZAK: Ordinance #29 is adopted.

ADOPTED AS ORDINANCE NO. 124/2003

#30 (2ND RDG) **ADOPTED AS ORDINANCE NO. 125/2003** AN ORDINANCE TERMINATING THE REAL ESTATE & PERSONAL PROPERTY TAX EXEMPTIONS FOR DANNER PRESS

CORPORATION & DBH ASSOCIATES AND DECLARING THE SAME TAO BE AN EMERGENCY

MEMBER SMUCKLER: Mr. President, I move that we suspend Statutory 3 readings of Ordinance #30; seconded.

PRESIDENT DENCZAK: There's a move to dispense with the 3 readings of Ordinance #30. Are there any remarks?... If not, roll call vote please.

NO REMARKS

ROLL CALL: 10 YEAS, 0 NAYS

PRESIDENT DENCZAK: You've heard the 3 readings, Member Smuckler.

MEMBER SMUCKLER: Mr. President, I move we adopt Ordinance #30; seconded.

PRESIDENT DENCZAK: Moved and seconded that you adopt Ordinance 30. Are there any remarks under this ordinance?...

MEMBER SMUCKLER: Mr. President, Law Director.....Why did it take so long for this ordinance to come down here? Danner Press has been closed for....we'll guess, probably longer than a year. And, have they still been receiving the effects of the tax abatement for over the last year?

LAW DIRECTOR MARTUCCIO: Mr. President. Member Smuckler, the reason for the delay was, the reviews that are conducted by the Incentive Review Committee take place retroactively, if you will. The shut down occurred last year and upon their review in March of this year, it was determined that Danner, of course, could not meet and was not meeting its part in terms of capital development and employment and so on because of their shut down. Revenues that have been collected is a different matter. As you know, there is litigation pending in Federal Court but, in order for us to account, we need Council's help with this ordinance. Your first question was why did it take so long. The second question?...

MEMBER SMUCKLER: Have they been receiving the abatement over the last year?

LAW DIRECTOR MARTUCCIO: I can't answer that. I wasn't present at the Incentive Review Committee and, I don't believe so but I know that in order for us to cease it or retroactively collect upon it, we need Council's consent for this ordinance to pursue that. What you'd be doing if you passed it is terminate their personal and real property tax exemptions that were set forth in enterprise zone agreement back in 1993. This would be a retroactive ordinance back to January 1st and going thru this whole calendar year.

MEMBERS SMUCKLER: Mr. President, Mayor, has Danner press been getting this tax abatement since when they closed, which I believe was March 2002?

MAYOR WATKINS: Mr. President, Member Smuckler. To my knowledge, when the, when the closing of the plant took place, motions were made at that time based on the part of the city and on the part of other creditors saying no more tax exemptions. I think the School Board joined in on that and I don't believe there's been a tax exemption since that time. We want to eliminate it completely because we have a potential buyer for the property.

MEMBER SMUCKLER: I am in full support of eliminating it and I'm hoping it got cut off last March or when

thereabouts are. Mr. Law Director, will you please get me the information of finding out when this was cut off?

LAW DIRECTOR MARTUCCIO: YES.

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

NO REMARKS

ROLL CALL: 10 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance #30 is adopted.

ADOPTED AS ORDINANCE NO. 125/2003

#31 (2nd RDG) **ADOPTED AS ORDINANCE NO. 126//2003** AN ORDINANCE AMENDING O.122/92 AS AMENDED AUTHORIZING THE MAYOR TO ENTER INTO AN AMENDED AGREEMENT WITH STARK COUNTY OUT OF POVERTY PARTNERSHIP, INC. TO PROVIDE ADDITIONAL FUNDING AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT DENCZAK: Member Smuckler...

MEMBER SMUCKLER: Mr. President, I move we suspend Statutory 3 readings of ordinance number 31; seconded..

PRESIDENT DENCZAK: There's a move to dispense with the 3 readings of Ordinance 31. Are there any remarks?... If not, roll call vote please.

NO REMARKS

ROLL CALL: 10 YEAS, 0 NAYS

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

MEMBER SMUCKLER: Mr. President, I move we adopt Ordinance #31; seconded.

PRESIDENT DENCZAK: Moved and seconded that you adopt Ordinance 31. Are there any remarks under this ordinance?... Very well, roll call vote please.

NO REMARKS

ROLL CALL: 10 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance number 31 is adopted.

ADOPTED AS ORDINANCE NO. 126/2003

#32 (2nd RDG) **ADOPTED AS ORDINANCE NO. 127/2003** AN ORDINANCE ESTABLISHING THE FAIR REUSE VALUE OF TWO PARCELS OF CITY-OWNED REAL PROPERTY; AUTHORIZING THE SALE & CONVEYANCE OF SAID PROPERTY PURSUANT TO THE CITY'S RESIDENTIAL LAND DISPOSITION PROGRAM AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT DENCZAK: Member Smuckler...

MEMBER SMUCKLER: Mr. President, I move we suspend the Statutory 3 readings of Ordinance #32; seconded.

PRESIDENT DENCZAK: There's a move to dispense of the three readings of Ordinance #32. Are there any remarks?... If not, roll call vote please.

NO REMARKS

ROLL CALL: 10 YEAS, 0 NAYS

PRESIDENT DENCZAK: You've hear the 3 readings, Member Smuckler.

MEMBER SMUCKLER: Mr. President, I move that we adopt Ordinance #32; seconded.

PRESIDENT DENCZAK: Moved and seconded that you adopt Ordinance 32. Are there any remarks under this ordinance?...

MEMBER ALTIERI-BUCHER: Mr. President. Member Massy, I think I asked you this about a week or so ago. Do you recall where those plots are?

MEMBER MASSEY: Yes, one is on 8th Street SE and the other is on 5th SE.

MEMBER ALTIERI-BUCHER: Thank you.

MEMBER MASSEY: You're welcome.

PRESIDENT DENCZAK: Are there any other further remarks?... Roll call vote please.

NO REMARKS

ROLL CALL: 10 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance #32 is adopted.

ADOPTED AS ORDINANCE NO. 127/2003

ORDINANCES & FORMAL RESOLUTIONS FOR THIRD READING

PRESIDENT DENCZAK: There are no Ordinances or Formal Resolutions for their third and final reading. Announcement of Committee meetings.

ANNOUNCEMENT OF COMMITTEE MEETINGS

PRESIDENT DENCZAK: Members of Council, announcement of Committee Meetings please.

MEMBER MROCZKOWSKI: Mr. President, Finance Committee will meet June 30th at 6:15pm in the Council Caucus Room.

PRESIDENT DENCZAK: Any other committees?...

MEMBER ALTIERI-BUCHER: Mr. President, Intergovernmental will meet Monday, June 23rd, 5pm.

PRESIDENT DENCZAK: June 23? Member Mroczkowski, what did you say - June 30th?

MEMBER MROCKOWSKI: Yes.

PRESIDENT DENCZAK: Do you still want the 23rd?

MEMBER ALTIERI-BUCHER: No, we're meeting June 23rd.

PRESIDENT DENCZAK: Do you still want to meet on the 23rd?

MEMBER ALTIERI-BUCHER: Yes, 5:00 - Intergovernmental, yeah.

MEMBER MROCKOWSKI: Okay.

PRESIDENT DENCZAK: Is there a reason for the difference in the.....

MEMBER ALTIERI-BUCHER: There are objections to liquor licenses. We need to make decisions in a timely manner.

PRESIDENT DENCZAK: Any other committees?...

MEMBER HAWK: Mr. President, Environmental will meet at 6:30, the same date as ...and we'll meet at

PRESIDENT DENCZAK: What date? What is that again? (*INAUDIBLE RESPONSE*) ...Okay.

MEMBER DOUGHERTY: Mr. President, Public Property & Capital Improvement will meet on June 30, 6:15.

PRESIDENT DENCZAK: Any other committees?... Judiciary?...

MEMBER SMUCKLER: Mr. President, Judiciary will meet same time, same date.

PRESIDENT DENCZAK: June 30th?

MEMBER SMUCKLER: Correct.

PUBLIC SPEAKS (OPEN FORUM--CITY BUSINESS ONLY)

PRESIDENT DENCZAK: Public Speaks, Open Forum. We have several people signed this evening. Some of these people spoke prior to this meeting so we have to recognize those who haven't spoken first. The first speaker is Veronica Callahan.

MS. CALLAHAN: Mr. President, Members of Council. My name is Veronica Callahan, I'm the Director of Grace Operation and Development Center. This evening I'm here.....

PRESIDENT DENCZAK: State your address please.

MS. CALLAHAN: I'm sorry. My address is 3406 34th Street NE and that's Canton, Ohio 44705. Okay. As I before stated, my name is Veronica Callahan and tonight I'm here, speaking on behalf of NAVE, Neighborhood Association [*UNINTELLIGIBLE*], which is a subcommittee of neighborhood leadership. We would first of all like to thank Mayor Watkins for all his generosity and support over the years on behalf of all of our neighborhood groups. Today is our second annual City Council meeting day. We are here to show our faces and let our voices be heard. Combined, we are 25 neighborhood organizations representing the northwest, northeast, southwest and the southeast quadrants of the City of Canton. Today, you see just a few of our representatives that, combined we are representing over 2500 people. We are your grass roots, safe-based neighborhood organization, we have individually and collectively come before Council and are willing to come before Council on any issues effecting our neighborhoods and the people who live in our community. Just as we have entrusted the members of Council to represent us, we want you to know that we are here, we're concerned and we will continue to be informed, educated, as, excuse me, as well as monitor the progress of the Mayor, Council men and women and all those that make up City Council. We would like to remind you that we are a recognized, established organization. We vote, we educate, we inform, we empower and we influence and we do make the difference. We would also like you to know that we are here to assure and assist the Mayor, members of Council and other city and government officials for carrying out what you have promised, agreed and have been charged to do. We are here and available to assist you in any way to continue to improve our good our neighborhoods and we would also like to invite each and every one of you to participate in our Neighborhood Association and support our various causes that we believe in. I would like, at this time, for the members of NAVE to stand and leave you sir, and Council members, we are NAVE. (*MANY AUDIENCE MEMBERS STAND AT THIS TIME*)

PRESIDENT DENCZAK: The next speaker is Annie Mitchell.

MS. MITCHELL: I want to say good evening to the President and to all of the members. I truly am proud to be here this afternoon.

PRESIDENT DENCZAK: State your name and address.

MS. MITCHELL: My name is Annie L. Mitchell. I live at 2220 3rd Street SE, Canton, Ohio. I've been in Canton since 1940, and, I just wanna say I've seen us go up and I've seen us go down. And, as the young lady did say I am a member and we do have a new agency here. They asked us to get a 501 3 C - we did that. But, I want to say that some of the things that we have been given and some of things around town, I really looked at it and it really hurts. Due to the grass cutting, the trash and everything that lays around 8th Street, it's a natural dump. And, I've been here, you was gettin' on each one on how to keep the dump and how they kept the place and everything, but 8th Street is terrible! Eighth Street NE down around, back over in around going on Carnahan. Then I saw some of the jobs that the workmen, that you have that have been incarcerated, either you have 'em to do the work, they come down, they don't edge the grass they cut. I went down to Peel Coleman Center and they run around the trees. The rest of the grass was cut but there's no flowers in there or whatever and I don't believe that you would go into the high aristocratic area and not beautify it completely. Not that we're not pleased, we're happy for what you did. The Library and all of that, but don't you think our sidewalks and our shrubbery and all of this grass all over the city - it looks like we....If we're gonna work the men that go to jail, it looks like we could get them out there and cut some of the weeds and bushes. And clean up our city. When you ride through other cities, you know, in our Stark County area, a lot of them, they clean it up. It looks like, if we're gonna get ourselves volunteers or make the people who are in jail work, why don't we clean up our area? I mean, I don't feel that we have any right of going into any city, tellin' the people to clean up when the City won't do their part and clean up. We're gonna be ate up with mosquitos and everything else. So, we need our city, we need it cleaned up. If we're gonna build a new city, let's build it and clean up around the yards and the sidewalks is all cracked up and the, around the edges of the, where you park - it is really

terrible. I mean, we're doin' what building and development but what part is it goin' to be lookin' like a City? And I think we need that and, you know, I was here when you took up the trolley cars and all of this stuff and I don't remember us bein' that trashy. It's just trashy. And, you're nailin' up and you're buildin' up the old southern houses, we appreciate it but they don't stay, they tearin' down sometimes you just put up the thing. We need to get some better City. Our City needs to look better than what it does. Not only down, you need to clean up the whole city. It looks terrible.

PRESIDENT DENCZAK: Thank you very much. The next speaker is Rea Bondor. Is that correct?...Rea?
All right...

MS. BONDOR: Good evening. My name is Rea Bondor. I live at 323 Broad Ave., NW in Canton. My home is located one block from the Stark County Fairgrounds. The entire area surrounding the Fairgrounds is residential. These are quiet neighborhoods with hundreds of home owners raising hundreds of children. Then, once a year, for a few days, our neighborhood is besieged. Children aren't allowed to play outside, we're bombarded with noise, traffic and trash, but, the Stark County Fair is fun. My 7 year old daughter jumps out of her skin when she sees that Ferris wheel go up, and so do I. My family and I go every day. It's local and I never know who I'll run into, and I feel safe there. Largely because the Fair does NOT serve alcohol and we all know how alcohol affects people. If you've ever been to the ribs burn-off late at night, picture that scene...in My back yard. As a parent and a home owner, just to put my mind at rest, I'm here to ask this question. In consideration of a large amount of alcohol consumption and the attendees expected, what effort of security, including parking bans, in a residential neighborhood surrounding the Stark County Fairgrounds, can we anticipate from police patrol --- on foot, bicycle and with dogs during the 3-day Hall of Fame Festival Ribs Burn off event?

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

SAFETY DIRECTOR CONCATTO: Yes. Mr. President and Members. We are now in the process of planning the number of officers that we'll have at the Ribs Burn off. Certainly part of those plans is the surrounding neighborhoods and to maintain a safe area around the Fairgrounds, not just in the Fairgrounds. We believe that we'll have a number of officers that will be able to do that. Right now I don't have the number exactly, but we're looking into the 50 or 60 officers that will be present in the evening and

MS. BONDOR: Just in the residential neighborhood?

SAFETY DIRECTOR CONCATTO: No. Just for the Ribs Burn off. We believe that we have taken that into consideration and we believe that we'll have the force available to check that area.

PRESIDENT DENCZAK: Do you have any other questions ma'am?

MS. BONDOR: I feel that I have....I feel that's not a realistic amount for protection. And, I feel that I have very strong neighborhood support on this issue. Who do I direct this support to?

SAFETY DIRECTOR CONCATTO: Me.

MS. BONDOR: Thank you.

PRESIDENT DENCZAK: It is Concatto who is the Safety Director.

MS. BONDOR: Correct. Thank you.

PRESIDENT DENCZAK: The next speaker is Gloria Dunnivan. Is that correct?... Is your first name Gloria?...

AUDIENCE SPEAKER: I'm here to speak on her behalf. She had to, ah, business she couldn't get away from. She asked me to speak on her behalf.

PRESIDENT DENCZAK: Alright. I'll accept that. I'm glad your name isn't Gloria.

MR. KIRSCH: My name is Martin Kirsch and I live at 1350 Market Avenue South Canton, Ohio 44707. And I have pictures

PRESIDENT DENCZAK: One moment please. I have to have your name again. What is it?

MR. KIRSCH: Martin Kirsch. That's K -I- R- S- C- H (spelled)

PRESIDENT DENCZAK: K I R??? (spelled)

MR. KIRSCH: S C H (spelled)

PRESIDENT DENCZAK: S C H (spelled) And the address? ...

MR. KIRSCH: 1350 Market Avenue South, Canton, 44707

PRESIDENT DENCZAK: Okay.

MR. KIRSCH: What I'm here to speak about is a condemned house that's right behind our community garden that we run and I have pictures. And, I would like permission to pass them around if possible. I'm also a member of....We're also a member of NAVE - we're Heartbeats to the City. With the help of the Stark Community Foundation and many other foundations around, we've established ourselves with the community and our neighborhood and we built these gardens and the main problem is, we have this house and no matter what program we do, and we have a lot of small children in these programs, especially the garden camp we're doing now. We have, probably, 20 or 30 fourth graders that come for the 2 week garden program and we have a dangerous condemned house. Right now the grass in the backyard of that house is probably about 4 foot tall. They've really neglected it. It's boarded up but its really..... You know, we've purchased lots before in the past and we would really appreciate it if it could be torn down. Even if, if we have an opportunity to purchase the lot, we would like to do it and turn it into another garden, such as the one we have and, this is pretty much the reason I'm here.

PRESIDENT DENCZAK: You want these back?

MR. KIRSCH: No, you guys can have them, they were free to us.

SAFETY DIRECTOR CONCATTO: Mr. President, what's the address of the house he's talking about?

MR. KIRSCH: I believe it's 1336 Market Avenue South.

MAYOR WATKINS: Mr. President. Sir, is that the, the house here, the dilapidated house you're referring to, is

that next to the garden that exists now?

MR. KIRSCH: Yes. Yes it is.

MAYOR WATKINS: And that's... we were down there and that's what we talked about that - there's an alley goes through it and you're on the left side, you're on the north side of that alley.

MR. KIRSCH: We're actually on both sides of tha....oh....we're on both sides of that alley and then...

MAYOR WATKINS: You're on both sides and then the house we're talking about is just one north of that?

MR. KIRSCH: Yeah.

MAYOR WATKINS: We've been through that and we're trying to go through it now to see what we can do to get it handled and get it demolished. We're working on it and we have met.....it's been a couple months ago.

MR. KIRSCH: Yeah.

MAYOR WATKINS: And I know that we've been trying to get that worked out. We have an estate that we're dealing with there and that's a real problem. We're trying to work our way through it. There's some legalities we're trying to work through but I do believe that ultimately we will get it down.

MR. KIRSCH: Okay. Well thank you very much.

PRESIDENT DENCZAK: The next person is Alice Sarver, but she spoke last week so I'll have to ask her to speak later on. The next person is Constance Brown.

MS. BROWN: President of Council and Members of Council, I'm Constance Brown. I live at 620 Bachert Court SW. It is, some of you may not have known, the Wells School Building. I'd just like to say that all of the members of NAVE that you see here tonight have been through Leadership Training and we are the back-bone of our neighborhood communities and are very politically active as well and encourage our people to register and vote. We, obviously have come from a number of different ethnic, religious and business backgrounds so it came together because of a shared common problem, which is definitely safety and the beauty of our communities. We understand that change must be done at the grassroots. We also understand that we can't get too far without the support of our elected officials. So, I live on Bachert Court, I would like to just indicate a problem that we've had during the winter. As you recall, our latest snow began on a Saturday night and dumped 8 to 10 inches by Sunday night. It was Tuesday before we had a plow come through our area. Now, some of you may have looked at the map and see that there are not a number of houses that face Bachert Court, but what the map does not take into consideration is the parking space. Remember the homes that face Marion Avenue, 7th Street and other Court areas have a parking space on Bachert Court. Consequently, there were a number of us that could not get out to work. We also have some neighbors there with heart problems and one neighbor's wife is on oxygen and if we needed an ambulance into the area, we could not have gotten it. I would also like to let you know that later in the Spring, I met some of the Street Department as I notified them that they had a problem with the [WORD UNINTELLIGIBLE] way sinking in front of our house and it was puddling there. They promised to come and look at the problem, which they did for a few moments. And, they promised to put some paving down as soon as the weather was appropriate and they did. And I would like to say kudos to our Street Department for doing that. The problem is resolved and this is a perfect example of how citizens and government can work together because of what we read and you can take care of that.

As neighborhood leaders, we came together with a common denominator of shared concern. We stayed together because of our common vision of safer, more beautiful neighborhoods built on a foundation of trust and we cannot achieve this alone. So, we expect you, our elected officials, to listen to our concerns. By working together we can achieve our common goal, remember, neighborhood associates is empowered. Thank you.

PRESIDENT DENCZAK: You timed that perfect - 3 minutes. The next speaker is Mike Grogan.

MR. GROGAN: Mr. President and Councilmembers. My name is Mike Grogan. I live at 8567 Deacon Avenue in North Canton and the reason I'm talking tonight, I have 2 properties on 42nd Street NW. And, I have a few significant issues I want to discuss with you here. Number one, my property at 1709 - 42nd Street NW had 18 inches of raw sewage in the property on May 18th. I contacted the Law Department to find out what they can do about it. There was loss of the value of the property; I've lost a complete finished basement, it's fully ruined. My tenant in there lost everything she had in there including a refrigerator full of meats and so forth -- everything had to be discarded. The City of Canton came out, workers came out on a Saturday, to clean it out and sanitize it. So they've also come out and done their part. But, the fact is, living with that issue with 18 inches of raw sewage that backed up. Now, my tenant is thinking about moving out and I'm going to have vacant property there and I'm going to have to disclose if I go to sell this, so, I've got a real issue with that property with 18 inches of raw sewage. It's not water that's backing up. On top of that, I've got the health issues that need to be discussed when I go into battle. I have another property at 1413 - 42nd Street right down the street from it that had about 4 inches of water in the basement. The backyard of both properties fill up with water that literally come up to the basement windows. There is vacant land behind my one at 1709 - 42nd, that the water, with 2 sump-pumps, I have 2 sump-pumps that I have installed at this property, the water runs right down, I pump it out as best I can pump it out and it comes right back. There is absolutely no drainage in this area. And, with the virus going around, there is some health issues here. I've got young kids on these properties, I've got some significant risks that I'm taking. But my biggest risk is that I have 2 properties worth a lot of money that when the times comes I'm not going to be able to get rid of them. So, my point is, who do I contact, I've already talked to the Law Department, the Director, and I've submitted some claims to them, the City of Canton, I think it's Public Utilities, has come out again. They sent 2 or 3 people out to clean the properties because one person came out and wouldn't do it. He said there's way too much here for me to do. My question is, where do we proceed and how do I proceed from this time forward?

PRESIDENT DENCZAK: Mayor, do you wish to respond to that?

MAYOR WATKINS: Yes, sir, we'll....I need your name and address and the properties, Mr. Grogan, one is 1709 - 42nd and 1413 - 42nd?

MR. GROGAN: Correct.

MAYOR WATKINS: Allow me to get back with you. I'll get with my Service Director and get the proper authorities in the Law Department to see what we can do and how we can proceed with this.

MR. GROGAN: Thank you.

LAW DIRECTOR MARTUCCIO: Mr. President. Sir, for those of you who have concerns about individual properties and properties in general, as you heard at the last Council meeting if you were present, the Service Director related that what happened on that terrible night in May with the very large storm, at least a fifty-year storm--those supposedly happen every fifty years---we've had 3 or 4 in the last 3 or 4 years. The City is assembling and has assembled a task force with a representative from the Mayor's Administration, Service Director, City

Engineering, Water, Law, several departments who are beginning to talk again, as we have in the past. While we can't address the merit of any one particular claim, I can tell you that what we're doing is trying to marry law and science and technology. We, as lawyers have to look at where liability lies, if any, where negligence lies, if any, where nature and acts of God may supercede everything. We are [WORDS HERE ARE UNINTELLIGIBLE] the homeowners or tenants that have insurance first because the law says they have to. We have to see if they have that first. But, we're working closely with other departments to see if there are systemic failures or simply an unavoidable crisis that nature throws on us. I can tell you that even though I can't address your individual complaint today, there are a number of people, city-wide who meet periodically, and look at it in terms of defiance of the sewers - sanitary sewer - the storm sewers, catch basins, drainage, who may have constructed [WORD UNINTELLIGIBLE] that may have influenced it or who may have not constructed what, who influenced it. Where the City's role lies and so on. A lot of these territories have been annexed and were built with a different Code and we require now with our new construction, there are a lot of factors that come into play, and we are looking at them. We're not ignoring them. That's what I can tell you at this point.

PRESIDENT DENCZAK: The next speaker is Joe Thompson.

MR. THOMPSON: Good evening, Mayor, Council members, citizens of Canton. First I would like to make a comment. My name is Joe Thompson, I live at 318 Schwalm Avenue NE in Canton, Ohio. My first comment is directed towards the Council. Do you think that you're giving the city a disservice by meeting every two weeks in the summertime because this is the time that we have more gangs, more people and more problems. The City's fallin' apart. I know that in the winter time you guys meet every week. That's fine but during the summertime when we need you the most, that's when we need you here. Now, my second comment is about an incident that happened here the other day in the northeast section of Canton at the Monroe Center. Mayor Watkins, you know that you worked long and hard and we worked long and hard trying to get that established and we're going pretty decent with it now. The problem was, was on last Friday, the last day of school, the last day of school that was Thursday, that Friday, around 4:00 in the afternoon, gunshots rang out in that area. It was all through the, from around the building, from behind us, some right in front of us--Mrs. Lowry's car got hit by random shooting it was. We saw it. There were children just missed before that had been outside and I told them children, you guys walk on the sidewalk and not on the grass. It was just a matter of minutes before these crazed, deranged nuts come through shooting and just missed us. Now, six days later, at the same area, the next Thursday, here comes some more, not even a block away, shooting again. It's been every night, shooting all night in our neighborhood, everybody can attest to it in the neighborhood. Drugs on Hartford and Second, still there, still wanna be there. Mayor Watkins you know for certain that you went up there one time yourself and on the safety record a guy approached you. This problem has been going on for 20-some years and it's gotta stop, we'll have children with more with just a bullet in the head. Now, I know we have, Mayor, I mean, Sergeant Fox came to our community meeting just this Saturday evening talkin' about possible raids and a willingness of getting more police out there on the street. My question to you is, what's the difference between an Al-Qaida or a regular guy comin' in here and shootin' up our neighborhoods and these nuts on the streets, these kids, these gangs comin' down and shootin'. That's the same thing as terrorism. There's terrorism there. There's terrorism here. And we've become acclimated, we've become acclimated - we support it. This is crazy. We don't have to live like this. We spent thousands, millions of dollars just today on projects for the city. We spent \$600,000 as we just approved for the T & C Credit Union. That may be a possible business, but we can't seem to get any money for our own safety condition? Hey, Director Concatto, let me ask you a question. What....What have you done so far to generate any funds? Do you know that the government has a policy that they call terrorist school? What's the difference between a terrorist over there and our own terrorist right here? What do we do to generate funds to get more police on the force?

PRESIDENT DENCZAK: Safety Director?....

SAFETY DIRECTOR CONCATTO: Homeland Security does not have yet any kind of grant or any types of grants that permit us or fund us to hire more police officers for local needs. Maybe down the road, I know they're looking at a grant for the bigger cities, bigger than Canton, for overtime for police officers, but right now, we are not a part of that grant process.

MR. THOMPSON: Okay, but the problem is, is that we need money now. We can put \$600,000 for T & C Credit Union and we can't put these funds towards our safety forces that we need for life-long, to save lives. We put \$104,000 for Madge Youtz. I'd like to ask Mr. Hart, how much did it cost when they remodeled that place years back. Was it about \$1.5 million for that new addition at Madge Youtz?

PRESIDENT DENCZAK: Member Hart?

MR. THOMPSON: I'm talking about the library. The money they spent, \$104,000, was it for the Library, for furniture?

MAYOR WATKINS: Mr. President....

PRESIDENT DENCZAK: One moment, he's asking... Member Hart, do you wish to respond....?

MR. THOMPSON: Member who? Who introduced the bill for that? Funds for the library - hundred and one, \$104,000 for furnitureand we can't get...what? That would pay for 2 policemen, maybe 3. We had 211 policemen before, now we got 177, is it 176 we got now? That's 37 less. We've got, gentlemen, we've got to find ways to get more police on our streets. You guys, we can't live like this. That's why I said when you made this residency requirement rule, that was the biggest thing that happened to us. The reason that Mr....I mean officer Zachary got his commendation 'cuz he was in the meeting here, he was here, he didn't move, he saved a life-- but how come you can say to us that you can live outta town I mean, I'm trying....I wanna work with you guys, I'll do anything to helpif the citizens can come together, together for a public meeting or something so that we can address this problem. I don't wanna be pointin' certain fingers because then I got 5 pointin' back at me. So, I just wanna make sure that we do address this problem. This isn't goin' away. Tonight when I go home, when I'm sittin at home, there are gonna be shots tonight, and sooner or later there comes no police and as soon as one of these babies, these innocent babies gets shot, in their head, or as soon as an innocent citizen gets shot because we're not doin' our duty, the police goes thru some so I don't care, we got 2 police there, we had to get a place for them there. They come in and they leave but we got to do something to address this problem now. This is very serious.

MAYOR WATKINS: Mr. President. Mr. Thompson, number one, I am familiar with the problem. I've worked with you on that, I've been on the street with you and we do know that we do have problems. Let me make a couple of things clear. First of all we didn't spend \$600,000 for T & C. It's \$110,000 and number two, it was from a different fund. All the funds in the city are separated by virtue of where they are allocated to go.

MR. THOMPSON: What allocations?

MAYOR WATKINS: Those allocations, those are allocated by Federal Law. These are out of community development funds and what we, what we pay our policemen out of is strictly out of our general fund. Those are general fund dollars and that is where it has to come from. We can't take sewer money or water money or garbage money and spend it for policemen, we just aren't allowed to do that under statutory law. Now I agree with you that we got a problem and I agree that we gotta handle it. And, we're trying to get a handle on it; and I know there are a couple of gangs involved here that we're both trying to deal with, we know about them. We're going to continue to

deal with it. I'll be out on the street with you, I've been out there before and I'll be there again.

MR. THOMPSON: Do you know where they're getting the guns from? Where do they get them at? We need to know where those drugs and guns are comin' from.

MAYOR WATKINS: They can get the guns from just about anywhere. You know the funny part is, legal guns are hard to come by. Illegal guns are on the street and they're passed from hand to hand and if you got \$50 you can buy a dollar special.

MR. THOMPSON: At a pawn shop to send down somebody to buy or get it so they don't report it to get it. There's people on the outside going in. They keep goin' in. There are some groups in our city already that make sure that the drugs and guns go through.

MAYOR WATKINS: Yes sir, and I know you're right and I think we need to stiffen up our laws on pawn brokers as far as what they can, what they can't sell, what they can, what they can borrow money on and lose and get lost with it and we gotta do something more with it.

MR. THOMPSON: We gotta address this problem 'cuz I mean, I just know that somebody else is gonna get...just 5 seconds, just 5 seconds after it happened there is not time, just 5 seconds after it happens, people drivin' down the street, they don't know what happened. But sooner or later you're gonna be a blood bath on your hands and innocent people are gonna die. I don't care if it's 10 million dollars, one life isn't worth that so we've gotta find a way, I don't care if it'd be here, come here every weekend, tell me what's happening, trying to make sure that we get our city safe. That's one thing you better want too. You can put your houses up, but like I told you 4 months ago when we first started buildin' them new houses projects around here, what good does it do when you got gangs parading down, shooting through the houses, slamming things on the outside, this is serious. This is Canton, Ohio. Thank you.

PRESIDENT DENCZAK: The next speaker is Wendy Bodenschatz.

MS. BODENSCHATZ: Good evening. Wendy Bodenschatz, 1919 - 32nd Street NW. I sympathize with that neighborhood, before our neighborhood gets to that point. On May 13th last year we passed an ordinance regulating sexually, sexually-oriented businesses. On May 19th of this year, finally all the amendments were done and finished and that was a great state of the art ordinance. How 'ya gonna enforce it? What are 'ya gonna do? How 'ya gonna keep those 10 year-olds out of that building, 'cuz they're goin' in and so are the 16 year olds. How 'ya gonna enforce it?

LAW DIRECTOR MARTUCCIO: Mr. President, Mrs. Bodenschatz. Thank you for bringing that matter to our attention before. As you just stated, the most recent ordinance clearly says 18 and over only into this business. However, the owner and the employee were under an impression that there was some language in the ordinance that gave them a break-period, if you will, of 6 months, to incorporate the change. Their understanding was they had 6 months to allow 16 and 17 year olds into the tattoo and clothing portion, I believe, and they were to build a separate entrance within the next 6 months, to make the other type of changes that we asked them to make in the configuration of this video group. We've been in contact with their lawyers, after you let me know that some of your more vigilante neighbors were questioning these youths and that some of them admitted to being 16 and 17. I'd really be dependant if they were letting a 10 year old in there.

MS. BODENSCHATZ: They are.

LAW DIRECTOR MARTUCCIO: Honestly, we in the Law Department have no arrest powers. We prosecute. The arrests would have to be made by law enforcement peace officers, or notified of those types of things and perhaps on occasion assigned a monitor, secretly -- that's another matter. In regard to the ordinance, we are contacting and talking with the lawyers representing the store. Part of the confusion is there's an operational section in the ordinance that says the operational aspect has 6 months to be complied with. We linked in age and hours and physical configuration into the phrase 'operational requirements'. We did not arrive at a common sense amicable solution with the store owners and their attorneys. They'll probably re-visit this Council before too long asking for yet another amendment, making it very clear that the 18 and over provisions apply now, not 5 or 4 or 6 months from now.

MS. BODENSCHATZ: Okay, so right now you're saying then that you're giving them the 6 months until you come to an agreement with their attorney?

LAW DIRECTOR MARTUCCIO: I'm saying that's what they believe. That's what the attorneys for the other side believe. We thought we were acting on good faith when we said 18 and over from hereon--period. The owners never ever read 16 and 17 year olds with parents to get tattooed. The reason that was happening was, State law allowed kids who are 16 and 17 to get tattoos if their parents come with them and authorize it, but they have to be there to authorize the initial tattoos. We weren't enforcing that provision of 18 and over because of the temporary restraining order and what we were going through in Federal court. That suit has been dismissed, I'm happy to say, finally, by those businesses against the City, however, the mission is that wording the suit going on, again, if we don't resolve this soon and we are discussing this with them every other day or so, we'll come back to Council with yet another ordinance if that's what it takes.

MS. BODENSCHATZ: While my vigilante neighbors are out there doing their duty, if they see a 16 year old and a 10 year old going into that building, what are we to do? Nothing?

LAW DIRECTOR MARTUCCIO: If you see a 16 year old, they are probably...I'm not sure we can enforce that as of yet because of that ambiguity in the language. If you see anyone under 16, I would say call the police and if they arrive in time to catch them in the act, we'll have a misdemeanor that we can prosecute. Again, it never said 18, it never said anything other than 18 and over. We allowed for the 16 and 17 year olds because of the State law on tattoos and the temporary language.

MS. BODENSCHATZ: Right, and we understand that. But we also know that Richard and Rosemary are very adamant about it being 18 so we're at the attitude that it's 18 or nothing. And, we want to know, we don't want to cry wolf. We've been told by you all so many times, don't cry wolf, don't cry wolf, but at the same time, we, we've worked very hard to get this ordinance and now we expect it to be enforced. And, it brings us to the issue of can we call in time to get a police office out there. Now I'm not saying it's a high priority, I'm not comparing it to his neighborhood, it certainly isn't, however, [*chuckle and audience comments*] it's gonna get that way if we don't start protecting it. And, when we did call the police officers last week, they don't have a clue what to do. What is being translated down to these police officers and what if...they're supposed to be doing when they get there?

LAW DIRECTOR MARTUCCIO: Again, with the 16 year olds and 17 year olds, we probably will not have a prosecutable crime. Today or in the next 6 weeks.

MEMBER SMUCKLER: Mr. President. Today is a total day of frustration and this just adds to it. But, because this....I mean, I asked you 2 weeks ago if with thought in, 'ya know, with the thought that this whole thing was resolved....that we were done with this.

MS. BODENSCHATZ: It's not.

MEMBER SMUCKLER: My next question is, because you didn't pick up at all this little nuance that's going on here. This guy's going to build a separate entrance? Is this how he's going to get around the law, is that what you're telling me Law Director?

MS. BODENSCHATZ: I thought he wasn't allowed to have a separate entrance on the building according to the original plans that we all talked about. He was to have one entrance and one entrance only for whoever was coming out, in and out of that building. Now we're saying oh, he's building a separate entrance so we can get around our law.

LAW DIRECTOR MARTUCCIO: I'm not sure that we're saying let's do that. I'm saying that may be a proposal. Take your, take a small strip plaza for example. You get one large building, a four-corner, and owners build separate entrances into small places like that four corners. If these folks are able to conform with our law and get all the right approvals that may be a possibility, we're not, we are not proposing that. We are not making that offer. We are saying as, as the City Law Department, we negotiated in good faith, we came to Council in good faith, our understanding was Council [*WORDS HERE UNINTELLIGIBLE*], no one under 18 ever.

MS. BODENSCHATZ: Right. And no offense here and no pun intended either, but he's not a strip mall. He is one business. Just one business. He is doing one thing and most businesses have one way in, one way out with the exception of a fire exit. And, if we allow him to do this,he's not monitoring it now Law Director. Okay, give him another entrance so he can't monitor that one too? He's, he's letting young children in the building. And, there's 6 people sitting over there that will attest to it and we can't get a police officer out there quick enough to catch the 10 year old in the building because Mr. Thompson's neighborhood is being shot at. And that's understandable, okay. But, when they do come, and they do come, we don't know what to do. And, we don't know what to tell them to do, so, I pretty much told all of them to carry a copy of the ordinance with them and share it with every police officer that they meet that comes out to the site because they don't know what to do. Now we're offering them a second entrance possibly and.....

LAW DIRECTOR MARTUCCIO: The second entrance came up in a matter of conversation. I'm not sure that will happen, but I don't want you to be surprised if that's what will float.

MS. BODENSCHATZ: Well I don't want to be surprised. I wanna know how you're going to prevent it.

LAW DIRECTOR MARTUCCIO: We'll do what we can. So now the immediate issue is that the disparity in the wording of operational requirements of 18 year olds. We haven't held firm to the 18 year old provision. Whether we can do that amicably or whether we're in another law suit in the next few weeks, we'll see.

MS. BODENSCHATZ: I really do appreciate that, don't get me wrong. We do appreciate that you're sticking up for that and that you're sticking to your guns. We appreciate that you all are supporting that. But we want to know how we're going to enforce it. When you finally get there, which we hope will be soon, how are we going to enforce that? Are you expecting us as a neighborhood to call you when we see a 16 year old in there? Or, are you going to be doing some patrolling of your own in that area? Or both?

SAFETY DIRECTOR CONCATTO: Mr. President, first of all, I will inform the Police Department of the ordinance at least as it's concerning 10 year old--or under 16. This is the first I've head of that. Certainly we don't want that. I would ask that was she or he being accompanied by a parent?

MS. BODENSCHATZ: Yeah, yeah they are, but they're still not supposed to be in the building.

SAFETY DIRECTOR CONCATTO: So we can share some of the blame with the parent?

MS. BODENSCHATZ: Oh, absolutely -- parenting doesn't have to be licensed unfortunately.

SAFETY DIRECTOR CONCATTO: I will also inform Vice. Vice would be one that we could do as an undercover person to send in there, periodically. I mean to send Vice in there every day, then they're gonna know it's Vice. But, I will send down to the Police Department the ordinance, at least for under 16 and, so they know what to do. Now, again, with a minor misdemeanor, ah, misdemeanor, not a felony...

LAW DIRECTOR MARTUCCIO: It's a jailable, one of the levels of a jailable misdemeanor.

SAFETY DIRECTOR CONCATTO: We will discuss with them what they can do. I...I'm not sure at this time. I'll discuss it with the Law Department and Mariella as far as not....again, not to be cute but, who do we lock up.

MS. BODENSCHATZ: Well, yeah.

SAFETY DIRECTOR CONCATTO: We need to be sure if it's a citation that may just be that - a ticket citation, not one that you're going to put somebody in jail for and I will discuss this with the Law Director and Mariella Mestell as far as to the extent that we go with a 10 year old, 15 year old, 14 year old, would go there - would be accompanied by the parent because you know what, we'll have to deal with the parent because the parent is going to tell us, what are 'ya doing? It's my son, my daughter, ah, if I want them to have a tattoo, that's my business. So, we're going to have to deal with that also. But, I will send this down to the Police Department. I will talk to the Law Director and Mariella tomorrow concerning the enforcement.

MS. BODENSCHATZ: And, it's my understanding, correct me if I'm wrong, Law Director, they can have that tattoo, just not at this particular facility because it has a pornography inside it, is that correct? Is that why we're sticking to the 18 year olds? Is it because it has the pornography attached to it?

SAFETY DIRECTOR CONCATTO: I don't believe it matters. I think it's just, well, Law Director?....

LAW DIRECTOR MARTUCCIO: It doesn't matter. The tattoo parlor is separate from the rest of the sexually oriented business. That's why, in the past, a temporary restraining order was in effect, we consented to letting 16 and 17 year olds just in that portion because State law allows them to go into tattoo parlors with the parent's consent. I don't believe State law allows them tattooing anyone under 16. I'll have to read that again but I don't believe so. Again, both, while they're in the same building, it is a separate room where....

MS. BODENSCHATZ: It is a separate entrance of the store. I understand that once they get in there and it separates and does its thing....right. Obviously, it's going to need to be re-visited somewhere, and, we'll probably be back. But on a wider note, I wanted to direct this to the Safety Director. Last weekend we had our neighborhood meeting and Lt. Hostettler and Officer Bosley came out and helped us to start implementing our neighborhood watch programs and I just wanted to make sure that word got back that they did a wonderful job and we appreciate it very much that they could spend an hour or so with us that evening in helping us to keep our neighborhood from getting like Mr. Thompson's neighborhood. If they could do that in more neighborhood association meetings, perhaps we can clean up some of the problems that we are having here in the City of Canton. Thank you.

MEMBER HART: Mr. President. Just a question for the Law Director. So there is no question for the next meeting in 2 weeks that a needed amendment be drawn up and ready to be passed. Again, I thought that it was clear, in among many members, you know, a possible deal was almost blown because they thought that, you know, it was going to be accepted without allowing those kids in there. And, fortunately, a lot of members just due to this body, due to their strong ethics, said no, no children under 18. It wasn't a political decision. I think it was more correctly a moral decision. And, I just wanna make sure that this is quite clear and, however you...you know, I'm a school teacher I'm not an attorney, so whatever you need to do, you know, make it as clear as possible so there is no question by anybody, business owner, peace officer, resident, parent.

LAW DIRECTOR MARTUCCIO: Member Hart, Mr. President. We'll attempt to do that. Please understand this is kind of an area of first impression. These folks have really skillful, highly paid lawyers to comb these words and concepts looking for any of those openings. Unfortunately, there is a combination of words that allowed them to temporarily make this argument, we'll try and close that. Also, unprecedented here is a creative store that combines the use of separate sexually oriented business with a clothing shop that sells t-shirts that aren't obscene. So we're in an area too and we appreciate this information--we appreciate your on-going input. If we can't work this out with the attorneys, we will bring you an amendment. Thank you.

PRESIDENT DENCZAK: The next speaker is Leon Cote.

MR. COTE: Good evening. My name is Leon Cote, I live at 1225 - 41st Street NW in Canton. And first off I want to thank Mayor Watkins for his letter to our group. I'm not a member of NAVE, I'm just a poor little country boy so I hope you'll just excuse me, I don't have the clout. We are a group of approximately 500 residents in our neighborhood that we talked about 2 weeks ago - a water problem. We are still experiencing our water problem. I do have a couple questions. With the letter that Mayor Watkins sent us, according to your letter sir, you say, and please, we do not want an adversarial relationship, we need you, all of you to help us with our problems. But, we do need to clarify certain points. According to your letter, you stated that the problems were identified, 27 drainage projects in the Steese drainage area that need to be concluded. This extensive study was done in the 1980s and that nothing was done until your Administration took office in 1992. And, since 1992, you have completed 2 of the 27 projects at a cost of \$224,580. And I'm saying \$224,000 is about one third of the cost that our neighborhood pays into the city each year and over a 10-year period I would say that we should be entitled to a little more than 2 projects. You know, it also states in the letter that 34th Street was going to be next on the agenda. And then there was the big storm in 1999 and 2000 and that changed the priorities due to sanitary sewer backups and worse flooding problems in the Steese drainage area. Well sir, it seems to me that 10 years would be enough time to solve that other problem and get back to ours. And then the thing that I really take exception here is that we're gonna wait until, we're going to wait until the Fall to request an engineer; let's see, you're gonna request, in the state, you're going to request a grant, but I'm saying why don't we request the grant now and even if it isn't due until October, if we request the grant now, then maybe ours will be on top of the list at the state and maybe we could get some relief and some work done. I do realize that it's always better to say 2 years, 5 years, 10 years from now, we're going to do this, but I do have to commend you over the past month that you have not heard about the....(TIMER SOUNDS) Thank you very much.

PRESIDENT DENCZAK: Sir.....Sir..... I want to explain something to the people here in the audience. The rule is that the person has 3 minutes to speak under public speaks. However, if any member of the panel up here conducts a conversation with that person, I have to extend the time to 12 more minutes which is a total of 15. You will notice that some people were cut off at 3, some people have 15 minutes. That's because of the Council rule.

MR. COTE: I understand that and I thank you very much for your....

PRESIDENT DENCZAK: And I appreciate you. The final speaker is Alice Sarver.

MS. SARVER: My name is Alice Sarver and I live at 1225 - 41st Street. I wanted to say to the Mayor that I too am commenting on your letter and we all got sort of a chuckle out of it because Shanabruck is spelled S-H-A-N-A-B-R-U-C-K and you spelled it with a B-R-O-O-K, so we are expecting the name on the street to be changed because, actually, it is a brook now, with all the water we have draining down it. (*Applause & Laughter*) I have additional signatures to give to Council. I only made 1 copy and I'm going to give those to the Mayor. And we have gone from 59, I believe that I turned in last week, up to 84. The petition is still open and I am getting numerous calls every day and it keeps growing and growing. I do appreciate the letter. I really had expected that you would call me sooner than a week and I called your office and requested what had gone on at the meeting. So, you know, I'm saying "thank you" but I really would have liked to had a call. I also think it would be great if the Council people, instead of mailing me a letter at my tax expense, would walk around like I've had to walk around with my fliers, because I cannot afford the stamps to put to my people in my neighborhood and, get a chance to talk to the people. And Mike Grogan talked about the sewage in his rental property and he's one of hundreds of people in that neighborhood. So, if the Law Department's gonna deal with him, you'd better be prepared to deal with everybody up here because they are really upset and have nowhere to turn; and it's sad. And, they're also dealing with some slum landlords up there that has to be addressed. And our City inspectors have to be out and looking at some of these homes because the rest of your Canton City, like this poor man back here that talked about the shootings. We're getting there really fast in the northwest end and it's scary. It's scary to every one of us up here and this is far removed from the drainage problems and the sewage problems and the safety problems. And, we need 25 mile speed limits on 38th Street, 39th Street, 42nd Street, and thank you for the one on 41st, we did get that. Also, I want to know how far up the city or into the city are they dropping the pellets into stagnant water to get rid of mosquitoes? Does anyone know?

PRESIDENT DENCZAK: Mayor?...

MAYOR WATKINS: I'm sorry, the Health Department is handling that and has that information. But, I don't have it.

MS. SARVER: Yeah, because we have a serious problem up there. The stagnant water is serious.

MAYOR WATKINS: I know they're doing it. I've talked to Bob Pattison today and he said they were in the process of doing the pelletizing. I don't know what the locations are but I'll try to find out.

MS. SARVER: Yeah. Well, we need the spraying too. Because, you know, we don't have drainage to put the pellets in because our water just flows freely down our street. So, what we need is spraying and 'ya need, 'ya know, it's a serious, serious condition. Now, okay. Also, when we talked about the number of, amount of money that you spend up there, a lot of us looked at our home budgets over the last 20 years and we all figured out that we spent as much in our individual homes over the last 20 years than has been spent in our entire Ward 8. Each one of us in our homes has spent that much. Isn't that....I mean, isn't that an absurd comparison? You know, because we maintain our homes and at this point, I think most of us are saying don't give us any huge big project, let's just maintain the price and take care of the rest and the price that our children are getting cut on and the water that's causing the gravel, you know, get in there and do something. Just do something before our neighborhoods are terrible. And I, I wanna thank Marilyn, because she gave me a t-shirt and she's encouraged me to join the neighborhood meetings and it says, I'll keep the wheel of progress rolling in my neighborhood. Well, if I could get the wheels out of the mud and through the gravel, then I would be glad to get started on it. Thank you.

MISCELLANEOUS BUSINESS

PRESIDENT DENCZAK: We're now under Miscellaneous Business. Member Massey.

MEMBER MASSEY: Mr. President. I have a resident in my ward where I'd like to make a motion for her to speak the 3 minutes, Mrs. Atkins; seconded.

PRESIDENT DENCZAK: Moved and seconded that this person be allowed to speak for the 3 minutes. 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: Mrs. Adkins, you have 3 minutes ma'am.

MRS. ADKINS: Thank you Mr. President, Mr. Massey and the rest of the Council Members. My name is Lori Adkins. I live at 1808 - 2nd Street NE, Canton, Ohio 44707. And I need your help. Mr. Thompson, on June 1st, my home and the neighbor's home was shot into. And I called the Police. June 9th, my home and the neighbor's car was shot into. Both of those incidents, my 25-year old son was sitting on the porch like he always does. And, my child could have been shot. Both times the police came and they were wonderful and they took the information and they were concerned and they were caring. A detective called, we kept missing each other for my work hours, his work hours, he was off sick and what have you, so we never got to actually speak or just leaving phone messages for one another. Friday, I just called from work, this past Friday the 13th. The same detective whom I thought was trying to solve the case and find the idiot who'd been shooting and shot up homes, came to my home with a, I don't know what kind of weapon it was, all I know it was a big gun in his hand. He...had the door of his car open like he was the SWAT team, came on the porch, looking for someone who was never near in my home. I'm thinking he's trying to help me, I'm the victim here, and he came in my home lookin' for somebody else who was never near in my home. And so I asked him that. And why was he at my home with guns drawn, there's no warrant, anyone at my home. He said look at all these people out here, I'm just protecting myself. They were out there because you pulled in front of my home with the doors open and these big old guns and they're trying to see what's happening, just like I am. He said well ma'am, how many times in the last few weeks has your home been shot into? He took me being victimized, I am not a drug dealer, I have never been in trouble with the law, I am a part of, a part of the 4th ward, Concerned Citizens of the 4th Ward, I don't have a shirt on because I am involved with other community agencies and I was at a meeting tonight why I couldn't get here on, to the public speaks on time, I was at another meeting. He took my being a victim and turned it around to justify him coming to my home with his gun drawn, looking for a young man that has never been in my home before in his life. I just want some help. That's the other night, the night a young girl who was a friend of my niece was shot was also. We have reason to believe that these same young men to be nice, is doing the same shooting. Don't turn people who are victims into the enemy. I'm also for the Police, if you can get more police officers, Mr. Mayor, also, if you can get the community police back, I'm all for it, but don't come into our neighborhood because we do have problems, not only with the other children, my children. I have a child who I wish he was not doing some of the things that he's doing. But don't come into our neighborhoods just because these things happen and treat us all as if we are criminals.

PRESIDENT DENCZAK: Ma'am, your 3 minutes are up.

MRS. ADKINS: Thank you.

PRESIDENT DENCZAK: Safety Director, are you aware of this? Take a look at what...Mayor, do you have something to say?... Yes, we are now under Miscellaneous. Mayor....?

MAYOR WATKINS: Mr. President, ladies and gentlemen. I am well aware of some of the problems that have been

referred to because I've been on the streets and I am regularly. I see some of it happening. And, yes, I've had guns pulled on me. And I wonder what's going on. And when it comes to the problems of water, that issue is not dead. I haven't forgotten it and the letter that was sent, I apologize for the misspelling. Unfortunately, I just dictate, I don't type and so sometimes spelling errors do occur. I apologize for that, that does happen. Nonetheless, we have not forgotten this problem. Kevin Monroe please stand up. (*PUBLIC WORKS SUPERVISOR STANDS IN AUDIENCE*) Kevin Monroe is with our city department and handles a lot of the problems that you are referring to right now and have been referring to all night. That's why he's here, to listen, to learn, to educate himself as to what the problems are so that we can deal with them intelligently. Now, as far as the comments that were made relative to the OPWC grant, there are time frames that we have to work within in order to get these grants and you have to go by the, by the annual created time they are allowed to be submitted. We're working on them right now. And, the ones for Steese for the other projects 2, 3, 3 and 4 we are working on those, putting them together now. It'll be very, very shortly that we'll be allowed, that we'll be permitted, I think it's July 1st when that cycle starts, we'll be able to submit some of those plans. We do want to go forward with it. This is a problem that's been going on for over 50 years. There's no member on this Council that was here 50 years ago, nor was I, although I was old enough, but somebody probably thought I was....nonetheless, these problems have been evolving over a 50 year period. Deterioration has taken place for that long a period, plus there are areas out here that have never been served before and need to be. They need to be addressed. We want to do that soon. So, please, believe me when I tell you that we're putting all these facts together. We're looking at all of the problems, we're taking notes on all of it, our own task force will be out and we'll be looking at the individual problems, both on 23rd Street, on Steese, 41st, Shanabruck, all those areas and we will be putting together a program you'll get...you'll be getting another communication from me, with the correct spelling, and we will let you know exactly where we're at and what kind of timetable we're looking at. We want to keep you informed and we are dedicated to doing that and we will. And, we understand the problems that we're all facing. Money problems are tough. And dollar bills are hard to come by. And, we're talking about 224,000, seems like an insignificant amount of money but we do...

PRESIDENT DENCZAK: Mayor, your 3 minutes are up.

MAYOR WATKINS: I'm sorry. I'm wrapping it up. But the money we spent on 2 projects is not inconsequential, but it's not enough. We're gonna continue to work.

PRESIDENT DENCZAK: I'm re....I'm ready to take a hit and tell the Mayor to shut up. 3 minutes are up. (*Laughter*) Is there any other Miscellaneous Business? Safety Director....?

SAFETY DIRECTOR: Mr. President. Two things I'd like to say. First of all, there was a comment about grass cutting and about community service workers. Let me assure everybody here that the Community Service workers are doing their best to keep up with the grass problems that we have in the City, as is the Street Department. We're very with it, it was a tough spring with a lot of rain, as you came and told us about the rain, it also increased the grass growing. Let us not forget that most of those lots are owned by people who can afford to have them cut. That resolved to the fact that having us do it for them, sure we put it on their tax statement, we do that, but it's really....I hope some of the landlords, some of the land owners, that they can take responsibility for their properties. In my area, I, I wrote a letter to the land owner telling them that we are not in the position to cut other people's blocks, grass, vacant lots. It's their responsibility. Not buildings. We ought to be calling the land owners, not us. I mean, call us because ultimately we need to do that but maybe some phone calls to land owners would help. Mr. Thompson, I would be glad to meet with you, sir, with the police chief and your group and we'll discuss very thoroughly what the police chief has in mind as far as what we can do with the manpower we have. We don't expect that to go up. We're at approximately 173, I think as of today, and we'll be glad to discuss what we're doing with those people and how best we can serve your neighborhood. We don't take lightly the things that happened there and I will be glad to sit down with your group, wherever you wish at the Concerned Citizens 4th Ward Headquarters, there, and discuss, not only where we're at with our manpower but how

best we can serve you with these issues. Sometimes we can.. .We can only do the best we can. We'll be glad to sit down with you and discuss that. Just call my office, you have my number, it's in the book, call my office and I'll schedule something with you.

MEMBER MASSEY: Mr. President, Safety Director, I would also like to, like for you to include Mrs. Adkins in on that because her streets are real close together, if possible.

SAFETY DIRECTOR CONCATTO: I'll allow Mr. Thompson to decide whoever he wants there.

MEMBER MASSEY: Mr. Thompson...he's all right with that.

PRESIDENT DENCZAK: Is there any other Miscellaneous Business?... Member Altieri.

MEMBER ALTIERI-BUCHER: Mr. President, regarding Miss Annie, the lady from NAVE who had talked about 8th Street NE between Rowland and Carnahan, where the bridge is. There's an extended area. We've been dealing with this now as long as I've been in office, since last January. We've had 3 or 4 major clean ups there that has gone in, how many, I don't know, how many hundred feet back, and Kevin Monroe, I've called him....This man is wonderful. And, every time I talk with him about it, we've, we round up as many people as we can. We've dealt with it. Myself, Craig Massey, Greg Hawk, Safety Director Concatto at the Housing Task Force meeting, Community Service, they've gone in countless times. These are people who are illegally dumping. Where we tried as to where it is located and because there's so little lighting in the area, we try to get people to let us know at the first sign, where trucks being backed in, it's hard to watch that place. It is private property on one side. I'd like..the only solution we can come up with is to try to force the owners of this property to fence this in. That's going to be a conflict because it's a large area. But we need people to start calling and we suspect it's probably landlords evicting and just dumping. So this is...we've been dealing with this now, I know we've got another major cleanup here going on but a lot of times, we have to wait until the snow melts until we see it all and we go back there, and you know, and do it. I just went with Craig not too long ago for another area off of Water Street and we went down there, just major tons and tons and tons of just stuff. It's appalling how people treat our neighborhoods. But how we allow it to happen by not calling as soon as we see it. It makes me even more upset. So, at first sign you see it or if you see trucks or cars...anything backing up doing this, you gotta call. You can call me, you can call Craig, you can call Mr. Concatto, you can call Kevin Monroe at the Street Department. Believe me, we try to deal with it as best as we can. We round up as big a crew as we can and go in after it and we'll keep doing it.

PRESIDENT DENCZAK: Is there any other Miscellaneous Business? Safety Director....?

SAFETY DIRECTOR CONCATTO: I have one other thing. For Mr. Thompson and that group, for Citizens of the 4th Ward, Concerned Citizens for the 4th Ward, we do have a situation coming up in about a week on a property that you addressed, I think earlier in your talk, about drug dealers around Hartford and 2nd Street. And, for us to enforce that, for us to be able to, if anything pad-lock that house, we're going to have to have neighbors come forth to let us know that, that, or let the judge know, that they believe that there's drug activity at that house. We certainly will have Vice, we've made raids, we'll bring those, that type of proof and information to the judge, but we're also looking for the community to come forth so that the judge is aware of the fact that it's just not Vice making raids, it's, it's also the neighbors that are complaining about it and it, if you want to wait until after this meeting, I'll be glad to sit down with you for a few minutes. Law Director Martuccio and I will sit with anybody that would like to come forward and discuss this.

PRESIDENT DENCZAK: Is there any other Miscellaneous Business? Member Smuckler....?

MEMBER SMUCKLER: Mr. President, the Auditor's still here? Grab him. For the record, Mr. Auditor, the Safety Director handed me a certification for travel that totaled \$187 and wants me to have a meeting for something that I thought was set up just for professional services not to transfer more than \$5,000. And that was that committee that was made up of the Majority Leader, Minority Leader and Assistant Majority Leader and Finance Chairperson. Every time that someone goes to travel in this city, is this group going to have to meet?

AUDITOR PEREZ: What we decided to do was, since we passed... [*RECOGNIZED BY PRESIDENT DENCZAK TO SPEAK*] Thank you Mr. President.

MEMBER SMUCKLER: What does "we" mean?

AUDITOR PEREZ: Council majority, our office, when we passed the budget, when we changed it 3 years ago, we went from organization with a blank amount of money. We told you that we would not approve any money going into travel, registration or no money coming out of payroll as of unwritten rules were when we, you know, passed it by line items. Without Council's approval, the question on Council was, if it's for training, registration, certification of further jobs, that Council would approval all travels. There was no line item in that so I asked the Safety Director to come down and get the 3 signatures that were required so that Council would be aware that this money would be transferred in. By law, we do not have to do this, this is by policy. It's a policy of the Auditor's Office to let Council know that the Administration wants to take money that's not in travel and put in travel for these certifications. And the reason you guys are signing off on it, is that Council's aware of it, the Administration is bringing it down forthright and there'll be no questions in the future about what's going on.

MEMBER SMUCKLER: My question is, shouldn't this have to be a passed line item transfer by all of Council, rather than just 3 people?

AUDITOR PEREZ: My answer to you is no, because we can't, we passed the budget by the organization, we do not pass the budget by line item. Because, if we did, every time we went to do a line item transfer, for anything, we would have to come to Council and government would stop and people would not get paid.

MEMBER SMUCKLER: So any amount of money for travel's going to come down to this body?

AUDITOR PEREZ: If it hasn't already been approved, in exhibit "B", James?...Exhibit "B", when you passed it you had an Exhibit "B" that you had on youron the side that said line item per line item. This is how much money went into travel. If there's anything that exc....that exceeds Exhibit "B," then you would have to be responsible for signing off on that, yes.

MEMBER SMUCKLER: Then, Member Mroczkowski, Member Diamond I need to have a quick meeting after this is over. To have a quick discussion on this and I'm sure...and Safety Director Concatto, that I'm sure will take not more than a few seconds.

AUDITOR PEREZ: And just to clarify, John, we've had this discussion many a times. This is what the Finance Committee feels is fair and, Bill, just for your...when you meet every other week and try to do this, it could be 6 weeks and after the fact, then you have a moral ob. The reason we did this is because some of these training issues come up, on the spur, like this one possibly, and that, if the money's not encumbered before they actually got it, then it becomes a moral ob and if it's over a \$1,000, it's in my prerogative under a \$1,000 to not claim it as a moral ob. Anything over \$1,000 then it's up to Council to approve anyway. So, registration and payment is delayed even longer.

MEMBER SMUCKLER: I understand and my impression was when we had this whole budget discussion we were talking about over \$5,000...under \$5,000 just for strictly professional services, and I don't know how all this over stuff got involved.

AUDITOR PEREZ: That was in the second phase. That was after the fact, after we passed the budget. When we passed the budget, the unwritten rule was the same rule we applied, even when we did line item. No money will ever be transferred out of payroll line items to cover any of their expense and no money will ever be transferred into travel line items without Council's approval. That's always been an unwritten rule and the policy of the Auditor's office for the past 10, 15 years.

MEMBER SMUCKLER: I understand, but we've never had these little meetings like this before this year either.

AUDITOR PEREZ: We don't even need a meeting. All we need is 3 signatures.

MEMBER SMUCKLER: Well, the Sunshine Law says we need a meeting.

AUDITOR PEREZ: You're not officially a committee, I don't know...

MEMBER SMUCKLER: Yeah...well, they ..the Law Director has a different opinion. Speaking of the Law Director. Mr. Law Director, I can't sit here idly by for you to negotiate in that Federal Court that I went to for another 6 or 8 weeks, 10 weeks, 12 weeks, I don't care how long it takes. Member Hart's right. This morning down here, 2 weeks from now, they can't come to some agreement, just get some wording down here because I'm sick of there being a gun held to my head over how much money it's going to cost this city. Because, you know and this is, this is something, I'm glad this audience has a chance to see. Because Council gets attacked for not doing their job. We have passed so many versions of this ordinance and all we do is have an agency that's trying to figure out some loop-hole they can get through to get around this ordinance. And I don't know what anybody expects this body to do, other than what we're doing. And, I'm not going to sit here, I don't care what those attorneys cost, I'm not going to sit here for weeks on end, just get the wording of the age out of that area. And get us the change in the ordinance, and if they can't live with it, then let them go to court. It's set already, Law Director.

PRESIDENT DENCZAK: Member Smuckler, your 3 minutes are up. Let me see if anybody else has anything to say. Is there any other Miscellaneous Business?... Member Smuckler, are you finished?

MEMBER SMUCKLER: I'm done and if there isn't anything else under Miscellaneous Business, I move we adjourn.

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

NO REMARKS PERMITTED ON THE MOTION TO ADJOURN

ROLL CALL: 10 YEAS, 0 NAYS

ADJOURNMENT TIME: 10:15 P.M.

ATTEST:

APPROVED:

DEBRA VANCKUNAS
CLERK OF COUNCIL

RAY DENCZAK
PRESIDENT OF COUNCIL