

MINUTES OF THE MEETING OF NOVEMBER 17, 2003

The regular meeting of Canton City Council was held on Monday, November 17, 2003, at 7:30 P.M. in the Canton City Council Chamber. The meeting was called to order by President of Council Ray Denczak. The roll call was then taken (as follows) by Clerk of Council Debbie Vanckunas. The invocation was given by Ward 7 Councilmember Rosemary Diamond, followed by the Pledge of Allegiance led by President of Council Ray Denczak.

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

ROLL CALL TAKEN BY CLERK OF COUNCIL:

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

AMOMENT OF SILENCE WAS GIVEN IN REMEMBRANCE OF BOB HOROWITZ, STARK COUNTY PROBATE JUDGE.

AGENDA CORRECTIONS & CHANGES

PRESIDENT DENCZAK: Thank you, Member Diamond. Agenda corrections and changes. You're being asked to suspend Rule 22A to add Ordinances for second reading, Ordinance #2 through and including #21. The Chair will recognize that motion now, Member Smuckler.

MEMBER SMUCKLER: Mr. President, I move we suspend Rule 22A to add Ordinances #2 through #21 back to the agenda; seconded.

PRESIDENT DENCZAK: Moved and seconded to suspend Rule 22A to add Ordinances #2 to #21 inclusive to the agenda. Are there any remarks?... If not, roll call vote please.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

PRESIDENT DENCZAK: Rule 22A is suspended and Ordinances #2 through and including #21 are a legal part of your agenda. You're also being asked to amend Ordinance #22 under third and final reading. This brings your agenda up to date. The Chair has been handed a notation here that we need Rule 24B suspended to add the IPS Committee....it'll be Resolution #88, objecting to the issuance of a new C1, 2 liquor permit requested by DWS, Inc. Member Smuckler, the Chair will recognize Rule 24B suspension.

MEMBER SMUCKLER: What number are you making this?

PRESIDENT DENCZAK: This will be Resolution #88.

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MEMBER SMUCKLER: I didn't hear you.

PRESIDENT DENCZAK: Resolution #88.

MEMBER SMUCKLER: 88?

PRESIDENT DENCZAK: It's from the IPS Committee.

MEMBER SMUCKLER: Mr. President, I move we suspend Rule 24B and add Resolution #88 to the agenda; seconded.

PRESIDENT DENCZAK: Moved and seconded to suspend Rule 24B to add Resolution #88 from the IPS Committee to the agenda. Are there any remarks?... If not, roll call vote please.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

PRESIDENT DENCZAK: Resolution #88 is a legal part of your agenda.

PUBLIC HEARINGS**PUBLIC HEARING: MELCHOIR PLACE VACATION, 7:30 PM**

PRESIDENT DENCZAK: We have a scheduled public hearing for 7:30. The Chair opens the public hearing now in regards to the matter of a request by Eugene Deal of Premier Office Complex to vacate Melchoir Place SW from east line of Court Avenue SW to the west line of Market Avenue South. The Planning Commission recommends approval. Is there anyone in the audience wishing to speak for or against this vacation, please come forward... Is there anyone in the audience wishing to speak for or against this vacation, please come forward... Is there anyone in the audience wishing to speak for or against this vacation, please come forward... Apparently not, the Chair declares the public hearing over in regards to this matter. The matter now rests in the hands of Council. The ordinance will follow later this evening.

PUBLIC SPEAKS (ORDINANCES OR RESOLUTIONS FOR ADOPTION ONLY):

PRESIDENT DENCZAK: Nobody signed up for Public Speaks under Resolutions or Ordinances for Adoption.

INFORMAL RESOLUTIONS

PRESIDENT DENCZAK: Informal Resolutions. It's not necessary to excuse members. Let the journal show that all members of Council are present.

PRESIDENT DENCZAK CALLED UPON CLERK OF COUNCIL VANCKUNAS TO READ RESOLUTION #88 BY TITLE, AS SHOWN BELOW. THE RESOLUTION IS ON FILE IN ITS

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ENTIRETY IN THE COUNCIL OFFICE WITH THE AGENDA ITEMS FILE DATED NOVEMBER 17, 2003.

88. INTERGOVERNMENTAL & PUBLIC SERVICE COMMITTEE: OBJECTING TO THE ISSUANCE OF A NEW C1, C2 LIQUOR PERMIT REQUESTED BY DWS, INC. dba SHORB DRIVE THRU @ 829 12TH STREET NW- ADOPTED BY COUNCIL

MEMBER SMUCKLER: Mr. President, I move we adopt Resolution #88; seconded.

PRESIDENT DENCZAK: Moved and seconded that you adopt Resolution #88. Are there any remarks?... If not, by voice vote all those in favor, signify by saying aye. Those opposed no.

NO REMARKS

RESOLUTION #88 ADOPTED BY UNANIMOUS VOICE VOTE

PRESIDENT DENCZAK: Resolution #88 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 NOVEMBER 17, 2003

460. AUDITOR KIM PEREZ, CITY OF CANTON: REQUEST FOR ADDITIONAL AMENDED CERTIFICATE DATED 11/12/03. - CLERK OF COUNCIL

461. CLERK OF COUNCIL DEBRA VANCKUNAS, CITY OF CANTON: ALL OBJECTIONS TO 2004 LIQUOR PERMIT RENEWALS MUST BE SUBMITTED TO CLERK NO LATER THAN 11/24/03. - INTERGOVERNMENTAL & PUBLIC SERVICE CMTE (See C#464)

462. GREG HAWK, WARD 1 MEMBER & JOHN MROCZKOWSKI, WARD 5 MEMBER, CITY OF CANTON: REQUESTING AN ORDINANCE AMENDING O.164/2001 TO EXCLUDE CERTAIN POLICE & FIRE DEPT EMPLOYEES AND FIDUCIARY STAFF OF AUDITOR'S OFFICE FROM WAGE SCHEDULE FOR MANAGEMENT & NON-BARGAINING UNIT EMPLOYEES; INCLUDE ANNUAL EVALUATIONS FOR CERTAIN MANAGEMENT & NON-BARGAINING UNIT EMPLOYEES BUT EXCLUDING FIDUCIARY EMPLOYEES IN THE AUDITOR'S OFFICE; & AMENDING EXHIBIT A, CLASSIFICATION PLAN. - LAW DIRECTOR (See O#1, 1st Rdg)

463. LIQUOR CONTROL DIVISION, STATE OF OHIO, 6606 TUSSING ROAD, PO BOX 4005, REYNOLDSBURG, OHIO 43068-9005: REQUEST FOR OWNERSHIP TRANSFER OF D5 LIQUOR PERMIT BY JEFF POPE, dba IMPERIAL, LOCATED AT 420 COURT AVE NW. - INTERGOVERNMENTAL & PUBLIC SERVICE CMTE

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464. LIQUOR CONTROL DIVISION, OHIO DEPT OF COMMERCE, 6606 TUSSING ROAD, PO BOX 4005, REYNOLDSBURG, OHIO 43068-9005: NOTIFICATION THAT ALL PERMITS TO SELL ALCOHOLIC BEVERAGES IN THE CITY WILL EXPIRE ON 2/1/04 & PROCEDURES FOR OBJECTING TO REISSUANCE OF SAME. - INTERGOVERNMENTAL & PUBLIC SERVICE CMTE (See C#461)
465. LIQUOR CONTROL DIVISION, OHIO DEPT OF COMMERCE, 6606 TUSSING ROAD, PO BOX 4005, REYNOLDSBURG, OHIO 43068-9005: OVERRULING OBJECTION OF COUNCIL TO C1, C2, D6 LIQUOR PERMIT APPLICATION BY LA TIENDA HISPANA OVIEDOS CORP, LOCATED @ 909 12TH ST NW & CONTINUING PROCESSING OF APPLICATION. - INTERGOVERNMENTAL & PUBLIC SERVICE CMTE
466. TIME WARNER CABLE: DESCRIPTION OF RATES & SERVICES FOR UPCOMING YEAR 2004. - TIME WARNER CABLE CMTE

ORDINANCES & FORMAL RESOLUTIONS FOR FIRST READING

PRESIDENT DENCZAK: Ordinances and Formal Resolutions for the first reading. Let the journal show that all ordinances are being given their reading as required by State Law. Ordinance #1 please.

NOTE: PRESIDENT DENCZAK CALLED UPON CLERK VANCKUNAS TO READ THE FOLLOWING ORDINANCE #1 FOR THE FIRST TIME BY TITLE & ANNOUNCED THE COMMITTEE REFERRAL, AS FOLLOWS.

- #1 (1ST RDG) AN ORDINANCE AMENDING ORDINANCE NO. 164/2001, AS AMENDED, THE CLASSIFICATION PLAN AND GENERAL SALARIES FOR ALL MANAGEMENT AND NON-BARGAINING UNIT EMPLOYEES OF THE CITY OF CANTON; AMENDING EXHIBIT A TO ORDINANCE NO. 164/2001, AS AMENDED; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Finance & Personnel Committees

ORDINANCES & FORMAL RESOLUTIONS FOR SECOND READING

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

NOTE: PRESIDENT DENCZAK CALLED UPON CLERK VANCKUNAS TO READ THE FOLLOWING ORDINANCES #2 THROUGH AND INCLUDING #21 FOR THE SECOND TIME BY TITLE, AS FOLLOWS.

RULE 22A SUSPENDED TO ADD #2 THROUGH #21:

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- #2 (2ND RDG) AN ORDINANCE AMENDING ORDINANCE NO. 55/77, AS AMENDED, KNOWN AS THE CITY OF CANTON ZONING ORDINANCE; AND DECLARING THE SAME TO BE AN EMERGENCY (FIRST CHURCH OF NAZARENE ZONE CHANGE)
- #3 (2ND RDG) AN ORDINANCE AMENDING ORDINANCE NO. 55/77, AS AMENDED, KNOWN AS THE CITY OF CANTON ZONING ORDINANCE; AND DECLARING THE SAME TO BE AN EMERGENCY (TODD LENS MAN/PRIME PROPERTIES ZONE CHANGE)
- #4 (2ND RDG) AN ORDINANCE AMENDING ORDINANCE NO. 55/77, AS AMENDED, KNOWN AS THE CITY OF CANTON ZONING ORDINANCE; AND DECLARING THE SAME TO BE AN EMERGENCY (TRENA & SOLADENE CURTIS/JAZZY KIDZ DAY CARE ZONE CHANGE)
- #5 (2ND RDG) AN ORDINANCE VACATING A PORTION OF A DEDICATED ALLEY BETWEEN 5TH STREET S.W. AND 6TH STREET S.W.; AND DECLARING THE SAME TO BE AN EMERGENCY
- #6 (2ND RDG) AN ORDINANCE ADOPTING 2004 AMENDMENTS TO THE TRAFFIC AND GENERAL OFFENSES CODES OF THE CANTON CODIFIED ORDINANCES
- #7 (2ND RDG) A RESOLUTION AUTHORIZING THE CITY LAW DIRECTOR TO DISTRIBUTE FREE OF CHARGE TO PUBLIC OFFICIALS AND PUBLIC INSTITUTIONS COPIES OF THE 2004 AMENDMENTS TO THE TRAFFIC AND GENERAL OFFENSES CODES; TO AFFIX PRICE FOR SALE OF SAME
- #8 (2ND RDG) AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 236/2002, AS AMENDED, BY MAKING THE SUPPLEMENTAL APPROPRIATION AND TRANSFERS HEREIN DESCRIBED; AND DECLARING THE SAME TO BE AN EMERGENCY
- #9 (2ND RDG) AN ORDINANCE APPROVING AND ACCEPTING THE REPLATTING OF PART OF LOTS NOS. 13294 & 13295; AND DECLARING THE SAME TO BE AN EMERGENCY
- #10 (2ND RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CONTRACT WITH CIVIL DESIGN ASSOCIATES, INC. IN AN AMOUNT NOT TO EXCEED \$69,400.00 TO PROVIDE PROFESSIONAL ENGINEERING AND SURVEYING SERVICES FOR THE MIDWAY AVENUE NE IMPROVEMENTS; AUTHORIZING THE CITY AUDITOR TO ESTABLISH THE 4552 MIDWAY AVENUE NE IMPROVEMENTS FUND; AMENDING APPROPRIATION ORDINANCE NO. 236/2002, AS AMENDED, BY MAKING THE SUPPLEMENTAL APPROPRIATION HEREIN DESCRIBED; AND DECLARING THE SAME TO BE AN EMERGENCY
- #11 (2ND RDG) AN ORDINANCE AUTHORIZING THE MAYOR AND/OR DIRECTOR OF PUBLIC

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SERVICE TO CONVEY CITY-OWNED REAL PROPERTY, NO LONGER NEEDED FOR MUNICIPAL PURPOSES, TO THE CANTON COMMUNITY IMPROVEMENT CORPORATION; AND DECLARING THE SAME TO BE AN EMERGENCY

- #12 (2ND RDG) AN ORDINANCE AUTHORIZING THE MAYOR AND/OR DIRECTOR OF PUBLIC SERVICE TO CONVEY CITY-OWNED REAL PROPERTY, NO LONGER NEEDED FOR MUNICIPAL PURPOSES, TO THE CANTON COMMUNITY IMPROVEMENT CORPORATION; AND DECLARING THE SAME TO BE AN EMERGENCY
- #13 (2ND RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CONTRACT WITH COOPER & ASSOCIATES, LLP IN AN AMOUNT NOT TO EXCEED \$75,750.00 TO PROVIDE PROFESSIONAL ENGINEERING AND SURVEYING SERVICES FOR THE 38TH STREET NW IMPROVEMENT, GP 1067; AUTHORIZING THE CITY AUDITOR TO ESTABLISH THE 4553 38TH STREET NW IMPROVEMENT, GP 1067 FUND; AMENDING APPROPRIATION ORDINANCE NO. 236/2002, AS AMENDED, BY MAKING THE SUPPLEMENTAL APPROPRIATION HEREIN DESCRIBED; AND DECLARING THE SAME TO BE AN EMERGENCY
- #14 (2ND RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CONTRACT WITH CT CONSULTANTS, INC. IN AN AMOUNT NOT TO EXCEED \$18,600.00 FOR ENGINEERING SERVICES ASSOCIATED WITH THE LIFT STATIONS REPLACEMENT PROJECT; AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ADVERTISE, RECEIVE BIDS AND ENTER INTO CONTRACT IN AN AMOUNT NOT TO EXCEED \$100,000.00 FOR THE CONSTRUCTION ASPECT OF THE PROJECT; AMENDING APPROPRIATION ORDINANCE NO. 236/2002, AS AMENDED, BY APPROPRIATING FROM THE UNAPPROPRIATED BALANCE AND ALLOCATING SAME TO ITEMS HEREIN DESCRIBED; AND DECLARING THE SAME TO BE AN EMERGENCY
- #15 (2ND RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO EXECUTE AND DELIVER TO AULTMAN HEALTH FOUNDATION/AULTMAN HOSPITAL AN EASEMENT ON PROPERTY OWNED BY THE CITY OF CANTON; AND DECLARING THE SAME TO BE AN EMERGENCY
- #16 (2ND RDG) AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 236/2002, AS AMENDED, BY MAKING THE TRANSFER AND SUPPLEMENTAL APPROPRIATION HEREIN DESCRIBED; AND DECLARING THE SAME TO BE AN EMERGENCY
- #17 (2ND RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CONTRACT WITH CT CONSULTANTS IN AN AMOUNT NOT TO EXCEED \$22,350.00 TO PROVIDE ENGINEERING SERVICES FOR THE REMOVAL OF THE 8TH STREET NE BRIDGE; AMENDING APPROPRIATION ORDINANCE NO. 236/2002, AS AMENDED, BY MAKING THE TRANSFER HEREIN DESCRIBED; AND DECLARING

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THE SAME TO BE AN EMERGENCY

- #18 (2ND RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CONTRACT WITH THE STARK COUNTY PUBLIC DEFENDER COMMISSION FOR THE PROVISION OF LEGAL SERVICES TO INDIGENTS; AND DECLARING THE SAME TO BE AN EMERGENCY
- #19 (2ND RDG) AN ORDINANCE AUTHORIZING THE MAYOR AND/OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CONTRACT WITH STARK COUNTY REGIONAL PLANNING COMMISSION TO PROVIDE A GRANT IN AN AMOUNT NOT TO EXCEED \$82,000.00 FOR A COMPREHENSIVE FAIR HOUSING PROGRAM; AND DECLARING THE SAME TO BE AN EMERGENCY
- #20 (2ND RDG) AN ORDINANCE AMENDING ORDINANCE NO. 143/2002
- #21 (2ND RDG) A RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE COUNTY AUDITOR

ORDINANCES AND FORMAL RESOLUTIONS FOR THIRD READING

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

NOTE: PRESIDENT DENCZAK CALLED UPON CLERK VANCKUNAS TO READ THE FOLLOWING ORDINANCES #22 THROUGH AND INCLUDING #28 FOR THE THIRD & FINAL TIME BY TITLE, AS FOLLOWS. ALL THIRD READING ORDINANCES WERE ADOPTED FOLLOWING THEIR FINAL READINGS.

- #22 (3RD RDG) **ADOPTED AS ORDINANCE NO. 233/2003** AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A COMMUNITY REINVESTMENT AREA AGREEMENT WITH ESMET, INC. TO PROVIDE REAL PROPERTY TAX EXEMPTIONS FOR AN ADDITION TO A BUILDING LOCATED IN THE WARD 4 COMMUNITY REINVESTMENT AREA; AUTHORIZING THE GRANTING OF TEN YEAR REAL PROPERTY TAX EXEMPTIONS; AND DECLARING THE SAME TO BE AN EMERGENCY

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

PRESIDENT DENCZAK: Moved and seconded that you adopt Ordinance #22. Are there any remarks?...

MEMBER SMUCKLER: I move that we amend Ordinance #22 pursuant to the amendment that's in writing before every Councilmember; seconded.

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AMENDMENT: Pursuant to Rule 36, I hereby move to amend Section 3 of Ordinance/Item No. 22 on the Agenda as follows:

The second sentence shall include a new phrase and is to read:

The tax exemption shall be reduced for each successive year during the next five year period by 20% per year from 100% in year six to 0% at the conclusion of year 10, at which time the exemption will automatically end.

PRESIDENT DENCZAK: Moved and seconded to amend Ordinance #22 per the copy before each member of council. Are there any remarks under the amendment? If not, the question you're voting on is the amendment. By voice vote, all those in favor signify by saying aye. Those opposed no.

NO REMARKS

AMENDMENT ADOPTED BY UNANIMOUS VOICE VOTE

PRESIDENT DENCZAK: The amendment is passed. The question before you now is the Ordinance as amended. Are there are remarks under this Ordinance as amended?... Very well, roll call vote please.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance #22 as amended has been adopted.

#22 AS AMENDED ADOPTED AS ORDINANCE NO. 233/2003

#23 (3RD RDG) **ADOPTED AS ORDINANCE NO. 234/2003** AN ORDINANCE VACATING A PORTION OF MELCHOIR PLACE SW; APPROVING AND ACCEPTING THE REPLATTING OF LOTS NOS. 376-380, 522, 523, 33403, 33558, 42175 - 42182, PART OF LOTS NOS. 524 AND 375; AND DECLARING THE SAME TO BE AN EMERGENCY

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: 12 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance #23 is adopted.

#23 ADOPTED AS ORDINANCE NO. 234/2003

#24 (3RD RDG) **ADOPTED AS ORDINANCE NO. 235/2003** AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 236/2002, AS AMENDED, BY MAKING THE SUPPLEMENTAL APPROPRIATION HEREIN DESCRIBED; AND DECLARING THE SAME TO BE AN EMERGENCY

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

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PRESIDENT DENCZAK: Moved and seconded that you adopt Ordinance #24. Are there any remarks under this ordinance?... If not, roll call vote please.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance #24 is adopted. **#24 ADOPTED AS ORDINANCE NO. 235/2003**

#25 (3RD RDG) **ADOPTED AS ORDINANCE NO. 236/2003** AN ORDINANCE AUTHORIZING THE CITY AUDITOR TO PAY A MORAL OBLIGATION IN AN AMOUNT NOT TO EXCEED \$35,640.59 TO WENGER EXCAVATING, INC.; AND DECLARING THE SAME TO BE AN EMERGENCY

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: 12 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance #25 is adopted. **#25 ADOPTED AS ORDINANCE NO. 236/2003**

#26 (3RD RDG) **ADOPTED AS ORDINANCE NO. 237/2003** AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CONTRACT WITH URS CORPORATION IN AN AMOUNT NOT TO EXCEED \$316,519.00 FOR THE TUSCARAWAS STREET IMPROVEMENTS, STA-77-13.90, GP 1064; AUTHORIZING THE CITY AUDITOR TO ESTABLISH THE 4551 TUSCARAWAS STREET IMPROVEMENTS GP 1064 FUND; AMENDING APPROPRIATION ORDINANCE NO. 236/2002, AS AMENDED, BY MAKING THE TRANSFER AND SUPPLEMENTAL APPROPRIATION HEREIN DESCRIBED; AND DECLARING THE SAME TO BE AN EMERGENCY

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

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance #26 is adopted. **#26 ADOPTED AS ORDINANCE NO. 237/2003**

#27 (3RD RDG) **ADOPTED AS ORDINANCE NO. 238/2003** AN ORDINANCE AUTHORIZING THE MAYOR AND/OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CONTRACT WITH THE YWCA OF CANTON, INC. TO PROVIDE A GRANT IN AN AMOUNT NOT

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TO EXCEED \$50,000.00 FOR REPLACEMENT OF THE ROOF ON THE GATEWAY HOUSING PROJECT FACILITY; AND DECLARING THE SAME TO BE AN EMERGENCY

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: 12 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance #27 is adopted. **#27 ADOPTED AS ORDINANCE NO. 238/2003**

#28 (3RD RDG) **ADOPTED AS ORDINANCE NO. 239/2003** AN ORDINANCE AUTHORIZING THE MAYOR AND/OR DIRECTOR OF PUBLIC SERVICE TO CONVEY CITY-OWNED REAL PROPERTY, NO LONGER NEEDED FOR MUNICIPAL PURPOSES, TO THE CANTON COMMUNITY IMPROVEMENT CORPORATION; AND DECLARING THE SAME TO BE AN EMERGENCY

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

PRESIDENT DENCZAK: Moved and seconded that you adopt Ordinance #28. Are there any remarks under this ordinance?... Very well, roll call vote please.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance #28 is adopted. **#28 ADOPTED AS ORDINANCE NO. 239/2003**

ANNOUNCEMENT OF COMMITTEE MEETINGS

PRESIDENT DENCZAK: Announcement of Committee Meetings please.

MEMBER MROCKOWSKI: The Finance Committee will at 6:30 November 24th, City Council Caucus Room.

PRESIDENT DENCZAK: Any others? Personnel? You're not gonna meet?

MEMBER DIAMOND: I'm on -- finance and personnel?

PRESIDENT DENCZAK: Yeah.

MEMBER DIAMOND: Okay. I'll be right with him.

PRESIDENT DENCZAK: Okay. That's it?... (NO OTHER ANNOUNCEMENTS)

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PRESIDENT DENCZAK: Public Speaks, Open Forum. We have three people signed up to speak this evening. First speaker is Paul Kemp.

MR. KEMP: My name is Paul Kemp. I live at 227 Chicago Place NW in Canton. As you may or may not know, I was here last week about Chicago Place. Well, they started work on Chicago Place on Thursday of last week, and I want to thank you for doing it quickly, but it's too bad it took so long to get done. Well, it isn't done yet, but they're working on it. Thank you.

PRESIDENT DENCZAK: The next speaker is Al Sciddurlo.

MR. SCIDDURLO: Good evening. I got three minutes to say...

PRESIDENT DENCZAK: Wait. State your name and address.

MR. SCIDDURLO: Oh. My name is Ohofrio Sciddurlo. I live at 2113 Clearview, and the reason why I'm here tonight is about last week talking about the Wal Mart coming to Canton. And, what I heard about from Mr. Councilman Casar over there, he was very -- I was with him to open a Wal Mart on 62, because when I find out that the Wal Mart was coming on 62, me, myself, I was trying to open a place right across from this Wal Mart. The City shut me down. So, my question is, if you guys don't want no business on 62, why are you pushing the issue for Wal Mart to be on 62? The City shut me down on 62. I had a brand new place, carry-out and delivery. They threw in my face that I needed a handicap access, handicap entrance, handicap bathroom, handicap this, and the place was carry-out and delivery. A year and a half ago I lost \$32,000.00, if anybody in this room cares about that. I heard oh, your lawyer, he made a mistake, your architect made a mistake. He took, the City Building, to review three pages from my architect, eight weeks to deny me. I paid the fees with no problem. The only thing I didn't do right, I didn't get no permit, so I apologize to the City Building. I told them you explain it to me what I should do. They laughed in my face. And I even took the Director of Safety, Joe Concatto, to the place at that time to show him the place the way it was. Brand new place. I mean, everything was new, electric line, water line, gas line, everything new. Equipment, hood system. They shut me down. So what do you need a Wal Mart on 62? For what? Nobody wants business in that area. That area is a dump. It was a dump, it will be a dump, is gonna be a dump, because nobody wants business over there. You guys proved it to me a year and a half ago. I did everything that the Building Inspector told me to do. I hire an architect. It cost me \$3,000.00. How long does it take to review three pieces of paper? They let me wait eight weeks. I had to pay \$150.00 for nothing.

PRESIDENT DENCZAK: Sir, I'm sorry, but your three minutes are up. Bring your remarks to a close.

MR. SCIDDURLO: And, another thing. I'm still waiting for tomorrow.

PRESIDENT DENCZAK: Safety Director, can you enlighten this Council body as to what took place there?

SAFETY DIRECTOR CONCATTO: Mr. President, the pizza shop that Mr. -- that Al is talking about, one of the issues that was dominant in the building inspection was the hood. It was not a new hood, it was a used hood, and the hood -

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the fire suppression hood - did not pass the inspection. Mr. Casto - Al - was notified of that. He did proceed with that work without permits, therefore, the electrical work that was installed was not installed -- we don't know -- we didn't know at that time how the electrical work was installed because it was installed and covered up after the permits were taken. This has been three or four years so I don't really have all the information. I did go out to the business. I did review it with the Building Department, and we continued to try to tell Al what the changes were that had to be made, and at some point he decided not to continue the business.

PRESIDENT DENCZAK: Okay. Thank you.

SAFETY DIRECTOR CONCATTO: If I may, Mr. President. One other thing. I have your check, Al. It was mailed to you October 30th, and you refused to sign for it.

MR. SCIDDURLO: Impossible.

SAFETY DIRECTOR CONCATTO: Well, it's right here.

MR. SCIDDURLO: What time did it -- I never received anything because if I receive something, I will sign.

SAFETY DIRECTOR CONCATTO: Al, I'm not gonna sit here and argue with you. I'm just saying I do have your check now. I'll be glad to give it to you after the meeting.

MR. SCIDDURLO: Okay. That's not a problem.

PRESIDENT DENCZAK: Take care of this matter after the meeting, alright?

MR. SCIDDURLO: I need some more time if I can?

PRESIDENT DENCZAK: No, unless Council allows it. I...

MR. SCIDDURLO: Greg Hawk?...

MEMBER HAWK: Two more minutes?...

PRESIDENT DENCZAK: Make a motion.

MEMBER HAWK: We'll give him two minutes to finish his speech; seconded.

PRESIDENT DENCZAK: 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: Sir, you have another two minutes.

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MR. SCIDDURLO: Okay. How can it be that I approves-- I think I still got it -- from the Fire Marshal of Canton, Ohio, come in the place, inspect the hood and pass me with flying colors, yet could not pass from a Building inspector? That's my question. How can a Fire Marshal that inspects the hood and tell me that everything is perfect have to spend \$20,000.00 into a hood system, how can the Building Department tell me that the hood was used? It was not used, I still got the hood. The system inside, I bought it from Pits Fire from Massillon, brand new system that I got on file. I would like to find out why this Building inspector has got to tell me that the hood was used and they tell me that the hood was put together piece by piece. That tells me that this Building inspector needs to go back to school, because I still got the hood, it's all one piece. I still got the older system inside of this hood. I got it in my garage collected dust, brand new, with the receipt that I used Pits Fire. The answer from the Building inspector was, why don't you use Josh, and my answer was who the hell is Josh? I don't have to use anything that you suggest to me. That was it. The hood is brand new. The electric was already there. That's all I had to do was connect the equipment. Okay? They were mad because I didn't get the permits. You know, over here you guys are gonna speak the truth. I don't want no bull, b.s., because it's not right what you guys did to me. \$42,000.00 you guys took, my three kids' money from college, away from me. Have a nice life.

PRESIDENT DENCZAK: The next speaker is Ken Kocinsky.

MR. KOCINSKY: My name's Kenneth Kocinsky. I reside at 427 Wells Avenue NW, Apartment #3, and I just want to make a quick proposal here. Going through Canton's Comprehensive Annual Financial Report, on page 41, note 5, Deposits and Investments. It says, "Deposits: At the year end the carrying amount of the City's deposits was 20 million, 448 thousand, 635 dollars and the bank balance was 21 million, 697 thousand, 787 dollars. Of the bank balance, 740 thousand was covered by federal depository insurance, and 20 million, 957 thousand was uncollateralized and uninsured." It says this is the deposits the City's been making to Star Bank. "Although the pledging bank has an investment security in full use to collateralize all public deposits which are held in the financial institution's name. Non-compliance with federal requirements could potentially subject the City to a successful claim by the FDIC." So, I wanted to suggest that maybe we could put that money into a no load bond fund and do payroll out of ADP or Key Bank. I don't know. I just, you know, I thought I'd suggest like maybe put the money in a bond fund instead of leaving it uncollateralized in a bank where it might get stolen. Thank you.

MISCELLANEOUS BUSINESS

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

MEMBER SMUCKLER: Mr. President, I move we adjourn; seconded.

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

NO REMARKS PERMITTED ON THE MOTION TO ADJOURN

ROLL CALL: 12 YEAS, 0 NAYS

ADJOURNMENT TIME: 8:08 P.M.

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ATTEST:

APPROVED:

DEBRA VANCKUNAS
CLERK OF COUNCIL

RAY DENCZAK
PRESIDENT OF COUNCIL