

MINUTES OF THE MEETING OF MARCH 29, 2004

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

The regular meeting of Canton City Council was held on Monday, March 29, 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 7 Councilmember Richard Hart, followed by the Pledge of Allegiance led by President of Council Ray Denczak.

PRESIDENT DENCZAK: Roll call please.

ROLL CALL TAKEN BY CLERK OF COUNCIL:

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

1 COUNCILMEMBER ABSENT: (RICHARD A MALLONN II)

MEMBER CASAR: Mr. President, I would like to request a moment of silence for Don Buttrey. I think a lot of members of Council know who Don was--a very exuberant individual that's been around Canton for a lot of years, active in sports, backed softball, baseball teams--an individual. He passed away Thursday, and I would respectfully request a moment of silence.

PRESIDENT DENCZAK: Yes, in your, in your seats please bow your heads in a moment of silent prayer for Don "Boot" Buttrey who passed away unexpectedly. He was a former city employee. Pray please. (***A MOMENT OF SILENCE WAS OBSERVED FOR THE PASSING OF DON BUTTREY***) Thank you.

AGENDA CORRECTIONS & CHANGES

PRESIDENT DENCZAK: Agenda corrections and changes, members of Council. You're being asked to suspend Rule 22A to add the second reading of Ordinances 5 through and including #10, and suspend Rule 24B to add Resolution #42 to the Agenda. At this time, Member Casar, the Chair will now recognize Rule 22A suspension.

MEMBER CASAR: Mr. President, I move we suspend Rule 22A and add Ordinances 5 through and including 10 on this evening's agenda; seconded.

PRESIDENT DENCZAK: Moved and seconded to suspend Rule 22A to add Ordinances 5 through and including #10 to the agenda. Are there any remarks...? If not, roll call vote please.

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

PRESIDENT DENCZAK: Rule 22A has been suspended and Ordinances 5 through and including #10 are a legal part

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of your agenda. The Chair will now recognize Rule 24B suspension. Member Casar?...

MEMBER CASAR: Mr. President, I move that we suspend Rule 24B and add Resolution #42 to this evening's agenda; seconded

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

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

PRESIDENT DENCZAK: Rule 24B is suspended and Resolution #42 is a legal part of your agenda.

PUBLIC HEARINGS

PRESIDENT DENCZAK: We have no one signed up for, there is no public hearing scheduled at this time.

PUBLIC SPEAKS (ORDINANCES OR RESOLUTIONS FOR ADOPTION ONLY):

PRESIDENT DENCZAK: There's nobody signed up for Ordinances or Resolutions for Adoption. Under both public speaks, no one has signed up this evening.

PRESENTATION OF MAYOR'S AWARD FOR ENVIRONMENTAL QUALITY CONTROL

PRESIDENT DENCZAK: And now the Mayor has a presentation to, for Environmental Quality Control. Mayor?...

MAYOR CREIGHTON: *(Mike not turned on)* Now it is. Thank you very much. Thank you, Mr. President. It's my pleasure tonight to present the Environmental Quality Control Award, which is an award that the Mayor in previous years has given and it is my delight tonight to present it to the representatives from Aultman Hospital, Aultman Health Foundation and I would like to ask Don Griffith who is the Director of Plant Operations and Tim Beach, the PR Director, to please come forward. I'm not going to read the entire Resolution, but I would like to point out that it is exceptional merit in Environmental Quality Award. It is presented to a company that is in compliance with the industrial pre-treatment program and that they have implemented overall policies regarding control of industrial waste. Aultman Health Foundation is a non, not for profit health system. They have had no violations concerning the City of Canton pre-treatment program for the year 2003. The Aultman Health Foundation also maintains strict control of chemical industries, inventories, I'm sorry, and Aultman Hos..., Health Foundation recycles batteries and fluorescent lights reducing lab chemical usage and other materials. We are extremely pleased. This was done under the direction of Tracy Mills who is the Director of the Water Pollution Control Plant and along with his staff, they make the selection each year and it's with my pleasure tonight, Mr. President and fellow members of Council and Administration, that we present the award to the Aultman Health Foundation for outstanding merit. *(APPLAUSE)*

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***MAYOR JANET WEIR CREIGHTON MADE A PRESENTATION FOR ENVIRONMENTAL QUALITY CONTROL TO REPRESENTATIVES OF THE AULTMAN HEALTH FOUNDATION.*

INFORMAL RESOLUTIONS

PRESIDENT DENCZAK: Informal Resolutions excusing members, Member Casar.

MEMBER CASAR: Mr. President, I move that Member Mallonn be excused from this evening's meeting; seconded.

PRESIDENT DENCZAK: Moved and seconded that Member Mallonn be excused. Are there any remarks?... If not, roll call vote please.

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAY

PRESIDENT DENCZAK: Let the journal show that Member Mallonn is excused.

PRESIDENT DENCZAK CALLED UPON CLERK OF COUNCIL VANCKUNAS TO READ RESOLUTIONS 41 THROUGH 42 BY TITLE, AS SHOWN BELOW. THE RESOLUTIONS ARE ON FILE IN THEIR ENTIRETY IN THE COUNCIL OFFICE WITH THE AGENDA ITEMS DATED MARCH 29, 2004.

41. CASAR, MAJORITY LEADER: CONFIRMING APPOINTMENT OF WARD 5 COUNCILMEMBER TERRY PRATER AS A MEMBER OF THE MAJORITY CAUCUS OF CANTON CITY COUNCIL TO THE BOARD OF TRUSTEES OF THE CANTON TOMORROW, INC. FOR THE TERM OF HIS OFFICE AS COUNCILMEMBER - ADOPTED BY COUNCIL

MEMBER CASAR: Mr. President, I move we adopt Resolution #41; seconded

PRESIDENT DENCZAK: Moved and seconded that you adopt Resolution #41. 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 #41 ADOPTED BY UNANIMOUS VOICE VOTE

42. INTERGOVERNMENTAL & PUBLIC SERVICE COMMITTEE: OBJECTING TO THE TRANSFER OF C1, C2 LIQUOR PERMIT AS REQUESTED BY BELLA 7 LLC DBA MAGGIORES DRIVE THRU 15 AT 1037 DUEBER AVENUE SW. - ADOPTED BY COUNCIL

MEMBER CASAR: Mr. President, I move we adopt Resolution #42; seconded

PRESIDENT DENCZAK: Moved and seconded that you adopt Resolution #42. Are there any remarks under this Resolution?.... Very well, by voice vote, all those in favor signify by saying aye. Those opposed, no.

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NO REMARKS

RESOLUTION #42 ADOPTED BY UNANIMOUS VOICE VOTE

MINUTES OF THE MEETING OF MARCH 29, 2004**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 29, 2004.

183. CD& PLANNING DEPARTMENT, CITY OF CANTON, SHEILA K. THARP-BARRINO, DIRECTOR: REQUESTING LEGISLATION TO RATIFY & RE-AUTHORIZE O.247/2003, O.211/2003 & O.198/2003 - COMMUNITY & ECONOMIC DEVELOPMENT, FINANCE, AND PUBLIC PROPERTY & CAPITAL IMPROVEMENT COMMITTEES
184. LUTTNER, EARL J., 244 BOULEVARD. OF THE ALLIES, PITTSBURGH, PA 15222: REQUEST TO REZONE LOTS 14978-14584, 40161, 40162, 6087, 6088 & PART OF LOT 6089 LOCATED @ 516 MCGREOR AVENUE NW FROM R-1A TO PI-1 TO PERMIT EXISTING BUILDING TO BE USED CONSISTENT WITH WAREHOUSE/INDUSTRIAL USE - PLANNING COMMISSION
185. MAYOR JANET WEIR-CREIGHTON, CITY OF CANTON: OUTLINING CERTAIN DETAILS OF CEDA AGREEMENT BETWEEN CANTON CITY & PLAIN TOWNSHIP & ATTACHING COPY OF SAME RE: MCKINLEY DEVELOPMENT ANNEXATION - ANNEXATION COMMITTEE
186. MAYOR JANET WEIR-CREIGHTON, CITY OF CANTON: REQUESTING AN ORDINANCE CONVEYING CITY OWNED PROPERTY LOCATED @ 1000 3RD ST SE TO THE CANTON COMMUNITY IMPROVEMENT CORP FOR ECONOMIC DEVELOPMENT PURPOSES PURSUANT TO ORC SECS 761.02 & 1724.10(C) - PUBLIC PROPERTY CAPITAL IMPROVEMENT AND COMMUNITY & ECONOMIC DEVELOPMENT COMMITTEES
187. MAYOR JANET WEIR-CREIGHTON, CITY OF CANTON: ADVISING THE APPOINTMENT OF THOMAS W SCHMIDT TO THE CANTON CITY PLANNING COMMISSION FOR A SIX YEAR TERM EFFECTIVE 3/1/04 THROUGH 2/28/04 - RECEIVED & FILED
188. MAYOR JANET WEIR-CREIGHTON, CITY OF CANTON: REQUEST TO AMEND EXHIBIT A TO O.40/2000, IN CONJUNCTION WITH TENTATIVE AGREEMENTS WITH AFSCME LOCAL 2937, TO ADD POSITIONS UNDER WATER DIVISION - PERSONNEL COMMITTEE
189. NATIONAL DRIVER TRAINING SCHOOL, 34805 BRIDLE TRAIL LANE, SOLON, OH 44139: REQUEST TO REZONE LOTS 25738 & 25739 LOCATED AT 3319 W TUSCARAWAS FROM PB-3 TO PB01 TO PERMIT A NATIONAL DRIVER TRAINING SCHOOL - PLANNING COMMISSION
190. PLANNING COMMISSION, CITY OF CANTON, SHEILA K THARP-BARRINO, SECRETARY: RECOMMENDING APPROVAL OF REQUEST BY COOPER & ASSOCIATES FOR ABCD GATEWAY PLACE TO REPLAT LOTS 42237-42246 INTO ONE RECONFIGURED LOT - PUBLIC SAFETY &

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THOROUGHFARES COMMITTEE

191. SERVICE DIRECTOR TAD ELLSWORTH, CITY OF CANTON: RECOMMENDATIONS FROM COMMUNITY REINVESTMENT AREA HOUSING COUNCIL REGARDING ESTABLISHMENT OF COMMUNITY REINVESTMENT AREAS - RECEIVED & FILED
192. SERVICE DIRECTOR TAD ELLSWORTH, CITY OF CANTON: REQUESTING AUTHORIZATION TO ENTER INTO A PROFESSIONAL SERVICES CONTRACT WITH US HEALTH WORKS OF OHIO EFFECTIVE 4/21/03 THROUGH 4/30/07 TO PROVIDE NECESSARY MEDICAL SERVICES FOR CITY EMPLOYEES - FINANCE COMMITTEE
193. SERVICE DIRECTOR TAD ELLSWORTH, CITY OF CANTON: REQUESTING RE-AUTHORIZATION TO ADVERTISE, RECEIVE BIDS & ENTER INTO CONTRACT FOR REPLACEMENT OF TWO SANITARY SEWER LIFT STATIONS, ONE LOCATED BEHIND COUNTRY FAIR SHOPPING PLAZA AND ONE ON ALLENFORD DRIVE; REQUESTING \$100,000 SUPPLEMENTAL APPROPRIATION FROM THE 5410 SANITARY SEWER FUND - ENVIRONMENTAL & PUBLIC UTILITIES AND FINANCE COMMITTEES
194. SERVICE DIRECTOR TAD ELLSWORTH, CITY OF CANTON: REQUESTING APPROVAL OF WATER MAIN EXTENSION ON NEVADA AVE SW IN PERRY TOWNSHIP AS REQUESTED BY BEAVER EXCAVATING CO - ENVIRONMENTAL & PUBLIC UTILITIES COMMITTEE
195. SERVICE DIRECTOR TAD ELLSWORTH, CITY OF CANTON: REQUESTING \$17,500 SUPPLEMENTAL APPROPRIATION FROM THE 4501 CAPITAL IMPROVEMENT FUND FOR SHORT-TERM REPAIRS TO JACKSON POOL - PARKS & RECREATION AND FINANCE COMMITTEES

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 ORDINANCES #1 THROUGH AND INCLUDING #4 FOR THE FIRST TIME BY TITLE & ANNOUNCED THE COMMITTEE REFERRAL, AS FOLLOWS.

- #1 (1ST RDG) AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AMENDMENT TO THE SERVICE AGREEMENT WITH KEYBANK NATIONAL ASSOCIATION FOR THE PLACEMENT OF AN ATM TERMINAL AT THE MILLENNIUM PARKING DECK; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Finance Committee

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- #2 (1ST RDG) AN ORDINANCE VACATING A 10' UNNAMED ALLEY SOUTH OF 16TH STREET NE; APPROVING AND ACCEPTING THE REPLATTING OF ALL OF LOTS NOS. 8907 & 13968 AND THE VACATED 10' ALLEY; AND DECLARING THE SAME TO BE AN EMERGENCY. **PUB HRG 4/12/04 @ 7:30 PM**
Referred to Public Safety & Thoroughfares Committee
- #3 (1ST RDG) AN ORDINANCE APPROVING & ACCEPTING THE REPLATTING OF LOTS NOS 1406 AND 1407; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Public Safety & Thoroughfares Committee
- #4 (1ST RDG) A RESOLUTION DECLARING THE NECESSITY AND INTENT OF THE CITY OF CANTON TO APPROPRIATE PROPERTY WITHIN ITS CORPORATE LIMITS PURSUANT TO OHIO REVISED CODE CHAPTER 719 FOR THE PURPOSE OF ACQUIRING PROPERTY FOR THE 4TH STREET NE RECONSTRUCTION PROJECT; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Community & Economic Development and Finance Committees

ORDINANCES & FORMAL RESOLUTIONS FOR SECOND READING

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

NOTE: PRESIDENT DENCZAK CALLED UPON CLERK VANCKUNAS TO READ THE FOLLOWING ORDINANCES #5 THROUGH AND INCLUDING #10 FOR THE SECOND TIME BY TITLE, AS FOLLOWS. ORDINANCES #8, 9 & 10 WERE ADOPTED FOLLOWING THEIR SECOND READINGS.

RULE 22A WAS SUSPENDED TO ADD #5 THROUGH #10:

- #5 (2ND RDG) AN ORDINANCE AUTHORIZING CANTON TO ANNEX THE TERRITORY KNOWN AS THE FORD/REPUBLIC GEORGETOWN ROAD ANNEXATION AREA CONTAINING 176.419 ACRES; ASSIGNING SAID TERRITORY TO WARD 4 OF THE CITY; ZONING SAID TERRITORY AS I-1 (LIGHT INDUSTRIAL DISTRICT); AND DECLARING THE SAME TO BE AN EMERGENCY **PUB HRG 4/5/04 @ 7:30 PM**
- #6 (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 **PUB HRG 4/5/04 @ 7:31 PM**
- #7 (2ND RDG) AN ORDINANCE APPROVING AND ACCEPTING THE REPLATTING OF PARTS OF LOTS 2457, 2458, 2459 AND 2460; AND DECLARING THE SAME TO BE AN EMERGENCY
- #8 (2ND RDG) **ADOPTED AS ORDINANCE NO.38/2004** AN ORDINANCE ESTABLISHING AN INTERNAL SERVICE FUND KNOWN AS THE 6023 COMPENSATED ABSENCE CLAIM FUND; AUTHORIZING THE AUDITOR TO ADMINISTER SAID FUND; AMENDING

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APPROPRIATION ORDINANCE NO. 1/2004, AS AMENDED; AND DECLARING THE SAME TO BE AN EMERGENCY

MEMBER CASAR: Mr. President, I move the Statutory Rules be suspended on Ordinance #8; seconded.

PRESIDENT DENCZAK: Moved and seconded that the Statutory Rules be suspended on Rule, on Ordinance #8. Are there any remarks?... If not, roll call vote please.

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

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

MEMBER CASAR: Mr. President, I move we adopt Ordinance #8; seconded.

PRESIDENT DENCZAK: Moved and seconded that you adopt Ordinance #8. Are there any remarks under this Ordinance?

MEMBER HAWK: Mr. President, I'd like to congratulate everybody for the hard work they've done on this Ordinance. I think that this is the first time in the City's history that we've taken it upon ourselves to begin funding this unfunded liability. I am very proud of the fact that this Council set up to do this, I'm very proud of the fact that everybody worked together to get it done. This is a landmark decision in Council and I think it should benefit us in the future. For once we used our eyes to the future and I'm very proud of what we've done with this. Thank you.

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

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance #8 is adopted.

#8 ADOPTED AS ORDINANCE NO.38/2004

#9 (2ND RDG) **ADOPTED AS AMENDED AS ORDINANCE NO.39/2004** AN ORDINANCE ESTABLISHING THE 1150 GENERAL ECONOMIC DEVELOPMENT FUND; AUTHORIZING THE MAYOR TO ADMINISTER SAID FUND; AND AMENDING APPROPRIATION ORDINANCE NO. 1/2004, AS AMENDED; AND DECLARING THE SAME TO BE AN EMERGENCY

MEMBER CASAR: Mr. President, I move the Statutory Rules be suspended on #9; seconded.

PRESIDENT DENCZAK: Moved and seconded that the Statutory Rules be suspended on Ordinance #9. Are there any remarks?... If not, roll call vote please.

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

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

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MEMBER CASAR: Mr. President, I move we amend Ordinance.....

PRESIDENT DENCZAK: No, move to adopt please first.

MEMBER CASAR: Mr. President, I move we adopt Ordinance #9; seconded

PRESIDENT DENCZAK: Moved and seconded that you adopt Ordinance #9. Are there any remarks under this Ordinance?...Member Casar?

MEMBER CASAR: Yes, I move we amend Ordinance #9 by the language that was presented by Law Director Martuccio and I would like to have him read this so it would be in the minutes; seconded.

LAW DIRECTOR MARTUCCIO: Thank you, Mr. President, Member Casar. Ladies and Gentlemen, you have in front of you a hand-written amendment pursuant to Rule 36 of your rules. I have made one more slight change to it. I would point that out as I read it into the record and give a corrected copy of the proposed amendment to the Clerk. It reads: **Amendment** Pursuant Rule 36, I hereby move to amend Agenda Ordinance #9 as follows: *The second and third sentences, if you would insert "and third" sentences, of Section 2, shall include a new phrase to read as follows:* and this is the section being amended -- This is converting a very long second sentence into a second and third sentence, each one having a new phrase added to make it clear that the City of Canton Council Finance Committee must approve these rules and regs prior to them being filed so it reads as follows: *The Mayor shall file and file said rules, subject to the approval of the City of Canton Council's Finance Committee, with the Clerk of Council.* Scratch the word "and"; new sentence. *The Clerk of Council shall maintain a record of all rules and regulations filed in the Clerk's office as well as any amendments to, and repeal of, rules and regulations which have been previously filed and approved by the Finance Committee.* The new language is underlined so that you can easily see where it has been inserted. Thank you, Member Casar.

PRESIDENT DENCZAK: All right, everybody has a copy of this amendment before them. The question before you now is the amendment. Are there any remarks under this 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 amendment has passed. The question you're voting on now is the Ordinance as amended. Are there any remarks on this Ordinance as amended?... Very well, roll call vote please.

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance #9, as amended, has been adopted.

#9 ADOPTED, AS AMENDED, AS ORDINANCE NO.39/2004

#10 (2ND RDG) **ADOPTED AS ORDINANCE NO.40/2004** AN ORDINANCE APPROVING A THREE-YEAR COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY OF CANTON AND AFSCME LOCAL 2937; AND DECLARING THE SAME TO BE AN EMERGENCY

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MEMBER CASAR: Mr. President, I move that the Statutory Rules be suspended on Ordinance #10; seconded.

PRESIDENT DENCZAK: Moved and seconded that the Statutory Rules be suspended on Ordinance #10. Are there any remarks?... If not, roll call vote please.

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance #10, is adopted. Oh, I'm sorry. The Statutory Rule has been suspended, Member Casar.

MEMBER CASAR: Mr. President, I move we adopt Ordinance #10; seconded

PRESIDENT DENCZAK: Moved and seconded that you adopt Ordinance #10. Are there any remarks under this ordinance?... Very well, roll call vote please.

NO REMARKS

ROLL CALL: 10 YEAS, 1 NAY
(MEMBER HART VOTED NAY)

PRESIDENT DENCZAK: Ordinance #10 is adopted. **#10 ADOPTED AS ORDINANCE NO.40/2004**

ORDINANCES AND FORMAL RESOLUTIONS FOR THIRD READING

PRESIDENT DENCZAK: Ordinances or Formal Resolutions for the third and final reading. Ordinance #11 please.

NOTE: PRESIDENT DENCZAK CALLED UPON CLERK VANCKUNAS TO READ THE FOLLOWING ORDINANCES #11 THROUGH AND INCLUDING #20 FOR THE THIRD & FINAL TIME BY TITLE, AS FOLLOWS.

#11 (3RD RDG) **POSTPONED TO 4/5/04** AN ORDINANCE AUTHORIZING THE MAYOR AND/OR CHIEF OF STAFF TO ENTER INTO PROFESSIONAL SERVICE CONTRACT WITH SMG FOR OPERATION OF THE CANTON CIVIC CENTER; AND DECLARING THE SAME TO BE AN EMERGENCY

MEMBER CASAR: Mr. President, I move we adopt Ordinance #11; seconded.

PRESIDENT DENCZAK: Moved and seconded that you adopt Ordinance #11. Are there any remarks under this Ordinance?

MEMBER CASAR: Mr. President, in light of the discussion we held in the meeting this evening at 6:00 in regards to SMG, a lot of questions were unanswered and we are going to ask for the Administration to give them guidelines what we'd like to go, that, for the Administration to go back to SMG and negotiate a few points that we will give the Administration guidelines of what we would like to see them accomplish. So, I would like to postpone this until 4/5/04, which is next Monday evening; seconded.

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PRESIDENT DENCZAK: Ordinance #14 is adopted. **#14 ADOPTED AS ORDINANCE NO.43/2004**

#15 (3RD RDG) **ADOPTED AS ORDINANCE NO.44/2004** AN ORDINANCE AUTHORIZING THE CITY OF CANTON TO ACCEPT DONATION OF REAL PROPERTY; 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: 11 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance #15 is adopted. **#15 ADOPTED AS ORDINANCE NO.44/2004**

#16 (3RD RDG) **ADOPTED AS ORDINANCE NO.45/2004** AN ORDINANCE AUTHORIZING THE CITY OF CANTON TO ACCEPT DONATION OF REAL PROPERTY; AND DECLARING THE SAME TO BE AN EMERGENCY

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: 11 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance #16 is adopted. **#16 ADOPTED AS ORDINANCE NO.45/2004**

#17 (3RD RDG) **ADOPTED AS ORDINANCE NO.46/2004** AN ORDINANCE AUTHORIZING THE CITY OF CANTON TO ACCEPT DONATION OF REAL PROPERTY; 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: 11 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance #17 is adopted. **#17 ADOPTED AS ORDINANCE NO.46/2004**

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#18 (3RD RDG) **ADOPTED AS ORDINANCE NO.47/2004** AN ORDINANCE APPROVING AND ACCEPTING THE REPLATTING OF LOTS 9017-9020, 9039, & 29276; 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?... Very well, roll call vote please.

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance #18 is adopted.

#18 ADOPTED AS ORDINANCE NO.47/2004

#19 (3RD RDG) **ADOPTED AS ORDINANCE NO.48/2004** AN ORDINANCE ESTABLISHING THE FAIR MARKET VALUE OF REAL PROPERTY IN CONJUNCTION WITH THE 44TH STREET NE IMPROVEMENT PROJECT; AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO NEGOTIATE AND PURCHASE SAID PARCELS AT THE ESTABLISHED FAIR MARKET VALUES AND ENTER INTO WORK AGREEMENTS; 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 you adopt Ordinance #19. Are there any remarks under this Ordinance?... Very well, roll call vote please.

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance #19 is adopted.

#19 ADOPTED AS ORDINANCE NO.48/2004

#20 (3RD RDG) **ADOPTED AS ORDINANCE NO.49/2004** AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 1/2004 TO APPROPRIATE ADDITIONAL MONEYS NEEDED FOR THE OPERATING AND CAPITAL EXPENSES OF THE CITY OF CANTON FOR THE REMAINDER OF FISCAL YEAR 2004; 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 to amend Ordinance #20 by the amendment that everyone has in front of

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them; seconded.

SEE AMENDMENT TO ORDINANCE #20 BEGINNING ON NEXT PAGE!

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Amended by the substitution of this Amended Exhibit A for the existing Exhibit
EXHIBIT A
Amended

Supplemental Appropriations

FROM: The Unappropriated Balance of the 1001 General Fund (523,121,035.23)

TO:	1001	101001 Safety Director	\$55,878.74
	1001	101501 Building/Code	\$119,057.79
	1001	102000 Police	\$7,106,085.14
	1001	102090 Police - Crime Lab	\$278,620.02
	1001	102501 School Guards	\$176,264.99
	1001	103001 Fire	\$6,592,372.45
	1001	103501 Central Communications	\$465,035.71
	1001	104040 Traffic - Parking Meter	\$71,671.97
	1001	300501 General Government	\$206,010.00
	1001	201001 Service Director	\$32,717.83
	1001	201015 Annexation	\$7,678.49
	1001	201201 Purchasing	\$211,250.61
	1001	202010 Civil Engineering	\$17,688.61
	1001	202210 Public Works	\$77,660.19
	1001	303001 Civic Center	\$366,661.21
	1001	203010 Civic Center Concessions	\$31,566.00
	1001	204010 Building Maintenance	\$637,430.87
	1001	301001 Health - Administration	\$406,971.80
	1001	303001 Health - Nurses	\$329,693.55
	1001	304001 Health - Labs	\$98,426.54
	1001	306001 Health - Air Pollution	\$20,900.00
	1001	307001 Health - Env. Control	\$331,791.13
	1001	401001 Park - Administration	\$537,834.25
	1001	501001 Mayor	\$158,083.81
	1001	501101 Human Resources	\$100,248.23
	1001	501401 Word Processing	\$92,223.49
	1001	501601 Youth Development	\$99,670.38
	1001	501602 Youth Dev. - Summer Programs	\$23,323.16
	1001	502550 Baseball Stadium	\$25,016.86
	1001	601001 City Council	\$290,883.28
	1001	701001 Judges	\$7,781.34
	1001	702001 Clerk of Courts	\$623,120.10
	1001	755001 Law Department	\$623,517.23
	1001	801001 Auditor	\$811,904.48
	1001	802001 ATM	\$23,450.00
	1001	852001 Treasurer	\$109,469.63
	1001	901001 Civil Service	\$114,594.73
	1001	907001 Zoning Board	\$4,232.92

FROM: The Unexpended Balance of the 2120 Income Tax Fund (51,181,709.47)

TO: 2120 852101 Income Tax \$1,181,709.47

MINUTES OF THE MEETING OF MARCH 29, 2004**EXHIBIT A**
Amended

FROM:	The Unappropriated Balance of the 4501 Capital Improvement Fund		(\$1,180,355.01)
TO:	4501	201001 Service Director	\$5,031.59
	4501	202001 Civil Engineering	\$153,672.05
	4501	202051 GP846 12th/13th Street Connector	\$9,685.00
	4501	202052 GP1051 35th Street Reconstruction	\$38,081.16
	4501	202260 Street - Paving	\$673,865.21
FROM:	The Unappropriated Balance of the 6041 DMV Fund		(\$1,184,268.19)
TO:	6041	103001 Fee	\$82,432.40
	6041	208091 DMV - Administration	\$139,935.26
	6041	208010 DMV - Service & Repair	\$961,900.53
FROM:	The Unappropriated Balance of the 6091 MTS Fund		(\$686,265.45)
TO:	6091	504010 MTS	\$686,265.45
FROM:	The Unappropriated Balance of the 5601 Refuse Fund		(\$732,250.00)
TO:	5601	205091 Refuse - Administration	\$732,250.00
FROM:	The Unappropriated Balance of the 3041 Bond Retirement Fund		(\$38,081.16)
TO:	3041	202052 GP 1051 35th Street Reconstruction	\$38,081.16
FROM:	The Unappropriated Balance of the 2322 Dental Sealant Fund		(\$80,000.00)
TO:	2322 Dental Sealant Fund		\$80,000.00
FROM:	The Unappropriated Balance of the 2325 Ohio Early Start Fund		(\$3,000.00)
TO:	2325 Ohio Early Start		\$3,000.00
FROM:	The Unappropriated Balance of the 2332 Air Pollution Fund		(\$50,000.00)
TO:	2332 Air Pollution Fund		\$50,000.00

MINUTES OF THE MEETING OF MARCH 29, 2004**EXHIBIT A
*Amended***

FROM:	The Unappropriated Balance of the 2351 Food Service Fund	(\$50,000.00)
TO:	2351 Food Service Fund	\$50,000.00
FROM:	The Unappropriated Balance of the 2773 Law Enforcement Block Grant "2001" Fund	(\$2,767.50)
TO:	2773 Law Enforcement Block Grant "2001" Fund	\$2,767.50
FROM:	The Unappropriated Balance of the 2781 Thermal Imaging System Fund	(\$19,675.00)
TO:	2781 Thermal Imaging System Fund	\$19,675.00
FROM:	The Unappropriated Balance of the 2812 EMS Fund	(\$11,480.87)
TO:	2812 EMS Fund	\$11,480.87
FROM:	The Unappropriated Balance of the 4552 Midway Ave. NE Improv. GP1072 Fund	(\$75,750.00)
TO:	4552 Midway Ave. NE Improv. GP1072 Fund	\$75,750.00
FROM:	The Unappropriated Balance of the 7501 Auditor's Transfer Fund	(\$100,000.00)
TO:	7501 Auditor's Transfer Fund	\$100,000.00
FROM:	The Unappropriated Balance of the 7502 Payroll Clearing Fund	(\$12,000,000.00)
TO:	7502 Payroll Clearing Fund	\$12,000,000.00
FROM:	The Unappropriated Balance of the 7503 Incentive Buy-out Fund	(\$106,413.00)
TO:	7503 Incentive Buy-out Fund	\$106,413.00
FROM:	The Unappropriated Balance of the 7505 Ticketmaster Fund	(\$75,000.00)
TO:	7505 Ticketmaster Fund	\$75,000.00

MINUTES OF THE MEETING OF MARCH 29, 2004

PRESIDENT DENCZAK: Moved and seconded to amend this Ordinance per the copy before each of you. Are there any remarks?... The question you're voting on now is the amendment. By voice vote, all those in favor signify by saying aye. All those opposed no.

NO REMARKS

AMENDMENT ADOPTED BY UNANIMOUS VOICE VOTE

PRESIDENT DENCZAK: Ordinance #20 has been amended. The question you're voting on now, no, motion to adopt the Ordinance, did you do that?... The question you're voting on now is the Ordinance as amended. Is there any remarks under this Ordinance as amended?

MEMBER HAWK: Mr. President, looking at the budget for the year 2004, again, an awful lot of work went into this budget. Our initial thought was to bring about a truly balanced budget. This is something we did not obtain this year but we will be working towards it in the future, and again, I think one of the major, absolutely most important things we've done in adopting this budget is placing that \$1.1 million in that special service fund to begin funding some of our ongoing liabilities. I know that Mr. Casar would like to comment on this budget also and I'll let him have the floor at this time. Thank you.

MEMBER CASAR: Mr. President, New Year's Day we said we would, we would be working in the direction of a balanced budget. I know the Finance Committee, along with the Administration and the Auditor's Department, worked extremely hard in the, since that day, to get where we're at today, March 29th. Although as Member Hawk stated we do not have what we call a true balanced budget at this particular time, I feel, along with, with what we've been able to gather in regards to economical, economic upturn in the economy, we feel that perhaps this could be achieved before the end of the year. If not, things will have to be done so there will be a balanced budget and that could be, could curtail whatever has to do, but we will have a balanced budget by year end and we'll not have any deficit spending. I want to thank the Finance Committee, and as I said the other members that attended these meetings because a lot of hours have gone, went into, to where we are at this evening. I only hope that we will, we will be able to balance this, as a true balanced budget by December 31st and that, and hopefully, we will go into next year with a carry-over. We were fortunate to have over a \$3 million carry-over this year, which really helped, but, as we pass the yearly ordinances tonight, the unfunded mandates, that was a part of, which could have been construed as if we did not do that, that would have made us a balanced budget but we felt that this was something we had to do, that's why we did it. We, we bit the bullet, we started something that should have been done probably 50 years ago and I want to commend everybody that worked on this and especially the Auditor's Department and Tad Ellsworth, because they did a bang-up job and hopefully, like I said earlier, we'll have a balanced budget by the end of the year. There will be a balanced budget but I mean no deficit spending.

PRESIDENT DENCZAK: Are there any other remarks?... The question you're voting on now is the Ordinance as amended. Roll call vote.

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance #20, as amended, has been adopted.

#20 ADOPTED AS AMENDED AS ORDINANCE NO. 49/2004

MINUTES OF THE MEETING OF MARCH 29, 2004

MINUTES OF THE MEETING OF MARCH 29, 2004**ANNOUNCEMENT OF COMMITTEE MEETINGS**

PRESIDENT DENCZAK: Announcement of Committee Meetings please.

MEMBER BABCOCK: Mr. President, Public Safety and Thoroughfares will meet April 5th at 6:30.

MEMBER CARBENIA: Mr. P resident, Community and Economic Development will meet 4/5/04, next Monday, at 6:30.

MEMBER DOUGHERTY: Mr. President, Public Property Capital Improvement will also meet that evening, 6:30.

MEMBER HAWK: Mr. President, Finance Committee will meet Monday, the 5th, at 6:30.

PUBLIC SPEAKS (OPEN FORUM--CITY BUSINESS ONLY)

PRESIDENT DENCZAK: As the Chair stated before, 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 BERNABEI: Mr. President, I noted under communications, Communication 195 from Service Director Ellsworth concerning a \$17,500 capital improvement supplemental appropriation for Jackson Pool. Could you advise us of the status of that and if you're going to commence, if and when you're commencing repairs?

SERVICE DIRECTOR ELLSWORTH: At this point we're still gathering estimates. Oh, sorry. Mr. President,. We're still gathering estimates at this time. Ya' know, I wanted to get the communication down and in the communication I state that the number could be higher or could be lower. We've gotten several estimates so far. Thus far, we're not real happy with the estimates we got. We're still waiting on estimates for the sand filter repair which needs to be done. The sand filter repair itself will probably be the most expensive individual piece of this and, apparently, it's a one of a kind model and so there's going to have to be some,we've got several contractors looking at, giving us some estimates, looking at \$10,000 is a very rough estimate for the sand filter itself plus about \$7,500 for the masonry work that needs to be done around the backwash tank.

MEMBER BERNABEI: Hopefully, without the need of repeating this, but again, time is of the essence if we intend to open this up by Memorial Day.

SERVICE DIRECTOR ELLSWORTH: Absolutely, and that's why I sent the communication to Council with that caveat that we may need to amend it so that as soon as we get our estimates in and as soon as the Council passes the appropriations, then we can begin work immediately.

MEMBER WEST: Mr. President....

MINUTES OF THE MEETING OF MARCH 29, 2004

PRESIDENT DENCZAK: Are you finished Member Bernabei?... Member West.

MEMBER WEST: I too am concerned about this issue and I wanted to address this. When I had an opportunity to go out to the pool, the professionals at that time had indicated that it was going to require almost \$350,000.00 to get this pool up and in operating condition. Now I see a figure of \$17,000.00 - that's a huge disparity, and, I'd like some kind of explanation on that.

SERVICE DIRECTOR ELLSWORTH: I can tell you the, Mr. President, the reasons for the \$315,000.00 repair included excessive repairs to the deck, the roof of the pool house, and a retaining wall. Those were the, what was deemed to be long-range necessary things to keep the pool open for more than one season. What this would do, we hope, and we don't know, will hopefully allow us to get it open for one season. Now, the, right now, we don't know if the Health Department would, again, approve it to be opened even with these repairs, we don't know at this point, we'll have to have another structural engineering come in and look at the facilities to make sure that they're still structurally sound. So, at this point, you know, it's a real shot in the dark, but again, I wanted to expedite by getting the communication to Council because that was, what I believed to be their wish, as expressed last week.

MEMBER WEST: When you have these professionals come out, I would like something in writing that indicates what it's going to take and who's going to take responsibility if that pool is not up and in operating condition.

MEMBER ZACHARY: Mr. President, I did meet with Jack Timken on the 26th and anyone who's interested in joining a committee to discuss and get a new Jackson Pool or renovate the old one, please see me after Council. Also, if you're interested in hearing how that meeting went, you can talk to me after Council as well.

PRESIDENT DENCZAK: Is there any other Miscellaneous Business?

CHIEF OF STAFF CONCATTO: Mr. President, I've arranged with Member Mallonn, he's not here this evening, but, Walmart is planning to come to Canton on Wednesday, March 31st at 7pm, Mayfield Senior Center. I'm not sure which, which area yet, to discuss not only the Walmart on West Tusc but also 62. So, Council, Member Mallonn wanted to make sure Council, any member of Council would like to attend that, may do so.

PRESIDENT DENCZAK: Is there any other Miscellaneous Business?

MEMBER DOUGHERTY: Could you repeat the time and place again please?

CHIEF OF STAFF CONCATTO: 7pm, Mayfield Senior Center. Mr. Dougherty, I'll call you tomorrow, or, we'll see you tomorrow, I'm not sure which room Member Mallonn had. I'll let you know that.

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.

MINUTES OF THE MEETING OF MARCH 29, 2004

NO REMARKS PERMITTED ON THE MOTION TO ADJOURN

ROLL CALL: 11 YEAS, 0 NAYS

ADJOURNMENT TIME: 8:24 P.M.

ATTEST:

APPROVED:

DEBRA VANCKUNAS
CLERK OF COUNCIL

RAY DENCZAK
PRESIDENT OF COUNCIL