

MINUTES OF THE MEETING OF MAY 3, 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, May 3, 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 1 Councilmember Greg Hawk, 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. BERNABEL, GREG HAWK, THOMAS E. WEST, RICHARD A MALLONN II, KELLY ZACHARY, TERRY PRATER, DAVID R. DOUGHERTY, RICHARD HART, & ROSEMARY DIAMOND)

PRESIDENT DENCZAK: Thank you, Member Hawk. Members of Council, we are very privileged to be here in Nome, Alaska this evening. (*LAUGHTER IN REFERENCE TO TEMPERATURE IN THE ROOM*) (*IN RESPONSE TO AN INAUDIBLE COMMENT FROM JOE CARBENIA*): Well, those of you who are obese may feel comfortable. (*MORE LAUGHTER*)

MEMBER CARBENIA: If I may respond to that. You can see me. I don't have to have somebody say 'stand up'.

PRESIDENT DENCZAK: Okay. We got-- the gentleman here's going to adjust the heat for us.

AGENDA CORRECTIONS & CHANGES

PRESIDENT DENCZAK: Agenda corrections, Members of Council. You're being asked to suspend Rule 22A to add the second readings of Ordinances 7 and 8, and suspend Rule 24B to add Resolutions 57 and 58. Member Casar, at this time the Chair will recognize Rule 22A suspension.

MEMBER CASAR: Mr. President, I move we suspend Rule 22A to add Ordinances #7 and 8 to this evening's agenda; seconded.

PRESIDENT DENCZAK: Moved and seconded to suspend Rule 22A to add second reading Ordinances 7 and 8 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 7 and 8 are a legal part of your agenda. The Chair will now recognize Rule 24B suspension, Member Casar.

MEMBER CASAR: Mr. President, I move we suspend Rule 24B to add Resolutions #57 and 58 to this evening's agenda; seconded.

MINUTES OF THE MEETING OF MAY 3, 2004

PRESIDENT DENCZAK: Moved and seconded to suspend Rule 24B to add Resolutions 57 and 58 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 is suspended and Resolutions 57 and 58 are a legal part of your agenda. To further bring your agenda up to date, Members of Council, you're going to be asked to adopt Ordinance #8 this evening under second readings, and I understand there's going to be an amendment to Ordinance #9, Member Casar, and you're going to be asked to postpone Ordinance #10 until June the 7th, 2004. This brings your agenda up to date, Members of Council.

PUBLIC HEARINGS

PRESIDENT DENCZAK: There's no scheduled public hearing 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.

PRESIDENT DENCZAK CALLED UPON CLERK OF COUNCIL VANCKUNAS TO READ RESOLUTIONS #57 THROUGH AND INCLUDING #58 BY TITLE, AS SHOWN BELOW. THE RESOLUTIONS ARE ON FILE IN THEIR ENTIRETY IN THE COUNCIL OFFICE WITH THE AGENDA ITEMS DATED May 3, 2004.

57. INTERGOVERNMENTAL & PUBLIC SERVICE COMMITTEE: OBJECTING TO TRANSFER OF C1, C2 LIQUOR PERMIT AS REQUESTED BY BAIT NABALAH, INC., dba BEST FOR LESS, LOCATED @ 1100 12TH ST.- ADOPTED BY COUNCIL

MEMBER CASAR: Mr. President, I move we adopt Resolution #57; seconded.

PRESIDENT DENCZAK: Moved and seconded that you adopt Resolution #57. 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 #57 ADOPTED BY UNANIMOUS VOICE VOTE

PRESIDENT DENCZAK: Resolution #57 is adopted.

MINUTES OF THE MEETING OF MAY 3, 2004

58. INTERGOVERNMENTAL & PUBLIC SERVICE COMMITTEE: OBJECTING TO NEW C1, C2 LIQUOR PERMIT AS REQUESTED BY BZA CONVENIENT MART, INC. LOCATED @ 216 ROWLAND AVE NE. - ADOPTED BY COUNCIL

MEMBER CASAR: Mr. President, I move we adopt Resolution #58; seconded.

PRESIDENT DENCZAK: Moved and seconded that you adopt 58. 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 #58 ADOPTED BY UNANIMOUS VOICE VOTE

PRESIDENT DENCZAK: Resolution #58 is adopted.

COMMUNICATIONS

PRESIDENT DENCZAK: All Communications are received as read, 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 May 3, 2004.

242. CHIEF BUILDING OFFICIAL ROGER A. WESTFALL, CITY OF CANTON: THANKING COUNCIL FOR PARTICIPATING IN BUILDING SAFETY WEEK. - RECEIVED & FILED
243. CLERK OF COUNCIL DEBRA VANCKUNAS, CITY OF CANTON: LETTER TO OHIO DIVISION OF LIQUOR CONTROL WITHDRAWING THE CITY OF CANTON'S OBJECTION TO A NEW LIQUOR PERMIT REQUESTED BY R & S CONVENIENT MART, dba B&B SUPERMARKET, 636 CHERRY AVE NE. - INTERGOVERNMENTAL & PUBLIC SERVICE COMMITTEE
244. COLUMBUS CITY COUNCIL, 90 WEST BROAD ST, COLUMBUS OH 43215: FORWARDING COPY OF RESOLUTION REQUESTING OHIO GENERAL ASSEMBLY TO AMEND HB 12 TO EXTEND THE BAN ON CARRYING CONCEALED WEAPONS TO PUBLIC PARKS & SWIMMING POOLS & URGING CANTON TO DO THE SAME. - JUDICIARY COMMITTEE
245. CONLEY, NICHOLAS W. SR., 1433 WOODLAND AVE NW, CANTON OH 44703: REQUEST TO REZONE PART OF LOT 4293 LOCATED @ 504 15TH ST NW FROM B-2 TO PB-3 TO PERMIT PARKING OF TOW TRUCKS & OTHER MOTOR VEHICLES, & STORAGE, OFFICE SPACE & RESTROOM FACILITIES IN THE EXISTING BUILDING. - PLANNING COMMISSION
246. HAWK, GREG, WARD 1 MEMBER, CITY OF CANTON: REQUEST TO AMEND O.71/2004 TO CHANGE THE BOUNDARY DESCRIPTIONS FOR THE SUMMIT NEIGHBORHOOD COMMUNITY

MINUTES OF THE MEETING OF MAY 3, 2004

REINVESTMENT AREA TO INCLUDE WASHINGTON BOULEVARD TO WEST TUSCARAWAS STREET. - COMMUNITY & ECONOMIC DEVELOPMENT COMMITTEE

247. LIQUOR CONTROL DIVISION, 6606 TUSSING RD, PO BOX 4005, REYNOLDSBURG OH 43068-9005: REQUEST FOR TRANSFER OF C1, C2 LIQUOR PERMIT FROM R&S CONVENIENCE MART, dba GAS CITY TO BZA CONVENIENT MART, dba GAS CITY LOCATED @ 216 ROWLAND AVE NE. - INTERGOVERNMENTAL & PUBLIC SERVICE COMMITTEE
248. PLANNING COMMISSION, CITY OF CANTON, SHEILA K THARP-BARRINO, SECRETARY: RECOMMENDING DENIAL OF THE SIDEWALK VARIANCE REQUESTED BY COOPER & ASSOC FOR AMC LAND CO. IN THE COLONIAL VILLAGE PLAT WITH APPROVAL TO CONSTRUCT SIDEWALKS AT THE SAME TIME THE HOUSES ARE CONSTRUCTED, & RECOMMENDING DENIAL OF THE FINAL PLAT. - PUBLIC SAFETY & THOROUGHFARES COMMITTEE
249. SAFETY DIRECTOR BERNARD L. HUNT, CITY OF CANTON: REQUESTING AUTHORIZATION TO ACCEPT \$500.00 DONATION FROM BRAD A. BLACK, VICE PRESIDENT OF DOWNTOWN FORD, ON BEHALF OF THE FIRE DEPT TO ASSIST IN PURCHASE OF SMOKE DETECTORS FOR CITY RESIDENTS; REQUESTING \$500.00 SUPPLEMENTAL APPROPRIATION FROM THE 2783 SMOKE DETECTOR FUND. - FINANCE COMMITTEE
250. SAFETY DIRECTOR BERNARD L. HUNT, CITY OF CANTON: REQUESTING AUTHORIZATION TO ADVERTISE, RECEIVE BIDS & ENTER INTO CONTRACT FOR PURCHASE OF APPROXIMATELY 220 SEMI-AUTOMATIC HANDGUNS & MISCELLANEOUS ITEMS FOR THE POLICE DEPT. - FINANCE COMMITTEE
251. SERVICE DIRECTOR TAD C. ELLSWORTH, CITY OF CANTON: REQUESTING AUTHORIZATION TO ADVERTISE, RECEIVE BIDS & ENTER INTO CONTRACT FOR FIVE YEAR LEASE OF APPROXIMATELY 282 SQUARE FEET OF COMMERCIAL SPACE LOCATED @ 215 WEST TUSCARAWAS STREET FOR A YEAR-ROUND SNACK BAR/CONCESSION STAND. - PUBLIC PROPERTY CAPITAL IMPROVEMENT COMMITTEE
252. SERVICE DIRECTOR TAD C. ELLSWORTH, CITY OF CANTON: REQUEST TO WAIVE ANNUAL INCREASE IN SANITATION RATES AS DETERMINED BY THE 2003 CPI, PURSUANT TO CODIFIED ORDINANCE SECTION 975.08. - ENVIRONMENTAL & PUBLIC UTILITIES COMMITTEE
253. SERVICE DIRECTOR TAD C. ELLSWORTH, CITY OF CANTON: REQUEST TO WAIVE ANNUAL INCREASE IN SEWER RATES AS DETERMINED BY THE 2003 CPI, PURSUANT TO CODIFIED ORDINANCE SECTION 947.06. - ENVIRONMENTAL & PUBLIC UTILITIES COMMITTEE
254. SERVICE DIRECTOR TAD C. ELLSWORTH, CITY OF CANTON: REQUEST TO ADD 4 VEHICLES FOR WPCC TO LIST OF CITY'S 2004 VEHICLE 2502 FUND PROGRAM PURSUANT TO

MINUTES OF THE MEETING OF MAY 3, 2004

COMMUNICATION #238 & IN ACCORDANCE WITH ORC SEC 125.04 STATE COOPERATIVE PURCHASING AGREEMENT. - PUBLIC PROPERTY CAPITAL IMPROVEMENT COMMITTEE

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 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 #6 FOR THE FIRST TIME BY TITLE & ANNOUNCED THE COMMITTEE REFERRALS, AS FOLLOWS.

- #1 (1ST RDG) AN ORDINANCE ESTABLISHING THE FAIR MARKET VALUE OF REAL PROPERTY IN CONJUNCTION WITH THE FEDERAL CAMPUS PROJECT; AUTHORIZING THE MAYOR AND/OR CHIEF OF STAFF TO NEGOTIATE AND PURCHASE SAID PARCELS AT THE ESTABLISHED FAIR MARKET VALUE; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Public Property Capital Improvement Finance Committees
- #2 (1ST RDG) AN ORDINANCE APPROVING AND ACCEPTING THE REPLATTING OF PARTS OF LOTS 3303, 3304, 3305 AND 13039, PARTS OF OUT LOTS 397 AND 405, PART OF BELLE BORDNER'S ALLEY AND PART OF THE VACATED ALLEY AT BELDEN AVENUE NE; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Public Safety & Thoroughfares Committee
- #3 (1ST RDG) AN ORDINANCE APPROVING AND ACCEPTING THE REPLATTING OF PARTS OF LOTS 1674, 1675 AND 1676; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Public Safety & Thoroughfares Committee
- #4 (1ST RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE AND/OR THE DIRECTOR OF PUBLIC SAFETY TO ADVERTISE, RECEIVE BIDS AND ENTER INTO CONTRACT (S) FOR THE PURCHASE OF VARIOUS MOTOR VEHICLES AND OTHER ITEMS OF RELATED EQUIPMENT FOR VARIOUS CITY DEPARTMENTS; AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE AND/OR THE DIRECTOR OF PUBLIC SAFETY TO ALTERNATIVELY PURCHASE SAID VEHICLES AND EQUIPMENT PURSUANT TO REVISED CODE SECTIONS 125.04 AND/OR 5513.01; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Public Property Capital Improvement & Finance Committees
- #5 (1ST RDG) A FINAL RESOLUTION ADOPTING PLANS, AUTHORIZING THE SERVICE DIRECTOR TO COOPERATE WITH AND REQUEST THE DIRECTOR OF TRANSPORTATION TO PROCEED WITH THE IMPROVEMENT TO AND RESURFACING OF PORTIONS OF

MINUTES OF THE MEETING OF MAY 3, 2004

STATE ROUTE 43 AND STATE ROUTE 153 AND ENTER INTO CONTRACT; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Public Safety & Thoroughfares Committee

- #6 (1ST RDG) A RESOLUTION AMENDING RESOLUTION NO. 59/2004; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Community Economic Development & Finance Committees

ORDINANCES & FORMAL RESOLUTIONS FOR SECOND READING

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

NOTE: PRESIDENT DENCZAK CALLED UPON CLERK VANCKUNAS TO READ THE FOLLOWING ORDINANCES #7 THROUGH AND INCLUDING #8 FOR THE SECOND TIME BY TITLE, AS FOLLOWS. ORDINANCE #8 WAS ADOPTED FOLLOWING ITS SECOND READING.

RULE 22A WAS SUSPENDED TO ADD #7 THROUGH #8:

- #7 (2ND RDG) AN ORDINANCE AMENDING SECTIONS 131.06 AND 131.09 OF THE ELECTRICAL AND PLUMBING CODES OF THE CODIFIED ORDINANCES OF THE CITY OF CANTON; AND DECLARING THE SAME TO BE AN EMERGENCY
- #8 (2ND RDG) **ADOPTED AS ORDINANCE NO. 77/2004** AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ADVERTISE, RECEIVE BIDS AND ENTER INTO CONTRACT FOR THE CONSTRUCTION OF THE MARKET AVENUE N. SANITARY SEWER REPLACEMENT PROJECT; 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?...

MEMBER CARBENIA: Mr. President, I'd like to make sure that everybody knows that we've been waiting a long time for this sewer project to come. It's gonna go from 25th Street down to 19th Street after it gets done, and I've had a lot

MINUTES OF THE MEETING OF MAY 3, 2004

of flooding up in that area for my constituents and I hope this alleviates that problem up there, and I ask you all to vote yes.

PRESIDENT DENCZAK: Any other remarks?... 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. 77/2004

ORDINANCES AND FORMAL RESOLUTIONS FOR THIRD READING

PRESIDENT DENCZAK: Ordinances for third and final reading.

NOTE: PRESIDENT DENCZAK CALLED UPON CLERK VANCKUNAS TO READ THE FOLLOWING ORDINANCE #9 FOR THE THIRD & FINAL TIME BY TITLE, AS FOLLOWS.

#9 (3RD RDG) **ADOPTED AS ORDINANCE NO. 78/2004** 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 O.1/2004 AS AMENDED BY MAKING THE SUPPLEMENTAL APPROPRIATION HEREIN DESCRIBED; AND DECLARING THE SAME TO BE AN EMERGENCY

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

PRESIDENT DENCZAK: Moved and seconded that you adopt Ordinance #9; are there any remarks under this ordinance?...

MEMBER CASAR: Per the attached amendment in front of everyone, I move we amend Ordinance #9; seconded.

PRESIDENT DENCZAK: Moved and seconded to amend Ordinance 9 per the copy before each of you. The question you're ruling on now is the amendment. Are there any remarks under the amendment?...

MEMBER BERNABEI: Mr. President, may I inquire? The amendment that is in front of me is dated April 26th. That amendment would have appeared to deal with 4C of Agenda Item 9. Is that last week's agenda, #9? This does not appear to deal with the software issue.

LAW DIRECTOR MARTUCCIO: Mr. President, I believe this was last week's agenda.

SERVICE DIRECTOR ELLSWORTH: Mr. President, I don't know anything about this amendment. It was a shock to me tonight.

MINUTES OF THE MEETING OF MAY 3, 2004

PRESIDENT DENCZAK: Who's the author of the amendment?

MEMBER CASAR: Mr. President, it's just-- it was in my box and I just picked it up as we do every other week and, you know, amend it accordingly, but if it's a mistake and it's not supposed to be, I'll rescind my motion; seconded.

LAW DIRECTOR MARTUCCIO: Mr. President, I think the confusion is last week councilmembers were surprised with two amendments on the same ordinance. One was April 21st, one was April 26th. They were supposed to have discarded the April 21st one.

MEMBER CASAR: Mr. President, I apologize for the mistake and I move to amend my motion.

PRESIDENT DENCZAK: What are you doing now?

MEMBER CASAR: Mr. President, I apologize for the mistake and I move that we-- I withdraw my motion to amend.

PRESIDENT DENCZAK: You're withdrawing your motion to amend.

MEMBER CARBENIA: And I second it.

PRESIDENT DENCZAK: The ordinance is before you now without the amendment. Okay. The question before you now is to adopt Ordinance #9 as it is. Is that clear?

MEMBER BERNABEI: Mr. President, just a question for the Service Director. Is there an amendment that you need with regard to this ordinance?

SERVICE DIRECTOR ELLSWORTH: Mr. President, no, there is no amendment. The ordinance is as stands.

MEMBER CASAR: Mr. President, I would just like to thank Member Bernabei for catching that, and I appreciate his being alert to that matter.

PRESIDENT DENCZAK: The question before you now is Ordinance #9 as originally presented. Are there any further remarks under this ordinance?... Very well, roll call vote please.

NO REMARKS

ROLL CALL VOTE: 12 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance #9 has passed.

#9 ADOPTED AS ORDINANCE NO. 78/2004

POSTPONED MATTER FROM 4/26/04

PRESIDENT DENCZAK: Ordinances and formal resolutions, a postponed matter, Member Casar.

#10 **POSTPONED TO 6/7/04** AN ORDINANCE AMENDING APPROPRIATION O.1/2004 AS AMENDED

MINUTES OF THE MEETING OF MAY 3, 2004

BY MAKING THE SUPPLEMENTAL APPROPRIATION HEREIN DESCRIBED; AND DECLARING THE SAME TO BE AN EMERGENCY

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?

MEMBER CASAR: Mr. President, the structural engineer, along with the Administration, met last Friday to determine if Jackson Pool could be opened this year under safe conditions, and I would like the Mayor to expound on that if she would, please.

MAYOR CREIGHTON: Mr. President, and Member Casar, and the entire body and also the public, on Friday, April the 30th, the Cabinet and I, along with Councilperson Zachary and several city employees, met with Robert Jordan who is a professional engineer and we all toured the bath house and the area of the swimming pool once again, and I'm happy to report tonight that the pool will open. Our target date is June the 9th, but there are nine criteria that must be met to insure the safety of every child that uses that pool. I am not going to repeat all nine of them tonight. If after council anyone wants to see the list, I'll be glad to share that, but they are everything, let me capsule it this way, from adding an additional support beam to making sure that the City Maintenance Department monitor the entire pool area every week, every day if necessary, along with scraping tiles and painting and making sure things are in proper repair for the pool to open. The big item was that the City also needs to take out the lighting where the water has leaked through, and to make sure that new lights are put on the side so no child would incur any shocks or any type of harm. Also I would like to have the pool professionally cleaned and to make sure that it is ready to go on June the 9th. Our goal is to open the pool on June the 8th of 2004 and close it on August 22nd if possible with the personnel that we have. Also we need to remind everyone that this is all contingent upon the Canton Board of Health, and it is their job to also make sure that that pool is safe and that all the criteria is met as far as chlorination and whatever else they do, is that correct, Mr. Chief of Staff? (*INAUDIBLE RESPONSE*) Two other things in closing, that the City will use Community Development Block Grant dollars instead of the General Fund. This is another way that we're demonstrating that we should use the funds that are available for those things that they are targeted for, and we are going to use the monies, and the reason why I have asked City Council to table the motion tonight is just to make sure that I have a reserve out of here of about \$17,000.00 just in case, but my goal is to use those CD monies for this project. And lastly, the Jackson Pool committee will continue to meet. Our first meeting is this Wednesday evening and we will meet with five Councilmembers appointed by Member Casar, and the Cabinet will make up that committee, and we will have our first meeting this Wednesday. Thank you.

PRESIDENT DENCZAK: Are there any further remarks?

MEMBER CASAR: Mr. President, I move to postpone Ordinance #10 to June 7th, 2004; seconded.

PRESIDENT DENCZAK: Moved and seconded to postpone Ordinance #10 until June 7th, 2004. Are there any remarks?... If not, by voice vote, all those in favor signify by saying aye. Those opposed no.

NO REMARKS

ORDINANCE #10 POSTPONED BY UNANIMOUS VOICE VOTE

MINUTES OF THE MEETING OF MAY 3, 2004

PRESIDENT DENCZAK: Ordinance #10 is postponed until June 7, 2004.

ANNOUNCEMENT OF COMMITTEE MEETINGS

PRESIDENT DENCZAK: Announcement of Committee Meetings please.

MEMBER DOUGHERTY: Mr. President, Public Property Capital Improvement will meet about the agenda items on Monday, May 10th at 5:30. We'll also be discussing the feasibility of a new storm water utility, so there's a special meeting. We're gonna meet a little early so that we get things accomplished, so Finance will also meet along with that, Mr. Hawk's Finance Committee. So that'll be 5:30 Monday, May 10th. Thank you.

MEMBER BABCOCK: Mr. President, Public Safety and Thoroughfares will meet Monday evening at 6:30.

PRESIDENT DENCZAK: Who else?

MEMBER CARBENIA: Mr. President, Community and Economic Development will meet at 6:30 next Monday in Caucus Chamber.

PUBLIC SPEAKS (OPEN FORUM--CITY BUSINESS ONLY)

PRESIDENT DENCZAK: Public Speaks, Open Forum. We have one speaker signed up this evening, Lisa Weaver.

MS. WEAVER: Good evening. My name is Lisa Weaver. I reside at 721 Colonial Boulevard, and the reason why I'm here tonight is concerning Olympco. It concerns me that the company and ownership that had previously been indicted and convicted of dumping heavy metals into the Canton water system in order to pay a \$25,000.00 fine to the City of Canton received, and actually this information was public record, received recently a grant as well as a loan over \$100,000.00 from the City of Canton. This information is public record as I had noted, and in addition this information could have been obtained just by a simple search on Google. Actually several of the-- one member of the Olympco, fiduciary or principal there, had been convicted of polluting the water system in the City of Canton back in 1997. Any business would conduct a routine due diligence on the principals, insiders, prior to funding. I would at least expect the City Law Department to check its own records. It is the responsibility of those with public trust, that includes all City employees, including City Council, to conduct their own due diligence and not to continue to rubber stamp requests made upon the City. The responsibility of those individuals and committee members, as well as City Council, requires you to make the same due diligence and ask questions of all committee members. I would be happy to provide suggestions on some quality control measures that could be implemented within the City as well as City Council. Thank you.

MISCELLANEOUS BUSINESS

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

MEMBER CASAR: Mr. President, just to follow up on the speaker's comments, as a member of the CIC Board, we

MINUTES OF THE MEETING OF MAY 3, 2004

were not notified that this took place in regards to the owners of this property, but you can be assured that the committee, the Board members, we will meet at our next meeting and it will be looked into thoroughly because you're always, you know, you're innocent until proven guilty on this new case, so we will definitely look into it. As a member myself and Member Carbenia, we are members of that committee along with the Mayor, and I'm sure her feelings are probably the same as mine.

PRESIDENT DENCZAK: Any other remarks?

LAW DIRECTOR MARTUCCIO: It is true that Olympco in its past has had violations of discharge. However, these complaints, these indictments that have come down from the Federal authorities are primarily aimed at individuals who are no longer in positions of control. The corporation has also been named. The violations took place however, my understanding is, approximately two or more years ago. Since that time, this company has invested major amounts of money and has been asking other entities like the CCIC to assist it in expanding its program in order to keep jobs and bring in new jobs. The CCIC is fully aware of its responsibility to reconsider this, and will. However, before they throw the baby out with the bath water, they must understand there are economic implications as well, and if they do a thorough investigation and understand that the due-- if, as Member Casar pointed out, I couldn't have done it any better as a former public defender, people are presumed innocent until proven guilty. If the violations come to pass and the sanctions imposed by the Federal prosecuting authorities are monetary and don't involve closing the plant, and shouldn't involve closing the plant, it may still be a viable economic concern to the community. So I agree due diligence must continue to be done and all of the circumstances have to be weighed and balanced. This is taxpayers' money, and I'm sure the CCIC will act accordingly when they investigate all the circumstances with the input from as many sources as possible.

PRESIDENT DENCZAK: Any other remarks?... 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

PRESIDENT DENCZAK: This meeting is adjourned.

ADJOURNMENT TIME: 7:58 P.M.

ATTEST:

APPROVED:

DEBRA VANCKUNAS
CLERK OF COUNCIL

RAY DENCZAK
PRESIDENT OF COUNCIL

