

MINUTES OF THE MEETING OF MARCH 15, 2004

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

The regular meeting of Canton City Council was held on Monday, March 15, 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 5 Councilmember Terry Prater, followed by the Pledge of Allegiance led by President of Council Ray Denczak.

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)

AGENDA CORRECTIONS & CHANGES

PRESIDENTDENCZAK: Agenda corrections and changes, Members of Council. You're being asked to suspend Rule 22A to add second readings of Ordinances 15.....15 & 16; #17 is going to be held in committee, so, you're being asked to suspend Rule 22A to add Ordinances 15 & 16. The chair will now recognize that motion, Member Casar.

MEMBER CASAR: Mr. President, I move we suspend Rule 22A and add Ordinances #15 & 16 to tonight's agenda; seconded.

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

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

PRESIDENT DENCZAK: Rule 22A has been suspended and Ordinances 15 and 16 are a legal part of your Agenda. You're being asked to suspend Rule 24B to add Resolutions 39 & 40 to the agenda.

MEMBER CASAR: Mr. President, I move that we suspend Rule 39, or, suspend Rule 24B and add Resolutions 39 & 40 to this evening's agenda; seconded.

PRESIDENT DENCZAK: Moved and seconded to suspend Rule 24B to add Resolutions 39 & 40 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 39 & 40 are a legal part of your Agenda.

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You're being asked to suspend Ordinance...or Rule 22B to add Ordinance 12.

MEMBER CASAR: Mr. President....

PRESIDENT DENCZAK: One moment please, Mr. Casar.... Member Casar?

MEMBER CASAR: Mr. President, I move we suspend Rule 22B and add Ordinance #12 to this evening's agenda; seconded.

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

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

PRESIDENT DENCZAK: Rule 22B has been suspended. The Chair will now recognize Rule 22D. Member Casar?

MEMBER CASAR: Mr. President, I move we suspend Rule 22D on Ordinances #13 and 14; seconded

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

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

PRESIDENT DENCZAK: Rule 22D has been suspended and Resolutions 13 and 14 are a legal part of your agenda. Now Member Casar, on my agenda it says recess for Executive Session on 13 and 14 and recess for Committee Meeting on 13 and 14. Is that going to be necessary now that you have the Executive Session?

MEMBER CASAR: Mr. President, we still have to have a Committee meeting, we won't have to have the Executive Session though.

PRESIDENT DENCZAK: Okay, but you won't have to have the Executive?

MEMBER CASAR: Right.

PRESIDENT DENCZAK: Okay. This brings your agenda up to date Members of Council.

PUBLIC HEARINGS

PRESIDENT DENCZAK: We have no public hearings scheduled at this time.

PUBLIC SPEAKS (ORDINANCES OR RESOLUTIONS FOR ADOPTION ONLY):

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PRESIDENT DENCZAK: Public Speaks on Ordinances and Resolutions for adoption only. We have 3 people signed up this evening. The first person is Jacqueline Kiedrowicz, am I pronouncing that correctly?... Okay. Did I pronounce that correctly?... Okay. State your name and address please.

MS. KIEDROWICZ: My name is Jacqueline Kiedrowicz. My address is 1298 New England Drive SE, North Canton. Prior to that I was over a 20 year resident of the City of Canton. I am the President of the United Steel Workers of America Local 1200 which represents the employees that are at the present Republic plant that is on 8th Street NE in Canton, Ohio and as such, Local 1200 represents the majority of the terminated RTI union employees that worked in that 8th Street facility and then we also represent the pension people who were retired from that facility, either RTI or its predecessors. And, we're here tonight to urge you to pass the Resolution on the non-payment by the PBGC of our pensions. We thank you for your consideration and, in particular, we thank Councilman Casar, Carbenia and Mallonn for sponsoring this. The employees of Local 1200 have a long history with the City of Canton. We actually started in 1936 organizing. In 1942 they got their first Chapter and in 1950 they got their first pension plan. As you know today, all of our plants is part of the City of Canton so therefore our, our employment taxes all go to the City of Canton and we know you took a tremendous break when we went from thousands of people down to just 400 members of my Local that are paying union dues to you. We want you to know that as part of our contracts with the company, pension plans were part of that and we gave up certain wages and benefits in order to get those pension plans so we feel like we've paid into those pension plans and over the years, because the steel workers feel that some of the plants were going down as far as the age of the plants and the age of the equipment, and we knew that eventually, some plants and some departments were going to be shut down, that the pension plans were modified from time to time and they went to the point where the lowest part of it is Rule 65 which allows people who, whose age and years of service equal 65. At this point, we would like Council to know that none of the members of our Local have gotten any money at all from the Pension Benefit Guaranty Corporation and as recent as this week, our members are starting to get letters in response to what we sent back to them in response to what Congressman Ralph Regula got the Pension Benefit Guarantee Corporation to send to all of our members. And, this is one example of the most recent letters. It says "over the next several years the PBGC will carefully examine the participants records of your pension plan." In other words, they're saying we're probably not going to pay most of you. And, we're basically, we were outside earlier tonight and we're here to ask you to please support us in this Resolution. Thank you.

PRESIDENT DENCZAK: The next speaker is Harold Parry.

MR. PARRY: Mr. President, Madam Mayor, Ladies and Gentlemen of Council. My name is Harold Nick Parry. I'm a resident of Gateway Avenue SE. There's some major construction going on in that neighborhood. Multiple homes are being built. It does...

PRESIDENT DENCZAK: Sir, I'm sorry sir but...

MR. PARRY: Yes sir?

PRESIDENT DENCZAK: I, I think you signed the wrong sheet here for Public Speaks. This portion of Public Speaks is only matters pertaining to Resolutions or Ordinances for adoption. There's nothing on the Agenda about road clean-up. So, I'll sign you up on this other sheet and you'll get a chance.....

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MR. PARRY: I'm sorry Mr. President. I did ask for direction when I signed up and they had me sign on, I believe the second page, is that correct?

PRESIDENT DENCZAK: Yes, well, you signed the wrong sheet. I'll sign you up now on the right sheet and I'll recognize you later.

MR. PARRY: Okay, thank you.

PRESIDENT DENCZAK: The next speaker is Paul Miller.

MR. MILLER: My name is Paul Miller. I've been a Canton resident for 53 years. I'm here.....

PRESIDENT DENCZAK: State your, state your address sir.

MR. MILLER: My address is 1212 Bellflower SW, Canton.

PRESIDENT DENCZAK: Okay. Go ahead.

MR. MILLER: I'm just here to ask everybody to support this Resolution. It's really important and I just, I think Jackie has said just about everything that there is, there is need to be said. I think you've seen everything on the news and on the radio and maybe some of you have families that work at Republic Steel or, that's losing their pensions and I just want to ask everybody for their support and thank you.

INFORMAL RESOLUTIONS

PRESIDENT DENCZAK: Information Resolutions excusing members. That will not be necessary. Let the journal show that all Council Members are present.

PRESIDENT DENCZAK CALLED UPON CLERK OF COUNCIL VANCKUNAS TO READ RESOLUTIONS #36 THROUGH AND INCLUDING #40 BY TITLE, AS SHOWN BELOW. THE RESOLUTIONS ARE ON FILE IN THEIR ENTIRETY IN THE COUNCIL OFFICE WITH THE AGENDA ITEMS FILE DATED MARCH 15, 2004.

36. BERNABEI, TOM, COUNCILMEMBER AT-LARGE: COMMENDING GUY M. CICCHINI FOR HIS OUTSTANDING COMMUNITY COMMITMENT AND EXEMPLARY BUSINESS LEADERSHIP. - ADOPTED BY COUNCIL

MEMBER CASAR: Mr. President, I move we adopt Resolution #36; seconded.

PRESIDENT DENCZAK: Moved and seconded that you adopt Resolution 36. 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 36 ADOPTED BY UNANIMOUS VOICE VOTE

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PRESIDENT DENCZAK: Resolution #36 is adopted.

37. CASAR, DONALD E., CARBENIA, JOE, & MALLONN, RICHARD A., COUNCILMEMBERS: URGING THE PENSION BENEFIT GUARANTEE CORPORATION TO SUSPEND ANY PLANS TO AVOID PAYMENT OF PENSIONS PROMISED TO FORMER REPUBLIC TECHNOLOGIES INTERNATIONAL EMPLOYEES & THAT THE FEDERAL COURT DECISION ON THIS MATTER NOT BE APPEALED.- ADOPTED BY COUNCIL

MEMBER CASAR: Mr. President, I move we adopt Resolution #37; seconded.

PRESIDENT DENCZAK: Moved and seconded that you adopt Resolution #37. Are there any remarks under this Resolution?... If not, I'm gonna ask.....I'm going to ask for a Roll Call on this Members. Roll Call please.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

PRESIDENT DENCZAK: Thank you. Resolution #37 is adopted.

38. COUNCIL AS A WHOLE COMMITTEE: APPROVING THE "BOARD OF HEALTH OF THE CANTON CITY HEALTH DISTRICT POLICY RELATING TO DELEGATION OF AUTHORITY TO QUARANTINE & ISOLATE" ADOPTED BY THE BOARD OF HEALTH ON 2/24/04. - ADOPTED BY COUNCIL

MEMBER CASAR: Mr. President, I move we adopt Resolution #38; seconded.

PRESIDENT DENCZAK: Moved and seconded that you adopt Resolution #38. 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 #38 ADOPTED BY UNANIMOUS VOICE VOTE

PRESIDENT DENCZAK: Resolution #38 is adopted.

39. INTERGOVERNMENTAL & PUBLIC SERVICE COMMITTEE: OBJECTING TO THE TRANSFER OF A D5 LIQUOR PERMIT REQUESTED BY PLATINUM DYNASTY LLC, dba CLUB BLUEPRINT, LOCATED AT 1016 12TH ST NE. - ADOPTED BY COUNCIL

MEMBER CASAR: Mr. President, I move we adopt Resolution #39; seconded

PRESIDENT DENCZAK: Moved and seconded that you adopt Resolution #39. 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 #39 ADOPTED BY UNANIMOUS VOICE VOTE

PRESIDENT DENCZAK: Resolution #39 is adopted.

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40. PERSONNEL COMMITTEE: APPROVING MAYOR CREIGHTON'S APPOINTMENT OF DAVID PEPPARD TO THE SYSTEMS PLANNING BOARD FOR A TERM OF TWO YEARS EXPIRING IN 2006. - ADOPTED BY COUNCIL

MEMBER CASAR: Mr. President, I move we adopt Resolution #40; seconded

PRESIDENT DENCZAK: Moved and seconded that you adopt Resolution #40. 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 #40 ADOPTED BY UNANIMOUS VOICE VOTE

PRESIDENT DENCZAK: Resolution #40 is adopted.

COMMUNICATIONS

PRESIDENT DENCZAK: Under Communications. All Communications are received as read and referred.

NOTE: ALL COMMUNICATIONS WHICH FOLLOW, LISTED BY AGENDA TITLE, ARE ON FILE IN THEIR ENTIRETY IN THE COUNCIL OFFICE WITH THE AGENDA ITEMS FILE DATED MARCH 15, 2004.

158. CHIEF OF STAFF JOSEPH J. CONCATTO, CITY OF CANTON: REQUESTING RECESS TO EXECUTIVE SESSION ON 3/15/04 TO DISCUSS FACT FINDER'S REPORT REGARDING COLLECTIVE BARGAINING AGREEMENT BETWEEN CITY OF CANTON & FRATERNAL ORDER OF POLICE. - PERSONNEL COMMITTEE (PURSUANT TO RULE 22D RE#13 WAS ADOPTED MAKING RE#14 A DEAD ISSUE)
159. HEALTH BENEFITS ADMINISTRATOR ROSE BRESSON, CITY OF CANTON: FEBRUARY MONTHLY COMPARATIVE REPORT OF INSURANCE CLAIMS & FEBRUARY 2004 PAID CLAIMS & COMPARATIVE REPORT. - RECEIVED & FILED
160. LIQUOR CONTROL DIVISION (STATE OF OHIO), 6606 TUSSING ROAD, PO BOX 4005 REYNOLDSBURG, OHIO 43068-9005: REQUEST FOR TRANSFER OF D5 PERMIT FROM ROBERT K. MCGILL, dba RIVIERA CLUB OF CANTON TO CHESTER W. HUTH, dba STARK COUNTY SPORTS PUB LOCATED @ 508 CLEVELAND AVE NW. - INTERGOVERNMENTAL & PUBLIC SERVICE CMTE
161. MAYOR JANET WEIR-CREIGHTON, CITY OF CANTON: REQUESTING APPROVAL OF APPOINTMENT OF DAVID PEPPARD TO THE SYSTEMS PLANNING BOARD FOR A TERM OF TWO YEARS EXPIRING IN 2006. - PERSONNEL COMMITTEE (See Re#40)

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162. MAYOR JANET WEIR-CREIGHTON, CITY OF CANTON: REQUESTING 100% PERSONAL PROPERTY AND REAL PROPERTY TAX EXEMPTIONS FOR A TEN YEAR PERIOD UPON ALL RENOVATIONS & IMPROVEMENTS ASSOCIATED WITH McGRANN PAPER CORPORATION RELOCATION TO FORMER DANNER PRESS PLANT @ 1411 NAVARRE RD SW. - COMMUNITY ECONOMIC DEVELOPMENT & FINANCE COMMITTEES
163. MAYOR JANET WEIR-CREIGHTON & SERVICE/FINANCE DIRECTOR TAD ELLSWORTH, CITY OF CANTON: SUBMITTING RECOMMENDATIONS FOR FULL BUDGET APPROPRIATIONS FOR 2004 & REQUESTING ADOPTION OF SUPPLEMENTAL APPROPRIATIONS TO MEET THE OPERATIONAL NEEDS OF CITY DEPARTMENTS. - FINANCE COMMITTEE (RULE 22B WAS SUSPENDED TO ADD O#12)
164. PLANNING COMMISSION, CITY OF CANTON, SHEILA K THARP-BARRINO, SECRETARY: RECOMMENDING APPROVAL OF REQUEST BY EDWARD METZGER, SURVEYOR FOR HABITAT FOR HUMANITY TO REPLAT 5 PARCELS INTO 2 RECONFIGURED LOTS LOCATED SOUTH OF 4TH ST SW AT UNION AVE SW. - PUBLIC SAFETY & THOROUGHFARES COMMITTEE
165. TREASURER ROBERT C. SCHIRACK, CITY OF CANTON: COMPARATIVE REPORT OF INCOME TAX CASH RECEIPTS AS OF 2/29/04. - RECEIVED & FILED
166. WATER DEPT SUPERINTENDENT J. D. WILLIAMS, CITY OF CANTON: ANNUAL 2003 REPORT OF CANTON WATER DEPT. - RECEIVED & FILED
167. WILLIAMS, BRUCE, AGENT FOR PETITIONER: LETTER TO STARK COUNTY COMMISSIONERS ENCLOSING PETITION TO ANNEX 8.28 + ACRES LOCATED IN PLAIN TOWNSHIP KNOWN AS MCKINLEY DEVELOPMENT/PLAIN TOWNSHIP ANNEXATION AREA. - RECEIVED & FILED

ORDINANCES & FORMAL RESOLUTIONS FOR FIRST READING

PRESIDENT DENCZAK: We're now under ordinances and formal resolutions for the first reading. Let the journal show that all ordinances are being give 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 #2 FOR THE FIRST TIME BY TITLE & ANNOUNCED THE COMMITTEE REFERRAL, AS FOLLOWS.

- #1 (1ST RDG) AN ORDINANCE AUTHORIZING THE MAYOR AND/OR CHIEF OF STAFF TO ENTER INTO A PROFESSIONAL SERVICE CONTRACT WITH SMG FOR OPERATION OF THE CANTON CIVIC CENTER; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Public Property Capital Improvement & Finance Committees
- #2 (1ST RDG) AN ORDINANCE AUTHORIZING THE CITY OF CANTON TO ACCEPT DONATION OF REAL PROPERTY; AND DECLARING THE SAME TO BE AN EMERGENCY

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Referred to Public Property Capital Improvement Committee

#3 (1ST RDG) AN ORDINANCE AUTHORIZING THE CITY OF CANTON TO ACCEPT DONATION OF REAL PROPERTY; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Public Property Capital Improvement Committee

#4 (1ST RDG) AN ORDINANCE AUTHORIZING THE CITY OF CANTON TO ACCEPT DONATION OF REAL PROPERTY; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Public Property Capital Improvement Committee

#5 (1ST RDG) AN ORDINANCE AUTHORIZING THE CITY OF CANTON TO ACCEPT DONATION OF REAL PROPERTY; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Public Property Capital Improvement Committee

#6 (1ST RDG) AN ORDINANCE AUTHORIZING THE CITY OF CANTON TO ACCEPT DONATION OF REAL PROPERTY; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Public Property Capital Improvement Committee

#7 (1ST RDG) AN ORDINANCE AUTHORIZING THE CITY OF CANTON TO ACCEPT DONATION OF REAL PROPERTY; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Public Property Capital Improvement Committee

#8 (1ST RDG) AN ORDINANCE APPROVING AND ACCEPTING THE REPLATTING OF LOTS 9017-9020, 9039 & 29276; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Public Safety & Thoroughfares Committee

#9 (1ST RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY TO ADVERTISE, RECEIVE BIDS & ENTER INTO CONTRACT FOR THE PURCHASE OF A LIVE-FIRE SHOOTING SIMULATION SYSTEMS FOR THE POLICE DEPT; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Public Property Capital Improvement & Finance Committees

#10 (1ST RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY TO ADVERTISE, RECEIVE BIDS & ENTER INTO CONTRACT FOR THE PURCHASE OF VARIOUS EQUIPMENT FOR THE FIRE DEPARTMENT; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Public Property Capital Improvement & Finance Committees

#11 (1ST RDG) AN ORDINANCE ESTABLISHING THE FAIR MARKET VALUE OF REAL PROPERTY IN CONJUNCTION WITH THE 44TH ST NE IMPROVEMENT PROJECT; AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO NEGOTIATE & PURCHASE SAID PARCELS AT THE ESTABLISHED FAIR MARKET VALUES AND ENTER INTO WORK AGREEMENTS; AND DECLARING THE SAME TO BE AN EMERGENCY

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Referred to Community Economic Development & Finance Committees

- #12 (1ST RDG) **SUSPENDED RULE 22B TO ADD O#12**: AN ORDINANCE AMENDING APPROPRIATION O.1/2004 TO APPROPRIATE ADDITIONAL MONEYS NEEDED FOR THE OPERATING & CAPITAL EXPENSES OF THE CITY OF CANTON FOR THE REMAINDER OF FISCAL YEAR 2004; AND DECLARING THE SAME TO BE AN EMERGENCY

Referred to Finance Committee

PURSUANT TO RULE 22D RE#13 OR RE#14 MUST BE VOTED ON:

- #13 (1ST RDG) **ADOPTED AS ORDINANCE NO. 33/2004** A RESOLUTION APPROVING THE RECOMMENDATIONS OF THE FACT-FINDER'S REPORT DATED 3/9/04 CONCERNING SETTLEMENT OF CONTRACTUAL DISPUTES BETWEEN THE CITY OF CANTON AND THE FRATERNAL ORDER OF POLICE.

Referred to the Personnel Committee

- #14 (1ST RDG) **DEAD** AN ORDINANCE REJECTING THE RECOMMENDATIONS OF THE FACT-FINDER'S REPORT OF 3/9/04 SETTLING CONTRACTUAL DISPUTES BETWEEN THE CITY OF CANTON AND THE FRATERNAL ORDER OF POLICE.

Referred to Personnel Committee

PRESIDENT DENCZAK: At this time the Chair declares an in-house recess for the Personnel Committee to meet in regards to Ordinance #13 and 14 and, of course, Council knows what's going to take place here, that you will probably be wanting to adopt 13 so that recess is now in Committee, Personnel Committee.

(COUNCIL RECESSED AT 7:58 PM FOR A COMMITTEE MEETING ON ORDINANCE #13, WHICH WAS RETURNED TO THE AGENDA FOR ADOPTION. THE MEETING WAS RECONVENED BY PRESIDENT DENCZAK AT 8:05 PM)

PRESIDENT DENCZAK: Council is reconvening after the recess. The question before Council now is Ordinance #13.

MEMBER CASAR: Mr. President, I move we suspend Statutory Rules for.....

PRESIDENT DENCZAK: Member Casar, the Law Director advises me we don't have to suspend that rule because this is a labor issue so it has to be passed on the first reading. Member Casar?

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

NO REMARKS

9 YEAS, 1 NAY, 2 ABSTENTIONS

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(HART - NAY; ZACHARY & DIAMOND - ABSTENTION)

#13 **ADOPTED AS ORDINANCE NO. 33/2004** A RESOLUTION APPROVING THE RECOMMENDATIONS OF THE FACT-FINDER'S REPORT DATED 3/9/04 CONCERNING SETTLEMENT OF CONTRACTUAL DISPUTES BETWEEN THE CITY OF CANTON AND THE FRATERNAL ORDER OF POLICE.

PRESIDENT DENCZAK: Ordinance #13 has passed. It will not be necessary for Council to consider Ordinance #14 now at this time.

MEMBER CARBENIA: Mr. President, a question for the Law Director.

PRESIDENT DENCZAK: Go ahead.

MEMBER CARBENIA: On a contract such as this, and somebody votes in the abstention, what happens with that vote?

LAW DIRECTOR MARTUCCIO: The...Mr. President, Member Carbenia, the abstention stands as an abstention. In this particular case, the way the State Law is written, when a Fact Finder makes a recommendation, it becomes law if nothing is done. The only way it doesn't become a contract by law is if 60% or more of Council reject it. In this case, 40% of Council and more approved it so it becomes a contract by operation of law. The abstention affects it nether way.

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 #15 and #16 FOR THE SECOND TIME BY TITLE, AS FOLLOWS. ORDINANCE #17, ORIGINALLY LISTED ON THE AGENDA, WAS RETAINED IN COMMITTEE & DID NOT RECEIVE A SECOND READING.

#15 (2ND RDG) **SUSPENDED RULE 22A TO ADD:** AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A COMMUNITY REINVESTMENT AREA AGREEMENT WITH SHAWN O'BRIEN PROPERTIES LLC TO PROVIDE REAL PROPERTY TAX EXEMPTIONS TO CONSTRUCT AN IN-DOOR SKATE PARK IN THE WARD 4, COMMUNITY REINVESTMENT AREA; AUTHORIZING THE GRANTING OF 10 YEAR REAL PROPERTY TAX EXEMPTIONS; AND DECLARING THE SAME TO BE AN EMERGENCY

#16 (2ND RDG) **SUSPENDED RULE 22A TO ADD:** AN ORDINANCE VACATING PORTION OF MADISON COURT SE; APPROVING & ACCEPTING THE REPLATTING OF PARTS OF LOTS 1705 THROUGH 1710 & A 14' VACATED ALLEY; APPROVING & ACCEPTING THE DEDICATION PLAT OF MADISON COURT EXTENSION SE; AND

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DECLARING THE SAME TO BE AN EMERGENCY **PUB HRG 3/22/04 @ 7:30 PM**
 #17 **RETAINED IN COMMITTEE** AN ORDINANCE AMENDING SECTION 133.05, EMERGENCY MEDICAL SERVICES; CHARGES FOR SERVICES; REPORTING OF CODIFIED ORDINANCES; AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT DENCZAK: Ordinance #17 is held in Committee.

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 #18 THROUGH AND INCLUDING #20 FOR THE THIRD & FINAL TIME BY TITLE, AS FOLLOWS. ORDINANCES 18 & 19 WERE ADOPTED; #20 WAS REFERRED BACK TO COMMITTEE.

#18 (3RD RDG) **ADOPTED AS ORDINANCE NO. 34/2004** AN ORDINANCE AUTHORIZING THE MAYOR TO FILE AN APPLICATION WITH HUD FOR COMMUNITY DEVELOPMENT FUNDS, IN THE AMOUNT OF \$2,300,000.00 FOR PROPERTY ACQUISITION; AUTHORIZING THE MAYOR TO EXECUTE APPLICATION AND GRANT AGREEMENTS WITH HUD AND TO ACCEPT AND ADMINISTER FUNDING; AUTHORIZING THE AUDITOR TO ESTABLISH THE 2233 FUND WITH NECESSARY APPROPRIATIONS AND TRANSFERS; 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: Mr. President, may I ask the Chief of Staff Concatto a question, if I may please?

PRESIDENT DENCZAK: You may.

MEMBER CASAR: Mr. Concatto, last week in the committee meetings, I asked a question in regards to one of the parcels of property involved, known as the Carnegie property, right adjacent, right across the street, and around, I think it was a year and a half, two years ago, the City purchased that property and I wanted to know what the situation is. How much, I know, we purchased it for I think \$450,000 and I want to know what we're selling it for. It is one of the parcels involved is with the Federal Building.

CHIEF OF STAFF CONCATTO: Mr. President, Member Casar, last week in the meeting I mis-spoke somewhat when I said that property was valued at 200-and-some thousand dollars. I was speaking off the cuff, not having numbers in front of me. The appraisal for the property is, however, \$378,000.00. The appraisal was done in August of 2003,

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however, it was an updated appraisal and I believe at the time the property was sold in July of 2001 that that appraisal was the same. Council passed an Ordinance in 2.....on July 2nd of 2001 approving the purchase of the property at the fair market value of \$450,000.00. I researched the Law Department's documents, the Service Director's documents, the Board of Control documents, Community Development documents and I found no appraisal. What I think happened, and the Law Director may be able to put some more light on this, is that beside buying the property at the appraised price, you also can buy the property at the price that the person paid for it. And, I believe at that time in July that Mr. Schulman came to Council and stated that he paid \$450,000.00. Now, I have no records of this. There is no records to show why Council passed it nor why the Administration submitted it to Council. I have no, nothing other than it said that that was the fair market value. However, it is, it is, I believe, and I'll allow the Law Director, I'll ask the Law Director to expand on this but, that you can, you also can pay for the property, the price that the person paid for it. And, I believe we bought this property pretty close after he bought that whole property.

MEMBER CASAR: Mr. President, I recall, because I think I, in fact I'm pretty sure I voted against it because I felt it was too much money to pay for that piece of property and now we're coming back less, you know, a year, less than 2 years later, a little over 2 years, and it's less, \$72,000.00 less than we paid for it. There again, that's government at its finest. You know, buy, buy high, sell low. You know, there's something definitely wrong with that and I do not recall, I mean, yes, I think there was an appraisal and as, as I recall sitting in on the meetings with Mr. Schulman, that we did have an appraisal. I can't swear to that, but I'm pretty sure there was an appraisal and I can't understand why we can't find it and I can't understand why the City's getting \$72,000.00 less for that property. If anything, it should, we should be getting, be getting more because it should be appreciating, not depreciating.

CHIEF OF STAFF CONCATTO: Mr. President, as far as the sale of the property, based on the Federal project, and based on the fact that we're using HUD money to deal with the Federal project, that we must go by the appraised price. We have no other fair market value that we can go by and so, we, we are held to the fair market, the appraisal price of \$378,000.00. Certainly we would like to get \$450,000.00 for the property, but using HUD money and the HUD grant, we don't see that that's a feasible thing, that we can do that. We, we are waiting for a....in today's world, since this passed in 2001, the new approach for appraisals is that they do an appraisal review. That's a requirement of HUD now and when you do an appraisal, then you get an appraisal review. This will be under appraisal review. We haven't gotten that back yet, but I don't see that, I don't honestly see that changing much in either one of those directions, up or down. But, once we get the appraisal review, then we can pick the best for the City and pick that one, but we have not gotten the review.

PRESIDENT DENCZAK: Are there any other remarks?

MEMBER HART: Mr. president. Yes, just, what's the tax appraisal on it? I mean, wouldn't that be the, on the property, to give you, you know, what it was purchased for? I mean, wouldn't it be based on the, I mean if you buy a house for a hundred thousand dollars, isn't your tax appraisal based on that hundred thousand dollars?

MAYOR CREIGHTON: The answer....Mr. President, I'm sorry, excuse me. Member Hart, typically, the County's appraisals are always below market value and values are not always set on the last sale. It is the mix of the neighborhood and it is a, it's really a mass appraisal that is done in the County. So, a County appraisal is, is looked at but an independent appraisal is held to a higher standard.

PRESIDENT DENCZAK: You yield, Member Hart?... Any further remarks?

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MEMBER ZACHARY: Mr. President, I would ask the Mayor, does that also apply to the residential housing that's in that area and that people who need to be relocated because of this project, did their homes appraise lower because it's a Federally funded project?

MAYOR CREIGHTON: Mr. President, again, on the County's appraisal, that, that's what I was answering Member Hart's question about, but my Chief of Staff will correct me if I'm wrong, but we had independent appraisals done on all these properties by independent, certified appraisers for the full intent of just focusing on that property and they could be above or below the County's.

PRESIDENT DENCZAK: Are there any other remarks?

MEMBER BERNABEI: Mr. President, may I inquire, what kind of funds were utilized when the property was originally purchased?

SERVICE DIRECTOR ELLSWORTH: Mr. President, those were Capital Improvement Funds.

PRESIDENT DENCZAK: Do you yield Member Bernabei?... Are there any other remarks?... If not, roll call vote please.

NO FURTHER REMARKS

ROLL CALL: 11 YEAS, 0 NAYS, 1 ABSTENTION
(DIAMOND - ABSTENTION)

PRESIDENT DENCZAK: Ordinance #18 has passed..

#18 ADOPTED AS ORDINANCE NO. 34/2004

#19 (3RD RDG) **ADOPTED AS ORDINANCE NO. 35/2004** AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ADVERTISE AND RECEIVE BIDS AND ENTER INTO CONTRACT FOR THE LEASE OF TWO BACKHOE LOADERS FOR THE WATER DEPARTMENT; AND DECLARING THE SAME TO BE AN EMERGENCY

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

PRESIDENT DENCZAK: Moved and seconded that Council adopt Ordinance #19. Are there any remarks under this Ordinance?... If not, roll call vote please.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance #19 is adopted.

#19 ADOPTED AS ORDINANCE NO. 35/2004

#20 (3RD RDG) **REFERRED BACK TO PPCI AND FINANCE COMMITTEES** AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ADVERTISE, RECEIVE BIDS AND ENTER INTO CONTRACT FOR THE ROOF AND RETAINING WALL REPAIRS AT JACKSON POOL; AUTHORIZING THE CITY AUDITOR TO ESTABLISH THE 4560 JACKSON POOL IMPROVEMENT FUND; AMENDING APPROPRIATION

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ORDINANCE #1/2004 AS AMENDED BY MAKING THE SUPPLEMENTAL APPROPRIATIONS HEREIN DESCRIBED; AND DECLARING THE SAME TO BE AN EMERGENCY

MEMBER CASAR: Mr. President, I move we adopt Ordinance #20; seconded.

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

MEMBER CASAR: Mr. President, I move that you refer Ordinance #20 back to Committee for further study and that the Committee will report out at a later date, which, with the intent, intentions in regards, intentions are with regards to this pool.

PRESIDENT DENCZAK: Is there a second?

MEMBER CARBENIA: Second.

PRESIDENT DENCZAK: Moved and seconded to refer this Ordinance back to Committee. Are there any remarks?... If not, by voice vote, all those in favor signify by saying aye. Those opposed no.

NO REMARKS

MOTION APPROVED BY UNANIMOUS VOICE VOTE

PRESIDENT DENCZAK: Ordinance #20 is referred back to Committee.

ANNOUNCEMENT OF COMMITTEE MEETINGS

PRESIDENT DENCZAK: Announcement of Committee Meetings please.

MEMBER CARBENIA: Mr. President, Community Development will meet next Monday, the 22nd at 6:30.

MEMBER DOUGHERTY: Public Property Capital Improvement will meet at 6:00pm next Monday.

MEMBER BABCOCK: Public Property Capital Improvement will meet at 6:30.

PRESIDENT DENCZAK: Wait a minute. What Committee did you say Member Babcock?... You said Public Property Capital Improvement.

MEMBER BABCOCK: It's Public Safety & Thoroughfares.

PRESIDENT DENCZAK: That's what I thought. Okay. Any other Committees?

MEMBER HAWK: Mr. President, Finance will meet at 5:30 on Monday, March 22nd.

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PRESIDENT DENCZAK: Any other committees?

MEMBER BERNABEI: Mr. President, this was announced last Monday, but the Judiciary Committee will have a working session on Wednesday, 10:00am, March 17.

PRESIDENT DENCZAK: Any other committees?... (NO RESPONSE)

PUBLIC SPEAKS (OPEN FORUM--CITY BUSINESS ONLY)

PRESIDENT DENCZAK: Public Speaks, Open Forum. We have one people signed up, Nick Parry.

MR. PARRY: Mr. President, forgive my repetition, I'm a, I apologize....

PRESIDENT DENCZAK: That's all right; it's all right.

MR. PARRY: Once again, I am Nick Parry, resident of Gateway SE. There is some heavy construction going on in my area. Many multiple homes are being built. It is also the area of the SARTA Maintenance Bus Depot. Much mud and debris is being carried along the road for about four tenths of a mile. The whole fleet of the SARTA Bus Company goes through that so the dust and the mud is somewhat aggravated by so much traffic. I solicited the help of my elected officials and the Director of the SARTA bus company and I'm pleased to say that it has been somewhat successful in that yesterday, I believe, the first equipment was brought, brought up, this was Sunday, 4:30 in the afternoon. It did not make much of a dent because of the accumulation of mud, but I'm here to express my gratitude for the help and solicit the continued support of the city and my elected officials as we go into the spring and the early summer. Thank you.

PRESIDENT DENCZAK: Thank you.

MISCELLANEOUS BUSINESS

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

CHIEF OF STAFF CONCATTO: Mr. President, Members of Council, I have a communication from Pam Simpson who is the Regional Director for WalMart. And, she's asking that, we've, we've had meetings and have had meetings and we suggested that she possibly would like to address Council on some issues in a Committee meeting or Council at large at a meeting. She's offered this and if Council would like to, she is saying that on March 22nd is a good date for her and she'll be able to bring a person with her, an expert on the site plans. This is concerning WalMart both the Rt. 62 WalMart and Canton Center. If Council wishes, then I can discuss this with the Majority Leader at another time, but if he wishes, we can set this Committee, this meeting up, up with this lady.

MEMBER CASAR: That's next Monday the 22nd, Mr. President?

CHIEF OF STAFF CONCATTO: Mr. President. That's correct. When we talked to her, we, we thought that a Monday Council meeting, either a Committee meeting, would be appropriate. We can do it another time, but, she's just saying at this time that she is available.

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MEMBER CASAR: We have quite a bit on the plate for next Monday in regards to the budget that's coming out at Committee meeting being bad and there's quite a few committee meetings already next...I think we're pretty full next Monday.

CHIEF OF STAFF CONCATTO: Mr. President, if I can. Member Casar, would you, another, would it, Monday is best? I mean with, or a separate meeting?

MEMBER CASAR: Monday would be good, probably around 5:30, 6:00. Why don't you set it up for the 29th?

CHIEF OF STAFF CONCATTO: Okay. I will call her back and try to set it up for another Monday. Thank you.

MEMBER WEST: Mr. President, I'd like to thank Mayor Creighton for coming out this week and assisting in the Pay It Forward movement. We had 40 college students from across the country that came to Summit United Neighborhood to clean up trash and debris within our ward, and it was a very good start of cleaning up. So, I'd like to thank her and Leadership Stark County for coming out to assist the residents of Ward 2.

PRESIDENT DENCZAK: Is there any other miscellaneous business?...

MEMBER CASAR: 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: 8:23 P.M.

ATTEST:

APPROVED:

DEBRA VANCKUNAS
CLERK OF COUNCIL

RAY DENCZAK
PRESIDENT OF COUNCIL