

MINUTES OF THE MEETING OF FEBRUARY 23, 2004

The regular meeting of Canton City Council was held on Monday, February 23, 2004, 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 2 Councilmember Thomas West, 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:

ALL 12 COUNCILMEMBERS PRESENT: (DON CASAR, JOE CARBENIA, MARY M. BABCOCK, THOMAS M. BERNABEI, GREG HAWK, THOMAS E. WEST, RICHARD A. MALLONN II, KELLY ZACHARY, TERRY PRATER, DAVID R. DOUGHERTY, RICHARD D. HART, & ROSEMARY DIAMOND)

MEMBER HART: President Denczak, I'd ask for a moment of silence in honor of Staff Sergeant Ramey who gave his life in the service of his country.

MEMBER BABCOCK: Second.

PRESIDENT DENCZAK: It's not necessary to second that.

MEMBER CASAR: Mr. President, could I add to that announcement also for Marcia Roach, Jim Roach's daughter, passed away and I think it would be appropriate for her also, and another former city worker that worked for Mr. Mallonn as secretary for years, Mary Jane Serra.

PRESIDENT DENCZAK: Yes, would you please stand for a moment of silent prayer for Mary Jane Serra, Marcia Roach and, what was the Sergeant's name, Member Hart?

MEMBER HART: Ramey.

PRESIDENT DENCZAK: Sergeant Ramey. ***(A MOMENT OF SILENCE WAS OBSERVED FOR THE PASSING OF SERGEANT RAMEY, MARCIA ROACH AND MARY JANE SERRA)***

PRESIDENT DENCZAK: Thank you.

AGENDA CORRECTIONS & CHANGES

PRESIDENTDENCZAK: Agenda corrections or changes. You're being asked to suspend Rule 22A to add the second reading of Ordinances 4 through and including #11. You're being asked to suspend Rule 24B to add Resolutions 28 and 29 to the agenda, and you're gonna be asked to amend Ordinances 12 and 18 under third reading. At this time the Chair will recognize Rule 22A suspension, Member Casar.

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MEMBER CASAR: Mr. President, I move that Rule 22A be suspended and we add Ordinances 4 through and including 11 back on the agenda; seconded.

PRESIDENT DENCZAK: Moved and seconded to suspend Rule 22A to add second reading of Ordinances 4 through and including #11 to the agenda. Are there any remarks under this motion?... If not, roll call vote please.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

PRESIDENT DENCZAK: Rule 22A has been suspended and Ordinances 4 through and including #11 are a legal part of your agenda. The Chair will now recognize Rule 24B suspension, Member Casar.

MEMBER CASAR: Mr. President, I move we suspend Rule 22B and add Ordinances...

PRESIDENT DENCZAK: 24B.

MEMBER CASAR: 24B and add Resolutions 28 and 29 to the agenda; seconded.

PRESIDENT DENCZAK: Moved and seconded to suspend Rule 24B to add Resolutions 28 and 29 to the agenda. Are there any remarks?... If not, roll call vote please.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

PRESIDENT DENCZAK: Rule 24B has been suspended and Resolutions 28 and 29 are a legal part of your agenda.

PUBLIC HEARINGS

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

PUBLIC SPEAKS (ORDINANCES OR RESOLUTIONS FOR ADOPTION ONLY):

PRESIDENT DENCZAK: No one has signed up for public speaks, ordinances or resolutions for adoption only.

INFORMAL RESOLUTIONS

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

MEMBER CASAR: Mr. President, the Mayor is not here this evening and, as you know, two weeks ago we passed the ordinance in regards to a new position, Chief of Staff, and I felt since the Mayor isn't here tonight if we had any questions it would be appropriate that the Chief of Staff be sitting up here, and so we'd have to suspend Rule 17 and 47A, and I so move; seconded.

PRESIDENT DENCZAK: Moved and seconded to suspend Rules 17 and 47A. Are there any remarks?... This time

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is one when we call a roll call vote.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

PRESIDENT DENCZAK: Rules 17 and 47A are suspended. Member Casar, the proper thing to do now is for you to motion that the Chief of Staff be seated here now.

MEMBER CASAR: Mr. President, we just did that.

PRESIDENT DENCZAK: No, you suspended the rule.

MEMBER CASAR: I move that the Chief of Staff be permitted to sit at -- inside of the rails this evening. This is for this evening only at this particular time, Mr. President; seconded.

PRESIDENT DENCZAK: That's correct. Moved and seconded to allow the Chief of Staff to sit up here temporarily. Are there any remarks?... If not, ask for roll call.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

PRESIDENT DENCZAK: The Chief of Staff is permitted to sit up here.

CHIEF OF STAFF CONCATTO: Thank you.

PRESIDENT DENCZAK CALLED UPON CLERK OF COUNCIL VANCKUNAS TO READ RESOLUTIONS #28 AND #29 BY TITLE, AS SHOWN BELOW. THE RESOLUTIONS ARE ON FILE IN THEIR ENTIRETY IN THE COUNCIL OFFICE WITH THE AGENDA ITEMS FILE DATED FEBRUARY 23, 2004.

28. PERSONNEL COMMITTEE: CONFIRMING MAYOR CREIGHTON'S REAPPOINTMENT OF RICHARD McELROY TO THE STARK COUNTY REGIONAL PLANNING COMMISSION FOR ONE YEAR EFFECTIVE THROUGH 12/31/04. - ADOPTED BY COUNCIL

MEMBER CASAR: Mr. President, I move we adopt Resolution #28; seconded.

PRESIDENT DENCZAK: Moved and seconded that you adopt Resolution #28. Are there any remarks under this Resolution?... If not, by voice vote, all those in favor signify by saying aye. Those opposed no.

NO REMARKS

RESOLUTION #28 ADOPTED BY UNANIMOUS VOICE VOTE

PRESIDENT DENCZAK: Resolution #28 is adopted.

29. PERSONNEL COMMITTEE: CONFIRMING MAYOR CREIGHTON'S APPOINTMENT OF ECILA TUCK TO THE FAIR HOUSING COMMISSION EFFECTIVE 1/1/04 THROUGH 12/31/08. - ADOPTED

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BY COUNCIL

MEMBER CASAR: Mr. President, I move we adopt Resolution #29; seconded.

PRESIDENT DENCZAK: Moved and seconded that you adopt Resolution #29. 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 #29 ADOPTED BY UNANIMOUS VOICE VOTE

PRESIDENT DENCZAK: Resolution #29 is adopted.

COMMUNICATIONS

PRESIDENT DENCZAK: Under Communications...

MEMBER CARBENIA: Mr. President, I'm sorry, I'll wait till she announces it.

PRESIDENT DENCZAK: No, just... No... Read the title...

MEMBER CARBENIA: What I'd like to do is I'd like to have Communication 102 read please.

PRESIDENT DENCZAK CALLED UPON CLERK OF COUNCIL VANCKUNAS TO READ COMMUNICATION #102 BY TITLE, AS SHOWN BELOW. COMMUNICATION #102 IS ON FILE IN ITS ENTIRETY IN THE COUNCIL OFFICE WITH THE AGENDA ITEMS FILE DATED FEBRUARY 23, 2004.

102. CARBENIA, JOE, WARD 9 MEMBER, CITY OF CANTON: SUBMITTING LETTER TO MAYOR OPPOSING THE CLOSING OF ANY FIRE STATION IN THE CITY

PRESIDENT DENCZAK: The Communication is received and filed.

MEMBER CARBENIA: Mr. President, could I have that read in its entirety, please.

PRESIDENT DENCZAK: Yes. Clerk Vanckunas, please read the Communication.

COMMUNICATION #102 READ BY CLERK OF COUNCIL VANCKUNAS: A MEMO TO MAYOR JANET WEIR-CREIGHTON FROM JOE CARBENIA, 9TH WARD COUNCIL MEMBER, DATED FEBRUARY 19, 2004 REGARDING THE CLOSING OF #10 FIRE STATION. BY THIS COMMUNICATION I AM FORMALLY MAKING PUBLIC TO YOU ALL CANTON CITY COUNCIL MEMBERS AND THE CITIZENS OF THE CITY OF CANTON THAT I WILL OPPOSE THE CLOSING OF ANY FIRE STATION IN OUR CITY. IT IS OUR PUBLIC RESPONSIBILITY AND THE DUTY AS ELECTED OFFICIALS TO ALWAYS KEEP THE PROTECTION OF THE CITIZENS OF OUR CITY AS THE HIGHEST PRIORITY. FIRE PROTECTION AND OUR FIREFIGHTERS ARE THE TRUE FIRST RESPONDERS LOOKING OUT FOR THE SAFETY OF ALL

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OUR CITIZENS. THEY ARE FIRST ON THE SCENE OF FIRES, EMS CALLS, HAZARDOUS MATERIALS INCIDENTS AND MANY OTHER EMERGENCIES WHICH COULD NOW EVEN BE WEAPONS OF MASS DESTRUCTION OR EVEN TERRORIST ACTIVITY. I HAVE HEARD THE ADVICE OF THE CHIEF OF OUR DEPARTMENT. AS A RETIRED FIRE CAPTAIN, I COULD NOT DISAGREE WITH HIM MORE. I HAVE HEARD FROM CONSTITUENTS IN MY WARD AND FROM OTHER WARDS THROUGHOUT OUR CITY AND NONE OF THEM FAVOR THE CLOSING OF FIRE STATIONS. MANY RECALL WHAT OCCURRED AND THE NEEDLESS DAMAGE FIRE CAUSED WHEN THE BELDEN AVE SE FIRE STATION #2 WAS CLOSED AND A FIRE HAPPENED RIGHT AROUND THE CORNER. I HAVE SEEN WHAT CAN HAPPEN WHEN A DISASTER OCCURS. IT IS ONLY WORSE WHEN NO ONE IS THERE TO INTERVENE AND MITIGATE THE CIRCUMSTANCES. WE NEED OUR FIREFIGHTERS AS THE FIRST LINE OF DEFENSE. OUR CITIZENS DESERVE THE BEST FIRE PROTECTION AVAILABLE. IT CANNOT BE ACCOMPLISHED WITH A DEPLETED FORCE AND FEWER PERSONNEL. FIREFIGHTERS HAVE AT TIMES PAID THE ULTIMATE SACRIFICE TO PROTECT THE PUBLIC. I WONDER WHAT THOSE WHO HAVE DONE THIS WOULD THINK OF THE RAVAGING OF THE FIRE FORCE JUST TO SAVE A FEW DOLLARS AT THE EXPENSE OF LIVES SAVED. LOOKED AT IN THIS MANNER MAKES THE MONETARY COST SEEM SMALL. FINALLY AND MOST IMPORTANTLY, I RESPECTFULLY ASK THAT YOU AS THE MAYOR OF THE CITY OF CANTON INTERVENE AND USING THE POWER AND INFLUENCE OF YOUR OFFICE STOP THE NEEDLESS AND HARMFUL CLOSING OF FIRE STATIONS AND, IN TURN, KEEP THE SAFETY AND WELL BEING OF OUR CITIZENS AND FIREFIGHTERS A NUMBER ONE PRIORITY. SIGNED JOE CARBENIA, WARD 9 COUNCILMAN.

PRESIDENT DENCZAK: The original went to Mayor Creighton and this Communication's received and filed.

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 FEBRUARY 23, 2004.

103. CARBENIA, JOE, WARD 9 MEMBER, CITY OF CANTON: SUBMITTING LETTER TO MAYOR REQUESTING ENTRANCE EXAMINATION FOR POLICE OFFICERS AND FIREFIGHTERS IN ORDER TO HAVE AN EXISTING ELIGIBILITY LIST. - RECEIVED & FILED
104. CLERK OF COUNCIL DEBRA VANCKUNAS, CITY OF CANTON: ADVISING CD & PLANNING DIRECTOR SHEILA THARP-BARRINO THAT COUNCIL WILL NOT REPLACE CURRENT MEMBERS UNTIL A VACANCY OCCURS ON THE COMMUNITY REINVESTMENT AREA HOUSING COUNCIL. - RECEIVED & FILED
105. DIAMOND, ROSEMARY, WARD 8 MEMBER, CITY OF CANTON: LETTER & RELEVANT DOCUMENTATION TO JUDICIARY COMMITTEE CHAIRMAN TOM BERNABEI REQUESTING INPUT REGARDING AN INCREASE IN THE CITY'S LODGING TAX. - RECEIVED & FILED
106. HABITAT FOR HUMANITY OF GREATER CANTON, INC., 320 THIRD ST NW, CANTON OH 44702: REQUEST TO VACATE UNNAMED ALLEY RUNNING EAST FROM SHRIVER AVENUE NE IN THE 1500 BLOCK TO MADDRELL COURT NE & REPLAT OF CANTON CITY LOTS 13968 & LOT 8907.

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- PLANNING COMMISSION

107. HEALTH BENEFITS ADMINISTRATOR ROSE BRESSON, CITY OF CANTON: JANUARY MONTHLY COMPARATIVE REPORT OF INSURANCE CLAIMS & JANUARY 2004 PAID CLAIMS & COMPARATIVE REPORT. - RECEIVED & FILED
108. LAW DIRECTOR JOSEPH MARTUCCIO, CITY OF CANTON: LETTER REGARDING DRAFT LEGISLATION FOR A COMMUNITY REINVESTMENT AREA AGREEMENT (CRA) FOR SHAWN O'BRIEN PROPERTIES LLC. - COMMUNITY & ECONOMIC DEVELOPMENT COMMITTEE
109. LIQUOR CONTROL DIVISION, 6606 TUSSING RD, PO BOX 4005, REYNOLDSBURG, OHIO 43068-9005: REQUEST FOR TRANSFER OF D2, D2X PERMIT FROM ANITA LOUISE PUNTENNEY dba PUTTS HOLLAND INN TO LORRAINE A. BOYLE dba HOLLAND INN LOCATED @ 827 10TH ST NW. - INTERGOVERNMENTAL & PUBLIC SERVICE COMMITTEE
110. LIQUOR CONTROL DIVISION, 6606 TUSSING RD, PO BOX 4005, REYNOLDSBURG, OHIO 43068-9005: REQUEST FOR TRANSFER OF C1, C2 PERMIT FROM CLARK RETAIL ENTERPRISES, INC. dba CLARK STORE 1116 TO SHAHNIL CANTON INC LOCATED @ 2201 9TH ST SW. - INTERGOVERNMENTAL & PUBLIC SERVICE COMMITTEE
111. MAYOR JANET WEIR-CREIGHTON, CITY OF CANTON: REQUEST CONFIRMATION OF REAPPOINTMENT OF RICHARD McELROY TO THE STARK COUNTY REGIONAL PLANNING COMMISSION FOR ONE YEAR EFFECTIVE THROUGH 12/31/04. - PERSONNEL COMMITTEE
(See Resolution #28)
112. MAYOR JANET WEIR-CREIGHTON, CITY OF CANTON: REQUEST CONFIRMATION OF APPOINTMENT OF MS. ECILA TUCK TO THE FAIR HOUSING COMMISSION EFFECTIVE 1/1/04 THROUGH 12/31/08. - PERSONNEL COMMITTEE
(See Resolution #29)
113. MAYOR JANET WEIR-CREIGHTON, CITY OF CANTON: REQUEST AUTHORIZATION FOR MAYOR TO FILE APPLICATION, ADMINISTER FUNDS AND ENTER INTO NECESSARY CONTRACTS WITH HUD FOR THE CANTON FEDERAL CENTER; REQUEST AUTHORIZATION FOR AUDITOR TO ESTABLISH A FUND TO DEPOSIT FUNDS AND PAY EXPENDITURES; REQUESTING AUTHORIZATION TO TRANSFER MONIES TEMPORARILY FROM THE WORKERS' COMPENSATION FUND AS NEEDED FOR CONSTRUCTION OF THE CANTON FEDERAL CENTER. - MARKETING & DEVELOPMENT GRANT AND COMMUNITY & ECONOMIC DEVELOPMENT COMMITTEES
114. PRESIDENT OF COUNCIL RAY DENCZAK, CITY OF CANTON: NOTIFICATION OF APPOINTMENT OF COUNCIL FINANCE CHAIRMAN GREG HAWK TO SERVE AS PRESIDENT DENCZAK'S DESIGNEE ON THE SYSTEMS PLANNING BOARD. - RECEIVED & FILED
115. SERVICE DIRECTOR TAD C. ELLSWORTH, CITY OF CANTON: REQUEST AUTHORIZATION TO

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ADVERTISE FOR LETTERS OF INTEREST & STATEMENTS OF QUALIFICATIONS TO NEGOTIATE CONTRACT PRICE FOR ENGINEERING SERVICES STUDY FOR A CAPITAL IMPROVEMENT PLAN FOR THE NORTHEAST, NORTHWEST AND SUGAR CREEK WATER TREATMENT PLANTS. - PUBLIC PROPERTY CAPITAL IMPROVEMENT AND FINANCE COMMITTEES

116. SERVICE DIRECTOR TAD C. ELLSWORTH, CITY OF CANTON: REQUEST TO ADVERTISE, RECEIVE BIDS AND ENTER INTO CONTRACT FOR LEASE OF TWO BACKHOE LOADERS FOR WATER DEPARTMENT. - FINANCE COMMITTEE
117. SERVICE DIRECTOR TAD C. ELLSWORTH, CITY OF CANTON: REQUESTING AUTHORITY TO ADVERTISE, RECEIVE BIDS & ENTER INTO CONTRACT TO REPLACE CEILING/ROOF ON POOL HOUSE AND REPLACE DECK AT NORTH END OF JACKSON POOL; REQUESTING \$157,500.00 SUPPLEMENTAL APPROPRIATION FROM THE UNAPPROPRIATED BALANCE OF THE 4501 CAPITAL IMPROVEMENT FUND AND \$315,000.00 FROM THE UNAPPROPRIATED BALANCE OF THE 4560 JACKSON POOL IMPROVEMENT FUND. - PUBLIC PROPERTY & CAPITAL IMPROVEMENT COMMITTEE AND FINANCE COMMITTEES

PRESIDENT DENCZAK: (REFERRED TO COMMUNICATION #117) Make note on the agenda that's also referred to the Finance Committee.

118. STARK COUNTY COMMISSIONERS, 110 CENTRAL PLAZA S, #240, CANTON OH 44702-2202: SUBMITTING ALL ANNEXATION MATERIALS RE: FORD/REPUBLIC GEORGETOWN ROAD ANNEXATION AREA. - ANNEXATION COMMITTEE
119. TREASURER ROBERT C. SCHIRACK, CITY OF CANTON: COMPARATIVE REPORT OF CASH RECEIPTS AS OF 1/31/04. - RECEIVED & FILED
120. ZACHARY, KELLY, WARD 4 MEMBER, CITY OF CANTON: REQUEST APPROVAL OF ORDINANCE TO INSTALL STREET LIGHTS ON HOWINGTON CIRCLE. - SIDEWALK & STREET LIGHTING COMMITTEE

ORDINANCES & FORMAL RESOLUTIONS FOR FIRST READING

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

NOTE: PRESIDENT DENCZAK CALLED UPON CLERK VANCKUNAS TO READ THE FOLLOWING ORDINANCES #1 THROUGH AND INCLUDING #3 FOR THE FIRST TIME BY TITLE & ANNOUNCED THE REFERRAL, AS FOLLOWS.

- #1 (1ST RDG) AN ORDINANCE APPROVING AND ACCEPTING THE REPLATTING OF LOT 42208 AND OUTLOT 1035; APPROVING AND ACCEPTING THE DEDICATION OF PART OF

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55TH STREET NE; AND DECLARING THE SAME TO BE AN EMERGENCY

Referred to Public Safety & Thoroughfares Committee

- #2 (1ST RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ADVERTISE AND RECEIVE BIDS FOR THE SALE OF ONE PARCEL OF CITY-OWNED REAL PROPERTY NO LONGER NEEDED FOR MUNICIPAL PURPOSES; AND AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO CONVEY SAID PROPERTY TO THE HIGHEST BIDDER

Referred to Public Property Capital Improvement Committee

- #3 (1ST RDG) AN ORDINANCE APPROVING A CANTON CITY WATER MAIN EXTENSION TO PERRY 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

Referred to Environmental & Public Utilities Committee

ORDINANCES & FORMAL RESOLUTIONS FOR SECOND READING

PRESIDENT DENCZAK: Ordinances and Formal Resolutions for the second reading.

NOTE: PRESIDENT DENCZAK CALLED UPON CLERK VANCKUNAS TO READ THE FOLLOWING ORDINANCES #4 THROUGH AND INCLUDING #11 FOR THE SECOND TIME BY TITLE, AS FOLLOWS.

RULE 22A WAS SUSPENDED TO ADD #4 THROUGH #11:

- #4 (2ND RDG) AN ORDINANCE VACATING A PORTION OF 14TH ST SW & LAWN AVE SW; AND DECLARING THE SAME TO BE AN EMERGENCY

- #5 (2ND RDG) AN ORDINANCE AMENDING EXHIBIT A TO O.164/2001, AS AMENDED, THE CLASSIFICATION PLAN & GENERAL SALARIES FOR ALL MANAGEMENT & NON-BARGAINING UNIT EMPLOYEES OF THE CITY OF CANTON; AND DECLARING THE SAME TO BE AN EMERGENCY

- #6 (2ND RDG) AN ORDINANCE AUTHORIZING THE LAW DIRECTOR TO ENTER INTO CONTRACT WITH THE BELOW NAMED CITIES AND VILLAGES TO PROVIDE LEGAL REPRESENTATION CONCERNING THE PROSECUTION OF CRIMINAL CASES AND RELATED MATTERS BY THE CITY PROSECUTOR'S OFFICE; AND DECLARING THE SAME TO BE AN EMERGENCY

- #7 (2ND RDG) AN ORDINANCE AUTHORIZING THE MAYOR AND/OR DIRECTOR OF PUBLIC SERVICE TO EXECUTE & FILE AN APPLICATION WITH THE OHIO DEPARTMENT OF NATURAL RESOURCES RATIFYING SAID APPLICATION, PROVIDING LOCAL

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PARTIAL FUNDING; AND DECLARING THE SAME TO BE AN EMERGENCY

- #8 (2ND RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY TO ACCEPT & EXECUTE THE FEDERAL EMERGENCY MANAGEMENT AGENCY'S ASSISTANCE TO FIREFIGHTERS GRANT; AUTHORIZING CITY AUDITOR TO DEPOSIT THE PROCEEDS OF SAID GRANT INTO THE 2813 FIREFIGHTERS ASSISTANCE GRANT FUND; AMENDING APPROPRIATION O.1/2004, AS AMENDED, BY MAKING THE SUPPLEMENTAL APPROPRIATION HEREIN DESCRIBED; AND DECLARING THE SAME TO BE AN EMERGENCY
- #9 (2ND RDG) AN ORDINANCE AMENDING APPROPRIATION O.1/2004, AS AMENDED, BY MAKING THE SUPPLEMENTAL APPROPRIATION HEREIN DESCRIBED; AND DECLARING THE SAME TO BE AN EMERGENCY
- #10 (2ND RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR PUBLIC SERVICE TO ENTER INTO MODIFICATION #1 WITH NORTHWEST CONSULTANTS, INC. IN AN AMOUNT NOT TO EXCEED \$4,654.00 FOR THE GUILFORD AVE NW BRIDGE REPLACEMENT PROJECT, GP 1075; AMENDING APPROPRIATION O.1/2004, AS AMENDED, BY MAKING THE TRANSFER HEREIN DESCRIBED; AND DECLARING THE SAME TO BE AN EMERGENCY
- #11 (2ND RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A CHANGE ORDER WITH NICKEL EXCAVATING, INC. IN AN AMOUNT NOT TO EXCEED \$87,735.75 FOR EXTENSIVE EXCAVATION WORK FOR THE CANTON TRAIN STATION SITE DEVELOPMENT PROJECT; AND DECLARING THE SAME TO BE AN EMERGENCY

ORDINANCES AND FORMAL RESOLUTIONS FOR THIRD READING

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

NOTE: PRESIDENT DENCZAK CALLED UPON CLERK VANCKUNAS TO READ THE FOLLOWING ORDINANCES #12 THROUGH AND INCLUDING #18 FOR THE THIRD & FINAL TIME BY TITLE, AS FOLLOWS.

- #12 (3RD RDG) **ADOPTED AS ORDINANCE NO. 15/2004** AN ORDINANCE AUTHORIZING THE MAYOR AND/OR DIRECTORS OF PUBLIC SERVICE AND SAFETY TO COMPLETE THE CONTRACTING PROCESS FOR VARIOUS CONTRACTS PREVIOUSLY AUTHORIZED BUT NOT COMPLETED BY JANUARY 1, 2004; AND DECLARING THE SAME TO BE AN EMERGENCY

MEMBER CASAR: Mr. President, I move we adopt Ordinance #12; seconded.

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PRESIDENT DENCZAK: Moved and seconded that you adopt Ordinance #12. Are there any remarks under this Ordinance?...

MEMBER CASAR: Mr. President, the amendment, everyone has a copy of it. I move we amend Ordinance #12 per attached copy; seconded.

AMENDMENT: Pursuant to Rule No. 36, I hereby move to amend Section 1 to Agenda Item #12 by the addition of paragraphs (p) and (q) which shall read as follows:

- (p) **ORD. 248/2003** *An Ordinance authorizing conveyance of City owned land to CCIC*
- (q) **ORD. 229/2003** *An Ordinance authorizing City to enter into a one-year contract with the Canton City School District to provide a Community Development Block Grant in an amount not to exceed \$30,000.00 for the Early Childhood Education Program for the 2003-2004 school year*

PRESIDENT DENCZAK: The motion is to amend Ordinance #12 as per stated in your copies before each of you. Are there any remarks under the amendment?... If not, 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 question you're voting on now is the Ordinance as amended. Are there any remarks under this Ordinance as amended?... If not, roll call vote please.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance #12 as amended has been adopted.

#12 AS AMENDED ADOPTED AS ORDINANCE NO. 15/2004

- #13 (3RD RDG) **ADOPTED AS ORDINANCE NO. 16/2004** AN ORDINANCE AUTHORIZING THE MAYOR AND/OR DIRECTOR OF PUBLIC SERVICE TO FILE APPLICATION WITH THE STATE OF OHIO TO PARTICIPATE IN THE CLEAN OHIO ASSISTANCE FUND, APPLY FOR FINANCIAL ASSISTANT & ADMINISTER THE FUNDS RECEIVED; AUTHORIZING THE MAYOR AND/OR SERVICE DIRECTOR TO ENTER INTO CONTRACT FOR PROFESSIONAL SERVICES IN AN AMOUNT NOT TO EXCEED \$50,000.00 IN ACCORDANCE WITH THE REQUIREMENTS OF THE CLEAN OHIO ASSISTANCE FUND APPLICATION; AND DECLARING THE SAME TO BE AN EMERGENCY

MEMBER CASAR: Mr. President, I move we adopt Ordinance #13; seconded.

PRESIDENT DENCZAK: Moved and seconded that you adopt Ordinance #13. Are there any remarks under this

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

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance #13 is adopted.

#13 ADOPTED AS ORDINANCE NO. 16/2004

#14 (3RD RDG) **ADOPTED AS ORDINANCE NO. 17/2004** AN ORDINANCE APPROVING & ACCEPTING THE REPLATTING OF PART OF OUTLOT #800 & PART OF OUTLOT #842; AND DECLARING THE SAME TO BE AN EMERGENCY

MEMBER CASAR: Mr. President, I move we adopt Ordinance #14; seconded.

PRESIDENT DENCZAK: Moved and seconded that you adopt Ordinance #14. Are there any remarks under this Ordinance?...

MEMBER CASAR: Mr. President, I'd like to say that I'm happy to see that Wal-Mart decided to change their mind again and put the 62 Harmont Avenue on the fast track and not the one at Canton Centre Mall, so I'm happy in regards to that and hopefully Wal-Mart will change maybe their policies of what they've done other places where they've sprung up all over this country, and I just hope that perhaps they'll be better citizens.

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

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance #14 is adopted.

#14 ADOPTED AS ORDINANCE NO. 17/2004

#15 (3RD RDG) **ADOPTED AS ORDINANCE NO. 18/2004** AN ORDINANCE APPROVING & ACCEPTING THE FINAL RECORD PLAT OF VIENNA WOODS ALLOTMENT NO. 2 IN THE CITY OF CANTON; AND DECLARING THE SAME TO BE AN EMERGENCY

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

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

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance #15 is adopted.

#15 ADOPTED AS ORDINANCE NO. 18/2004

#16 (3RD RDG) **ADOPTED AS ORDINANCE NO. 19/2004** AN ORDINANCE APPROVING & ACCEPTING THE REPLATTING OF PART OF OUTLOTS #45 & 315; AND DECLARING THE SAME TO BE AN EMERGENCY

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MEMBER CASAR: Mr. President, I move we adopt Ordinance #16; seconded.

PRESIDENT DENCZAK: Moved and seconded that you adopt Ordinance #16. Are there any remarks under this Ordinance?... Very well, roll call vote please.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance #16 is adopted.

#16 ADOPTED AS ORDINANCE NO. 19/2004

#17 (3RD RDG) **ADOPTED AS ORDINANCE NO. 20/2004** AN ORDINANCE APPROVING & ACCEPTING THE REPLATTING OF LOTS #5720, 5721, 5722 & 5723 AND DECLARING THE SAME TO BE AN EMERGENCY

MEMBER CASAR: Mr. President, I move we adopt Ordinance #17; seconded.

PRESIDENT DENCZAK: Moved and seconded that you adopt Ordinance #17. Are there any remarks under this Ordinance?... Very well, roll call vote please.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance #17 is adopted.

#17 ADOPTED AS ORDINANCE NO. 20/2004

#18 (3RD RDG) **ADOPTED AS ORDINANCE NO. 21/2004** AN ORDINANCE AUTHORIZING THE CLERK OF COUNCIL TO CERTIFY TO THE COUNTY AUDITOR UNPAID AND DELINQUENT CHARGES FOR REMOVAL OF NOXIOUS WEEDS & DEBRIS; AND DECLARING THE SAME TO BE AN EMERGENCY

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

PRESIDENT DENCZAK: Moved and seconded that you adopt Ordinance #18. Are there any remarks under this Ordinance?...

MEMBER CASAR: I move we amend Ordinance #18 per copy that every Councilmember has; seconded.

AMENDMENT: Pursuant to Rule No. 36, I hereby move to amend Agenda Item No. 18 by the addition of a new Section 2 which shall read as follows:

Section 2. The Clerk of Council is further authorized to delete any property owner's names from Exhibit A prior to certification to the County Auditor provided the Director of Public Service verifies receipt of payment in full.

I further move to renumber currently existing Section 2 as Section 3.

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PRESIDENT DENCZAK: Moved and seconded to amend this Ordinance per the copy placed before each of you. Are there any remarks?... 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 question you're voting on now is the Ordinance as amended. Are there any remarks under this Ordinance as amended?... Very well, roll call vote please.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance #18 as amended has been adopted.

#18 AS AMENDED ADOPTED AS ORDINANCE NO. 21/2004

ANNOUNCEMENT OF COMMITTEE MEETINGS

PRESIDENT DENCZAK: Announcement of Committee Meetings please.

MEMBER BABCOCK: Mr. President, Public Safety & Thoroughfares will meet at 6:45, March 1st.

PRESIDENT DENCZAK: Any other committees?

MEMBER DOUGHERTY: Mr. President, Public Property Capital Improvement will meet the 1st at 6:45.

PRESIDENT DENCZAK: Any other committees? Member West...? Yeah, Member Mallonn.

MEMBER MALLONN: *(MEMBER MALLONN'S COMMENTS INAUDIBLE--HE CALLS FOR AN ENVIRONMENTAL & PUBLIC UTILITIES COMMITTEE MEETING ON MONDAY, MARCH 1ST AT 6:45 P.M.)*

PRESIDENT DENCZAK: *(AFTER DISCUSSION BETWEEN PRESIDENT DENCZAK AND CLERK VANCKUNAS)* Okay. Member West, I understand now.

PUBLIC SPEAKS (OPEN FORUM--CITY BUSINESS ONLY)

PRESIDENT DENCZAK: No one signed up for Public Speaks under Open Forum, City Business Only.

MISCELLANEOUS BUSINESS

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

MEMBER CARBENIA: Yes. I'd like to make mention that my communication on not closing fire stations, I'm very adamant about it. I think that we should do something else. We have to come up with a plan, if we have to sit down with the Administration and the fire department, because they have to be included, the Chief has the right to close the fire stations. We as a City provide our citizens with the best protection possible. We are protecting -- the thing is that we

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give them protection that they can't do themselves. They can't protect themselves against fire and other emergencies. Also I'd like to mention that we're over here wanting to close fire stations and we're trying to annex property. What kind of a thing is that, that we're out there trying to annex and somebody says you can't even take care of your own property, you want to close fire stations. So, I just think that our first requisite is this. If you take and build a city, the first thing you start with is water, the next is fire and police and so on down the line. It's one of the most important things to the City, to the citizens, and I think if we're gonna do something, we should do it in reverse order in some of the other places that we can cut some more fat.

CHIEF OF STAFF CONCATTO: Mr. President. Member Carbenia, the Mayor and myself and the Safety Director and a few Councilmembers present, not both at the same time, met with the Chief and discussed the issue about closing fire stations. I know from the past that this is a very sensitive issue with everybody in the City, not just you but every ward Councilperson sitting here. However, the City is in a deficit. You as Council and the Finance Committee has asked the City to look at its budget and work as hard as possible to spend what it gets in, what it takes in. Whether that's feasible or not this year is something we're dealing with. The fact still remains that there's cuts that have to be made, and as disturbing as it is for everybody to think that a fire station has to be closed, the overtime to keep these fire stations open is enormous. Therefore, I think by the end of this week there will be an announcement most likely by the Chief that a fire station has closed, temporarily. And what I mean by temporarily until the budget of this City can get to a point where we can pay to keep that fire station open. Right now the fire department, their man power is at a level what is impossible to keep all nine fire stations open with the budget that we have and it's impossible to do that with the overtime we spend. It has been estimated that if we wanted to keep all the fire stations open and the medic units open, at the man power level that the City's at, that it could cost as much as \$800,000.00 in overtime. Last year's budget for the fire department in overtime was \$325,000.00. There's an effort to cut another \$100,000.00 out of that budget. That effort would be, in order for that to happen, is to close the fire station and close it temporarily until those numbers can come up. It is not something that this Administration or myself or anybody sitting on the eighth floor wishes to do, but based on the circumstances, we believe we have to. As far as firefighter safety is concerned, there will still be two pumps, a tower, a rapid intervention team, a battalion chief and a safety officer responding to every fire in the City of Canton. Those numbers of response will not go down. The fire department and the personnel will have the same response as they did before a station will close. The closing of a station will mean probably two things. One, it may affect some response time. We believe if the correct station is closed that it will not affect response time that would eliminate us not responding to any part of the City within four minutes in our first up..

PRESIDENT DENCZAK: You're three minutes are up, Chief of Staff.

CHIEF OF STAFF CONCATTO: I can bring this to a conclusion, Mr. President.

PRESIDENT DENCZAK: Alright.

CHIEF OF STAFF CONCATTO: We believe the response times will not be affected as much as you may think, and we are sure, and based on risk management, that we'll still be able to provide the City a good fire protection and provide safety to our firefighters.

MEMBER CARBENIA: Mr. President....

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PRESIDENT DENCZAK: Member Carbenia, I wanted to see if somebody else wanted to talk. You've already talked once.

MEMBER CARBENIA: Okay.

PRESIDENT DENCZAK: Okay. You're recognized now. Go ahead.

MEMBER CARBENIA: Alright. That's what I'm saying is you're telling us that it's gonna take -- it's not gonna increase the response times to these, where the stations are closed, and you know it will increase that time. I believe it increases it quite a bit. In Rosemary Diamond's ward if you close #10's, the first station to come up with, that would get there if you had an alarm at GlenOak High School would be #10's. If they're not there, they have to come from 25th and Market and I guarantee it takes longer to come from there than from behind the station. I just think that we can't sacrifice our children who live in there, and the people in this City deserve the best that we can give them, and that's another reason why I asked to have an existing list. We're low in manpower. You closed a fire station a couple years ago, #3 fire station, and now you want to close another station. We cut manpower back. If you cut your manpower back and you don't hire anybody, that is why the stations have to be held over for overtime, and that's why today I met with Safety Director Hunt, Sam Sliman, and Steve Rich of the fire department and we went over entrance exams because we need them on police and fire both. We have no test at all. If we had an existing list, possibly we could have hired -- we have three people that have went to the service and aren't gonna be back for 18 months. I'm sure we could have hired somebody in their place and then if they weren't absorbed within a year or so by people retiring, then we would have to lay off those new personnel. But I just think that we should try to do everything we can. I know the almighty dollar is where it's at, but believe me, there can be some other cuts that I'm sure that -- we should get down -- if we need to redesign a department or something, then we have to and the powers that be should get started.

PRESIDENT DENCZAK: Are there any other miscellaneous business?

MEMBER ZACHARY: Mr. President, if I could just comment briefly about the fire situation because one of the stations that they're looking at closing does affect my ward. It also affects Member Diamond's ward. And I think I can speak for both of us when we say we don't want to see either one of those stations closed. I propose to Mr. Hunt and I also would ask Mr. Concatto what I had asked at a meeting before, are we at the very rock bottom that we can be at? Have we looked at all of the other resources that we can possibly look at to avoid closing a fire station? I believe I gave you a packet of information, Mr. Hunt. I don't know if you've had a chance to look it over, but it seems to me that right now are we contracting out part of our EMS services for the fire department? Are we?

SAFETY DIRECTOR HUNT: Mr. President, at this time we are not contracting out any services, Member Zachary. I have looked at your packet of information. It is interesting. Privatization has worked in some communities, however, we have a mandate to act expeditiously. We have to move right now to help shore up the City's finances. We do not want to close fire stations, however, we are mandated to live within our budget and at this point in time we are looking at whether or not one, two, or other fire stations have been under consideration. After we have made that consideration, we will be able to make an informed judgment.

MEMBER ZACHARY: So, I think my question really is, we are not contracting out any type of EMS services currently with the fire department, everyone who drives an ambulance or arrives in an ambulance is an actual fire personnel person?

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CHIEF OF STAFF CONCATTO: Mr. President, if I may add to what Safety Director Hunt said. Whenever all of our medic units are out on runs, and normally we never go below three medic units, we have four if we have the manpower. If they're all three out, then we would call a private medic, ambulance service to come in and respond. It's not in a sense a contract as much as that they will fill the needs of the City on an emergency basis if all of our people are out. That way we provide the response to the citizens that they can expect, although privates are a little bit longer because they don't operate as we do as an emergency service. Also let me just say as far as privatization is concerned, that the ambulance service or EMS service in the City of Canton takes in approximately \$1.3 million a year and that's something that you would have to weigh if you were thinking about privatization of the ambulance service.

PRESIDENT DENCZAK: Chief of Staff, the Chair has two questions to ask. I'm not gonna get into a debate, I just want to ask two questions. If you close one or two stations, are we still gonna have a full complement of ambulances and paramedics? They will not be laid off?

CHIEF OF STAFF CONCATTO: Well, there's no intentions -- Mr. President, if I may. There's no intentions of laying off anybody. These closings is not a basis on laying off anybody, it's what the manpower levels that we're at now. In the -- I believe there is a plan that is available to the Chief whereas there would be no more than one pump and always have at least three medic units on duty and still be at the levels that we think would be, would cut his overtime. So I don't see a situation as far as a closing that would be any more than one pump. Now there could be those situations where there's another fire or somebody's out training, those temporary couple hour situations which is the case that happened during Member Carbenia's statement in his letter on the fire that happened on the northeast end when we were having a test, and that station was closed for six or eight hours. But there would be no intentions of going below three medic units. Now that still is the decision of the Chief, but I believe that plan could be worked out.

PRESIDENT DENCZAK: Alright. One more question. The old #3 station in Navarre and Court Avenue, does the City still own that building?

CHIEF OF STAFF CONCATTO: Mr. President, no it doesn't. You know, I'm not sure who owns that building. I thought maybe Cain and Cain bought it, but I'm not sure. And another, if I may, #3 station when it was closed, we never reduced the number of stations we had in the City. We closed #3 station and opened a #2 station and that's when we opened Central Fire Station. Central Fire Station was closed for many, many years, and in fact Central Fire Station was closed in 2003, probably 60% to 70% of the time in 2003.

PRESIDENT DENCZAK: Is there any other miscellaneous business?

MEMBER ZACHARY: Mr. President, I'm sorry to keep bringing this back up, but I was given a packet of information by the fire department and I just heard Mr. Concatto say that, was it station 3, or which station was it that was closed 65% of the time?

CHIEF OF STAFF CONCATTO: Central Fire Station.

MEMBER ZACHARY: That's the one downtown? It's amazing to me because the numbers for that fire station, they received twice as many calls as perhaps a #10, but they were closed 65% of the time. I don't understand the logic behind why we would be looking at closing a fire station that's still taking twice as many calls as maybe some of the other fire

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stations in the area.

CHIEF OF STAFF CONCATTO: Mr. President. Member Zachary, I certainly would be glad to sit down with you, as we talked before, but you have to, in my opinion, the closing of #1 fire station, the stations that are in the parameter of the City can respond into the City quicker than when that station's closed, so it's a matter of response time and the NFPA Standard says the response time for the first responding company should be four minutes, and I believe that a closing of a station we can still achieve those goals.

PRESIDENT DENCZAK: Is there any other miscellaneous business?

MEMBER CASAR; Mr. President, I just want to comment, I'm glad we suspended Rule 17 and 47 so that the Chief of Staff could sit on the hot seat this evening. 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: 8:26 P.M.

ATTEST:

APPROVED:

DEBRA VANCKUNAS
CLERK OF COUNCIL

RAY DENCZAK
PRESIDENT OF COUNCIL

