

**MINUTES OF THE MEETING OF APRIL 19, 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, April 19, 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 Councilmember at Large Mary Babcock, 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 VANCKUNAS:*

ALL 12 COUNCILMEMBERS PRESENT: (DONALD E. 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 HART, & ROSEMARY DIAMOND)

PRESIDENT DENCZAK: Members of Council, there's some literature being passed around. Please read it and make sure I get it back before the end of the meeting.

**RECOGNITION OF BOY SCOUT TROOP 25 FROM ST. PAUL'S CHURCH**

PRESIDENT DENCZAK: Also the Chair would like to recognize the boy scout troop here this evening. It's Troop Number 25 from St. Paul's Church on Superior Avenue. Bridget House is the merit badge counselor, and they're working on their merit badge. The merit badge is for citizenship in the community. It's a requirement for the Eagle badge, so we welcome you here to City Council. Please stand for Council's recognition. (APPLAUSE)

**AGENDA CORRECTIONS & CHANGES**

PRESIDENT DENCZAK: Agenda corrections, Members of Council. You're being asked to suspend Rule 24B to add Resolution #55 to the agenda. The Chair will now recognize that motion, Member Casar.

MEMBER CASAR: Mr. President, I move that Rule 22A be suspended to...

PRESIDENT DENCZAK: 24B.

MEMBER CASAR: 24B to add Resolution #55; seconded.

PRESIDENT DENCZAK: Moved and seconded to suspend Rule 24B to add Resolution #55 to the agenda. Are there any remarks...? If not, roll call vote please.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

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PRESIDENT DENCZAK: Rule 24B has been suspended and Resolution #55 is a legal part of your agenda. That's a resolution from Council Committee-as-a-Whole, and it's in regards to the Solid Waste Plan. You're also being asked to suspend Rule 22A to add second readings of Ordinances #2 through and including #13. The Chair will recognize that motion now, Member Casar.

MEMBER CASAR: Mr. President, I move that Rule 22A be suspended and add Ordinances #2 through #13 for the second reading on tonight's agenda; seconded.

PRESIDENT DENCZAK: Moved and seconded to suspend Rule 22A to add Ordinances #2 through and including #13 to the agenda. Are there any remarks?... If not, roll call vote please.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

PRESIDENT DENCZAK: Rule 22A is suspended and Ordinances #2 through and including #15 are a legal part of your agenda. I'm sorry, 13. You're being asked to adopt Ordinance #5 under second reading. You're being asked to adopt Ordinance #8 under second reading, and disregard the adoption on #9 for the second reading. It will only receive a second reading. This brings your agenda up to date.

MEMBER CASAR: Mr. President, point of information, did you also say Ordinance #5?

PRESIDENT DENCZAK: Yes.

MEMBER CASAR: Thank you.

PRESIDENT DENCZAK: #5 and #8.

**PUBLIC HEARINGS**

PRESIDENT DENCZAK: There is 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 under Ordinances or Resolutions for adoption.

**INFORMAL RESOLUTIONS**

PRESIDENT DENCZAK: It will not be necessary to excuse members. Let the journal show that all members of council are present. Informal Resolutions - #45 please.

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***PRESIDENT DENCZAK CALLED UPON CLERK OF COUNCIL VANCKUNAS TO READ RESOLUTIONS #45 THROUGH AND INCLUDING #55 BY TITLE, AS SHOWN BELOW. THE RESOLUTIONS ARE ON FILE IN THEIR ENTIRETY IN THE COUNCIL OFFICE WITH THE AGENDA ITEMS DATED April 19, 2004.***

45. HAWK, GREG, WARD 1 COUNCILMEMBER, CITY OF CANTON: COMMENDING *ANDREW BUDGAKE* FOR BEING HONORED WITH THE CANTON JEWISH COMMUNITY CENTER'S *GARY D. SHIFMAN AWARD*.- ADOPTED BY COUNCIL

MEMBER CASAR: Mr. President, I move we adopt Resolution #45; seconded.

PRESIDENT DENCZAK: Moved and seconded that you adopt Resolution #45. 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 #45 ADOPTED BY UNANIMOUS VOICE VOTE

PRESIDENT DENCZAK: Resolution #45 is adopted.

46. HAWK, GREG, WARD 1 COUNCILMEMBER, CITY OF CANTON: COMMENDING *JONATHAN KANAM* FOR BEING HONORED WITH THE CANTON JEWISH COMMUNITY CENTER'S *GARY D. SHIFMAN AWARD*. - ADOPTED BY COUNCIL

MEMBER CASAR: Mr. President, I move we adopt Resolution #46; seconded.

PRESIDENT DENCZAK: Moved and seconded that you adopt Resolution #46. 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 #46 ADOPTED BY UNANIMOUS VOICE VOTE

PRESIDENT DENCZAK: Resolution #46 is adopted.

47. HAWK, GREG, WARD 1 COUNCILMEMBER, CITY OF CANTON: COMMENDING *MICHAEL KANAM* FOR BEING HONORED WITH THE CANTON JEWISH COMMUNITY CENTER'S *A. L. HELLING AWARD*. - ADOPTED BY COUNCIL

MEMBER CASAR: Mr. President, I move we adopt Resolution #47; seconded.

PRESIDENT DENCZAK: Moved and seconded that you adopt Resolution #47. 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 #47 ADOPTED BY UNANIMOUS VOICE VOTE

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PRESIDENT DENCZAK: Resolution #47 is adopted.

48. HAWK, GREG, WARD 1 COUNCILMEMBER, CITY OF CANTON: COMMENDING *ADAM PRESCOTT* FOR BEING HONORED WITH THE CANTON JEWISH COMMUNITY CENTER'S *GARY D. SHIFMAN AWARD*. - ADOPTED BY COUNCIL

MEMBER CASAR: Mr. President, I move we adopt Resolution #48; seconded.

PRESIDENT DENCZAK: Moved and seconded that you adopt Resolution #48. 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 #48 ADOPTED BY UNANIMOUS VOICE VOTE

PRESIDENT DENCZAK: Resolution #48 is adopted.

49. HAWK, GREG, WARD 1 COUNCILMEMBER, CITY OF CANTON: COMMENDING *AARON RICH* FOR BEING HONORED WITH THE CANTON JEWISH COMMUNITY CENTER'S *HOWARD FREEDMAN AWARD*. - ADOPTED BY COUNCIL

MEMBER CASAR: Mr. President, I move we adopt Resolution #49; seconded.

PRESIDENT DENCZAK: Moved and seconded that you adopt Resolution #49. 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 #49 ADOPTED BY UNANIMOUS VOICE VOTE

PRESIDENT DENCZAK: Resolution #49 is adopted.

50. HAWK, GREG, WARD 1 COUNCILMEMBER, CITY OF CANTON: COMMENDING *HOWARD ROTH* FOR BEING HONORED WITH THE CANTON JEWISH COMMUNITY CENTER'S *SANFORD-JACOB FURMAN AWARD*. - ADOPTED BY COUNCIL

MEMBER CASAR: Mr. President, I move we adopt Resolution #50; seconded.

PRESIDENT DENCZAK: Moved and seconded that you adopt Resolution #50. 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 #50 ADOPTED BY UNANIMOUS VOICE VOTE

PRESIDENT DENCZAK: Resolution #50 is adopted.

51. HAWK, GREG, WARD 1 COUNCILMEMBER, CITY OF CANTON: COMMENDING *MICHAEL*

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*RUDICK* FOR BEING HONORED WITH THE CANTON JEWISH COMMUNITY CENTER'S *GARY D. SHIFMAN AWARD*. - ADOPTED BY COUNCIL

MEMBER CASAR: Mr. President, I move we adopt Resolution #51; seconded.

PRESIDENT DENCZAK: Moved and seconded that you adopt Resolution #51. 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 #51 ADOPTED BY UNANIMOUS VOICE VOTE

PRESIDENT DENCZAK: Resolution #51 is adopted.

52. HAWK, GREG, WARD 1 COUNCILMEMBER, CITY OF CANTON: COMMENDING *JEFFREYSKLAR* FOR BEING HONORED WITH THE CANTON JEWISH COMMUNITY CENTER'S *H. L. GINSBURG VOLUNTEER AWARD*. - ADOPTED BY COUNCIL

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

PRESIDENT DENCZAK: Moved and seconded that you adopt Resolution #52. Are there any remarks under this Resolution?... Very well, by voice vote, all those in favor signify by saying aye. Those opposed no.

NO REMARKS

RESOLUTION #52 ADOPTED BY UNANIMOUS VOICE VOTE

PRESIDENT DENCZAK: Resolution #52 is adopted.

53. HAWK, GREG, WARD 1 COUNCILMEMBER, CITY OF CANTON: COMMENDING *MEGAN SMUCKLER* FOR BEING HONORED WITH THE CANTON JEWISH COMMUNITY CENTER'S *HOWARD FREEDMAN AWARD*. - ADOPTED BY COUNCIL

MEMBER CASAR: Mr. President, I move we adopt Resolution #53; seconded.

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

NO REMARKS

RESOLUTION #53 ADOPTED BY UNANIMOUS VOICE VOTE

PRESIDENT DENCZAK: Resolution #53 is adopted.

54. HAWK, GREG, WARD 1 COUNCILMEMBER, CITY OF CANTON: COMMENDING *MICHAEL ZOLDAN* FOR BEING HONORED WITH THE CANTON JEWISH COMMUNITY CENTER'S *SANFORD-JACOB FURMAN AWARD*. - ADOPTED BY COUNCIL

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MEMBER CASAR: Mr. President, I move we adopt Resolution #54; seconded.

PRESIDENT DENCZAK: Moved and seconded that you adopt Resolution #54. 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 #54 ADOPTED BY UNANIMOUS VOICE VOTE

PRESIDENT DENCZAK: Resolution #54 is adopted.

**SUSPENDED RULE 24B TO ADD Re#55:**

55. COUNCIL-OF-THE-WHOLE, CITY OF CANTON:SUPPORTINGFINAL DRAFT AMENDMENT OF THE SOLID WASTE MANAGEMENT PLAN - ADOPTED BY COUNCIL

MEMBER CASAR: Mr. President, I move we adopt Resolution #55; seconded.

PRESIDENT DENCZAK: Moved and seconded that Council adopt Resolution #55. Are there any remarks under this Resolution?... The Chair's gonna ask for a roll call vote on this to give it a little muscle. Roll call vote, please.

NO REMARKS

ROLL CALL VOTE: 12 YEAS, 0 NAYS

PRESIDENT DENCZAK: The Resolution is adopted.

**COMMUNICATIONS**

PRESIDENT DENCZAK: All Communications are received as read and filed 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 April 19, 2004.***

221. HEALTH BENEFITS ADMINISTRATOR ROSE BRESSON, CITY OF CANTON: MARCH MONTHLY COMPARATIVE REPORT OF INSURANCE CLAIMS & JAN - MAR 2004 PAID CLAIMS & COMPARATIVE REPORT. - RECEIVED & FILED
222. LIQUOR CONTROL DIVISION, STATE OF OHIO, 6606 TUSSING ROAD, PO BOX 4005, REYNOLDSBURG, OHIO 43068-9005: REQUEST FOR OWNERSHIP TRANSFER OF C1, C2 LIQUOR PERMIT REQUESTED BY ID ABBOU INC. DBA HALL OF FAME MARKET @ 704 SHERRICK RD SE, UNIT A - INTERGOVERNMENTAL & PUBLIC SERVICE CMTE
223. SERVICE DIRECTOR TAD ELLSWORTH, CITY OF CANTON: REQUEST AUTHORITY TO ADVERTISE, RECEIVE BIDS AND ENTER INTO CONTRACT FOR FINALIZATION OF THE

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MARKET AVENUE NORTH SANITARY SEWER REPLACEMENT PROJECT, GP 1070, TO INCLUDE AN IMPROVEMENT SECTION ON 23<sup>RD</sup> ST NW REPLACING SANITARY SEWER SYSTEMS & DETERIORATION OF EXISTING CURBS AND SIDEWALKS, RECONSTRUCT SECTIONS OF ROADWAY AND ADD NEW CURB & SIDEWALKS & STREETScape ENHANCEMENTS ALONG MARKET AVENUE. - PUBLIC SAFETY & THOROUGHFARES 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 ORDINANCE #1 FOR THE FIRST TIME BY TITLE & ANNOUNCED THE COMMITTEE REFERRAL, AS FOLLOWS.***

- #1 (1<sup>ST</sup> RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CONTRACT WITH CONTEC SYSTEMS FOR A FOUR-YEAR SOFTWARE MAINTENANCE AGREEMENT, DAS UPGRADE AND NEW DAS COMPUTER FOR THE WATER POLLUTION CONTROL CENTER; AMENDING APPROPRIATION ORDINANCE NO. 1/2004, AS AMENDED, BY MAKING THE SUPPLEMENTAL APPROPRIATION HEREIN DESCRIBED; AND DECLARING THE SAME TO BE AN EMERGENCY  
Referred to Finance 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 #2 THROUGH AND INCLUDING #13 FOR THE SECOND TIME BY TITLE, AS FOLLOWS. ORDINANCES #5 AND #8 WERE ADOPTED FOLLOWING THEIR SECOND READING.***

**RULE 22A WAS SUSPENDED TO ADD #2 THROUGH #13:**

- #2 (2<sup>ND</sup> 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
- #3 (2<sup>ND</sup> 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

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- #4 (2<sup>ND</sup> RDG) AN ORDINANCE AUTHORIZING THE MAYOR TO ACCEPT A GRANT FROM THE CANTON REGIONAL CHAMBER OF COMMERCE FOUNDATION; AUTHORIZING THE MAYOR AND/OR CHIEF OF STAFF TO ENTER INTO CONTRACT WITH DHR INTERNATIONAL TO RECRUIT A COMMUNITY AND ECONOMIC DEVELOPMENT DIRECTOR; AMENDING APPROPRIATION ORDINANCE NO. 1/2004; AND DECLARING THE SAME TO BE AN EMERGENCY
- #5 (2<sup>ND</sup> RDG) **ADOPTED AS ORDINANCE NO. 60/2004** AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CONTRACT WITH CT CONSULTANTS, INC. IN AN AMOUNT NOT TO EXCEED \$23,800.00 FOR PROFESSIONAL ENGINEERING SERVICES AND TO ADVERTISE, RECEIVE BIDS AND ENTER INTO CONTRACT IN AN AMOUNT NOT TO EXCEED \$65,000.00 FOR THE INFLUENT PUMP STATION BUILDING HVAC REPLACEMENT PROJECT; AMENDING APPROPRIATION ORDINANCE NO. 1/2004; AND DECLARING THE SAME TO BE AN EMERGENCY

MEMBER CASAR: Mr. President, move that the statutory rules be suspended on Ordinance #5; seconded.

PRESIDENT DENCZAK: There's a move to dispense with the three readings of Ordinance #5. Are there any remarks?... If not, roll call vote please.

NO REMARKS

ROLL CALL VOTE: 12 YEAS, 0 NAYS

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

MEMBER CASAR: Mr. President, I move we adopt Ordinance #5; seconded.

PRESIDENT DENCZAK: Moved and seconded that you adopt Ordinance #5. Are there any remarks under this Ordinance?... Very well, roll call vote please.

NO REMARKS

ROLL CALL VOTE: 12 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance #5 is adopted.

**#5 ADOPTED AS ORDINANCE NO. 60/2004**

- #6 (2<sup>ND</sup> RDG) AN ORDINANCE AMENDING ORDINANCE NO. 50/2003; AND DECLARING THE SAME TO BE AN EMERGENCY
- #7 (2<sup>ND</sup> RDG) A RESOLUTION ESTABLISHING AND DESIGNATING THE SUMMIT NEIGHBORHOOD COMMUNITY REINVESTMENT AREA; AUTHORIZING TAX EXEMPTIONS FOR QUALIFYING PROJECTS WITHIN THE COMMUNITY REINVESTMENT AREA; ESTABLISHING PROGRAM CONDITIONS; AND DECLARING THE SAME TO BE AN EMERGENCY

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#8 (2<sup>ND</sup> RDG) **ADOPTED AS ORDINANCE NO. 61/2004** AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 1/2004, AS AMENDED, BY MAKING THE SUPPLEMENTAL APPROPRIATIONS, REDUCTIONS IN APPROPRIATIONS AND INTERFUND TRANSFERS HEREIN DESCRIBED; 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: There's a move to dispense with the three readings of Ordinance #8. Are there any remarks?... If not, roll call vote please.

NO REMARKS

ROLL CALL VOTE: 12 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?... Very well, roll call vote please.

NO REMARKS

ROLL CALL VOTE: 12 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance #8 is adopted.

**#8 ADOPTED AS ORDINANCE NO. 61/2004**

#9 (2<sup>ND</sup> RDG) AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN ENTERPRISE ZONE AGREEMENT WITH McGRANN PAPER CORPORATION TO PROVIDE REAL AND PERSONAL PROPERTY TAX EXEMPTIONS FOR CONSOLIDATION AND RELOCATION OF ITS FACILITIES; AUTHORIZING THE GRANTING OF 100% TEN YEAR REAL AND PERSONAL PROPERTY TAX EXEMPTIONS; AUTHORIZING THE AUDITOR TO MAKE PAYMENTS TO THE CANTON BOARD OF EDUCATION AS REQUIRED TO BE PAID PURSUANT TO SECTION 5709.82(C) AND (D) OF THE REVISED CODE; AND DECLARING THE SAME TO BE AN EMERGENCY

#10 (2<sup>ND</sup> RDG) 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

#11 (2<sup>ND</sup> RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A THREE-YEAR CONTRACT WITH U.S. HEALTHWORKS OF OHIO, INC. FOR PROFESSIONAL MEDICAL SERVICES FOR CITY OF CANTON JOB APPLICANTS AND EMPLOYEES; AND DECLARING THE SAME TO BE AN EMERGENCY

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#12 (2<sup>ND</sup> RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ADVERTISE, RECEIVE BIDS AND ENTER INTO CONTRACT FOR THE LIFT STATIONS REPLACEMENT PROJECT; AMENDING APPROPRIATION ORDINANCE NO. 1/2004, AS AMENDED, BY MAKING THE SUPPLEMENTAL APPROPRIATION HEREIN DESCRIBED; AND DECLARING THE SAME TO BE AN EMERGENCY

#13 (2<sup>ND</sup> RDG) AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 1/2004, AS AMENDED, BY MAKING THE SUPPLEMENTAL APPROPRIATION HEREIN DESCRIBED; 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 #14 THROUGH AND INCLUDING #18 FOR THE THIRD & FINAL TIME BY TITLE, AS FOLLOWS.***

#14 (3<sup>RD</sup> RDG) **POSTPONED TO 4/26/04** A RESOLUTION APPROVING THE STATEMENT OF SERVICES TO BE PROVIDED TO THE PROPERTY OWNERS IN THE MCKINLEY DEVELOPMENT/PLAIN TOWNSHIP CEDA ANNEXATION AREA, THE APPROXIMATE DATE SERVICES WILL BE PROVIDED, PROCEDURE FOR INCOMPATIBLE ZONING USES UPON ITS BEING ANNEXED TO THE CITY OF CANTON, OHIO; 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?...

LAW DIRECTOR MARTUCCIO: Mr. President, I'd like to direct a question, actually a request to Member Casar.

MEMBER CASAR: Yes.

LAW DIRECTOR MARTUCCIO: Member Casar, would you please consider postponing this ordinance for one week so that we can check a discrepancy in the description contained therein and make sure it's accurate.

MEMBER CASAR: Mr. President, I move we postpone Ordinance #14 till April 26, 2004; seconded.

PRESIDENT DENCZAK: Moved and seconded to postpone Ordinance #14 until the 26<sup>th</sup> of April. Are there any remarks on this postponement?... If not, by voice vote, all those in favor signify by saying aye. Those opposed no.

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NO REMARKS

ORDINANCE #14 POSTPONED BY UNANIMOUS VOICE VOTE

PRESIDENT DENCZAK: Ordinance #14 is postponed until April 26<sup>th</sup>.

#15 (3<sup>RD</sup> RDG) **ADOPTED AS ORDINANCE NO. 62/2004** AN ORDINANCE AUTHORIZING THE MAYOR AND/OR DIRECTOR OF PUBLIC SERVICE TO CONVEY CITY-OWNED REAL PROPERTY, NO LONGER NEEDED FOR MUNICIPAL PURPOSES, TO THE CANTON COMMUNITY IMPROVEMENT CORPORATION; AND DECLARING THE SAME TO BE AN EMERGENCY

MEMBER CASAR: Mr. President, I move that 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 VOTE: 12 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance #15 is adopted.

**#15 ADOPTED AS ORDINANCE NO. 62/2004**

#16 (3<sup>RD</sup> RDG) **ADOPTED AS ORDINANCE NO. 63/2004** AN ORDINANCE AMENDING EXHIBIT A TO ORDINANCE NO. 40/2000, AS AMENDED, THE CLASSIFICATION PLAN FOR BARGAINING UNIT PERSONNEL EMPLOYED BY THE CITY OF CANTON; 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 remarks under this ordinance?... Very well, roll call vote please.

NO REMARKS

ROLL CALL VOTE: 12 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance #16 is adopted.

**#16 ADOPTED AS ORDINANCE NO. 63/2004**

#17 (3<sup>RD</sup> RDG) **ADOPTED AS ORDINANCE NO. 64/2004** AN ORDINANCE APPROVING AND ACCEPTING THE REPLATTING OF LOTS 42237 THROUGH 42246; 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.

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NO REMARKS

ROLL CALL VOTE: 12 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance #17 is adopted.

**#17 ADOPTED AS ORDINANCE NO. 64/2004**

#18 (3<sup>RD</sup> RDG) **ADOPTED AS ORDINANCE NO. 65/2004** 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

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 VOTE: 9 YEAS, 3 NAYS  
(CASAR, CARBENIA & MALLONN VOTED NO)

PRESIDENT DENCZAK: Ordinance #18 is adopted.

**#18 ADOPTED AS ORDINANCE NO. 65/2004**

**ANNOUNCEMENT OF COMMITTEE MEETINGS**

PRESIDENT DENCZAK: Announcement of Committee Meetings please.

MEMBER HAWK: Mr. President, Finance Committee will meet at 6:45 April 26<sup>th</sup>.

**PUBLIC SPEAKS (OPEN FORUM--CITY BUSINESS ONLY)**

PRESIDENT DENCZAK: Public Speaks under Open Forum. We have two people signed up this evening. First speaker is Charles Lively.

MR. LIVELY: My name is Charles Lively. I live at 802 Highland NE. I'd like to address this committee. *(NEXT COMMENT INAUDIBLE, MICROPHONE WAS NOT ON)* Did all you people get to read the paperwork that I asked you to read, or that the President asked you to read? Did anybody miss that paperwork? Did anybody read it?

PRESIDENT DENCZAK: I had it passed around here. It came back to me here. Did everybody see this?

MEMBER CARBENIA: Is that the one where there's...

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MR. LIVELY: Where there's eight rapes, six counts of imposition, and it's right next door to a school. Now the Mayor knows all about it. I fought you people. I fought Congress. I fought the Sheriff's office and I lost. They told me that it was a State- operated thing and there's nothing they can do about it. My wife says go talk to the Mayor and she's sitting there and she'll tell you I did that. She requested of me to please give her a chance to straighten it out. What I couldn't get done in a year, she got done in one week. I got a call from a Congressman. They were too close to the school. Several things was wrong. I tried to tell the Sheriff that. The Sheriff told me, forget it. Well, my wife and I did not forget it, and I am very, very appreciative of our Mayor. This City has a chance of making it now. I hope she does the job she's doing. And I thank you, Ma'am. I thank the Council for listening and I wish you would have read the letter. Eight counts of rape. Where I come from it would have never reached eight. You'd had one chance, the second one he'd never get out of jail, let alone eight counts. That's all wrong. All wrong. Thank you.

MAYOR CREIGHTON: Mr. President, just so everyone understands, there is a situation near Gibbs School in which there were sexual predators put in a home within 760 feet of the school. The law mandates that they must be within 1000 feet. We also know that there are other perpetrators there. There are other types of individuals that have come out of prison, but especially with the school system and the sexual predators, that was really a violation of the law, and we made some calls and found out that it's really owned by a local person and we're still doing a little bit more investigation, but I want you all to know about that situation and if in fact there is anything else going on, you need to let us know because we're gonna track them down.

PRESIDENT DENCZAK: The next speaker is Alice Sarver. Did I pronounce that correctly?... Oh, yes.

MS. SARVER: My name is Alice Sarver and I live at 1225 41<sup>st</sup> Street NW. Madam Mayor, President of Council, Council Members. Recent headlines in *The Canton Repository* have reported that cans have been stolen from the recycling bin at the fire station. Well, I'm here to thank the thieves for doing that. This negative publicity has indeed actually been wonderful publicity for a very worthy cause, Aluminum Cans for Burned Children. Several months ago in this Council Chamber, a gentleman got up and spoke on behalf of this program. At that time I was disappointed and dismayed that Council did not follow up on his appeal nor did *The Repository* report the story of a citizen who had the courage to stand before this Council for a very worthy cause. Then Safety Director Joe Concatto did acknowledge at that meeting that the fire stations were involved in collecting these cans and it was not well publicized, and should be. Someone dropped the ball then, and hopefully now that a crime has brought us to the forefront, a lesson can be learned by all of us here in attendance tonight to follow through and to hold ourselves accountable to what you have promised that you are here to do. I just want to stress what a really wonderful charitable opportunity are all available to us in the City of Canton. I would like to offer the following suggestions as a solution to good communication between this Council and your constituents. Perhaps a notice in your City utility bills cited that recycling does take place at our fire station. Perhaps publication by the secretary of this Council meeting directly to *The Repository* as to what your agenda is, who speaks and what's been talked about, rather than rely on *The Repository* to report only what they seek to report. And perhaps public service announcements on the radio could be used for this particular cause. We have an opportunity in this City for some wonderful, wonderful charitable opportunities to give to people, and I think you as Council should set that example. Maybe these boy scouts could get involved too. Thank you for your time.

**MISCELLANEOUS BUSINESS**

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

MEMBER MALLONN: Mr. President, yes. On Tuesday, April 27<sup>th</sup> at 7:00 PM at the Mayfield Senior Center located at 3844 11<sup>th</sup> Street SW, I will be holding an informational meeting regarding the Wal Mart property as well as the relocation of Scotnick Court. That is next Tuesday, the 27<sup>th</sup>, at 7:00 PM at the Mayfield Senior Center on 11<sup>th</sup> Street SW. Thank you.

PRESIDENT DENCZAK: Is there any other miscellaneous business?

MAYOR CREIGHTON: Mr. President, as a follow up to Alice's comments, this would be the opportune time for me, first of all, seeing that it is National Volunteer Week, to thank all of those on City Council, in the Administration and in the audience who take the time to volunteer. That's what makes us a vibrant community, and along those lines, anyone who has time on Friday morning at 8:30, we are cleaning up Canton. And after we get done with that on Friday, my next goal is to clean up 77 and the expressway ramps, and by God I'm gonna do it, and I'll do it by myself or I'll do it with a group of people, but I'm sick and tired of seeing the trash, and the next thing that's gonna happen, the hammer's gonna come down on those trash vehicles that come through our City that do not batten down their backs, and by golly, Ohio State Highway Patrol and I are having a chat. *(APPLAUSE)*

PRESIDENT DENCZAK: Is there any other miscellaneous business?

MEMBER CASAR: Mr. President, after that, I move we adjourn; seconded. *(LAUGHTER)*

PRESIDENT DENCZAK: Did you second it?

MEMBER CARBENIA: Second.

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

PRESIDENT DENCZAK: This meeting is adjourned.

ADJOURNMENT TIME: 8:11 P.M.

ATTEST:

APPROVED:

DEBRA VANCKUNAS

RAY DENCZAK

**MINUTES OF THE MEETING OF APRIL 19, 2004**

CLERK OF COUNCIL

PRESIDENT OF COUNCIL

