

MINUTES OF THE MEETING OF MAY 10, 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 10, 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 Thomas West, 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)

AGENDA CORRECTIONS & CHANGES

PRESIDENT DENCZAK: Thank you, Member West. Members of Council, to bring your agenda up to date, you're being asked to suspend Rule 22A to add the second reading of Ordinances 6 through and including #11; you're being asked to suspend Rule 24B to add Resolutions 60 and 61 to the agenda; Ordinance #11 is going to be retained in committee, so, correct that to be suspending Rule 24, or 22A to add 6 to 10. Yes, you're being asked to suspend Rule 22A to add the second reading Ordinances 6 through and including #10; #11 will be retained in committee; you'll be amending Ordinance #12; you're being asked to adopt Ordinance #1 on the first reading this evening; you're being asked to adopt Ordinance #10 under second readings this evening. Member Casar, this brings your agenda up to date. The Chair will now recognize Rule 22A suspension.

MEMBER CASAR: Mr. President, I move that Rule 22A be suspended and Ordinances 1, 6 through 10 be included on this evening's agenda; seconded.

PRESIDENT DENCZAK: Moved and seconded to suspend Rule 22 A to add the second reading of Ordinances 6 through and including #10 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 has been suspended and Ordinances 6 through and including #10 are a legal part of your agenda. The Chair will now recognize Rule 24B suspension, Member Casar.

MEMBER CASAR: Mr. President, I move that Rule 24B be suspended and Resolutions #60 and 61 be included to this evening's agenda; seconded.

PRESIDENT DENCZAK: Moved and seconded to suspend Rule 24B to add Resolutions 60 and 61 to the agenda. Are there any remarks?... If not, roll call vote please.

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NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

PRESIDENT DENCZAK: Rule 24B is suspended and Resolutions 60 and 61 are a legal part of your agenda. Members of Council, this brings your agenda up to date.

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 #60 THROUGH AND INCLUDING #61 BY TITLE, AS SHOWN BELOW. THE RESOLUTIONS ARE ON FILE IN THEIR ENTIRETY IN THE COUNCIL OFFICE WITH THE AGENDA ITEMS DATED May 10, 2004.

59. BERNABEL, MEMBER AT LARGE: WELCOMING THE CONFERENCE OF MINORITY TRANSPORTATION OFFICIALS TO CANTON AND THE PRO FOOTBALL HALL OF FAME. - ADOPTED BY COUNCIL

MEMBER CASAR: Mr. President, I move we adopt Resolution #59; seconded.

PRESIDENT DENCZAK: Moved and seconded that you adopt Resolution #59. 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 #59 ADOPTED BY UNANIMOUS VOICE VOTE

PRESIDENT DENCZAK: Resolution #59 is adopted.

60. ENVIRONMENTAL & PUBLIC UTILITIES COMMITTEE: APPROVING LEGISLATION WAIVING THE 1.9 PERCENT SEWER RATE INCREASE FOR 2004. - ADOPTED BY COUNCIL

MEMBER CASAR: Mr. President, I move we adopt Resolution #60; seconded.

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PRESIDENT DENCZAK: Moved and seconded that you adopt Resolution #60. 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 #60 ADOPTED BY UNANIMOUS VOICE VOTE

PRESIDENT DENCZAK: Resolution #60 is adopted and a copy will be sent to the Law Director.

61. ENVIRONMENTAL & PUBLIC UTILITIES COMMITTEE: WAIVING THE AUTOMATIC 1.9 PERCENT SANITATION RATE INCREASE FOR 2004. - ADOPTED BY COUNCIL

MEMBER CASAR: Mr. President, I move we adopt Resolution #61; seconded.

PRESIDENT DENCZAK: Moved and seconded that you adopt Resolution #61. 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 #61 ADOPTED BY UNANIMOUS VOICE VOTE

PRESIDENT DENCZAK: Resolution #61 is adopted and a copy will be sent to the Law Director.

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 10, 2004.

255. AUDITOR KIM R. PEREZ, CITY OF CANTON: MONTHLY REPORT BY FUND FOR 4/1/04 - 4/30/04. - RECEIVED & FILED

256. AUDITOR KIM R. PEREZ, CITY OF CANTON: YEARLY REPORT BY FUND FOR 1/1/04 - 4/30/04. - RECEIVED & FILED

257. CD & PLANNING DEPARTMENT, CITY OF CANTON, SHEILA K. THARP-BARRINO, DIRECTOR: REQUESTING AUTHORIZATION FOR MAYOR TO ENTER INTO AN ENTERPRISE ZONE AGREEMENT WITH STELCO, LLC & SLESNICK STEEL TO CONSTRUCT A NEW WAREHOUSE/DISTRIBUTION BUILDING; AUTHORIZING & DIRECTING THE AUDITOR TO ANNUALLY PAY TO THE CANTON BOARD OF EDUCATION SUCH AMOUNTS AS ARE AGREED UPON BETWEEN THE CITY OF CANTON & THE CANTON BOARD OF EDUCATION &/OR AS ARE REQUIRED TO BE PAID PURSUANT TO ORC SEC. 5709.82 (C) & (D). - COMMUNITY & ECONOMIC DEVELOPMENT & FINANCE COMMITTEES

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258. CD & PLANNING DEPARTMENT, CITY OF CANTON, SHEILA K. THARP-BARRINO, DIRECTOR: REQUESTING AUTHORIZATION FOR MAYOR &/OR SERVICE DIRECTOR TO ENTER INTO A ONE YEAR CONTRACT FROM 6/1/04-5/31/05 WITH CANTON CITY SCHOOL DISTRICT TO PROVIDE A \$30,000 GRANT UTILIZING COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS FOR THE EARLY CHILDHOOD EDUCATION PROGRAM FOR THE 2004-2005 SCHOOL YEAR. - COMMUNITY & ECONOMIC DEVELOPMENT & FINANCE COMMITTEES
259. CD & PLANNING DEPARTMENT, CITY OF CANTON, SHEILA K. THARP-BARRINO, DIRECTOR: REQUESTING AUTHORIZATION FOR MAYOR &/OR SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH THE CANTON COMMUNITY IMPROVEMENT CORP TO PROVIDE A \$600,000 GRANT UTILIZING COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS FOR GRANTS, LOANS & ADMINISTRATIVE COSTS. - COMMUNITY & ECONOMIC DEVELOPMENT & FINANCE COMMITTEES
260. CD & PLANNING DEPARTMENT, CITY OF CANTON, SHEILA K. THARP-BARRINO, DIRECTOR: REQUESTING AUTHORIZATION FOR MAYOR &/OR SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH THE CANTON SYMPHONY ORCHESTRA ASSOC FOR A \$31,415 GRANT UTILIZING COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS FOR THE 2004 CONCERT IN THE PARK & FIREWORKS DISPLAY. - COMMUNITY & ECONOMIC DEVELOPMENT & FINANCE COMMITTEES
261. CD & PLANNING DEPARTMENT, CITY OF CANTON, SHEILA K. THARP-BARRINO, DIRECTOR: REQUESTING AUTHORIZATION FOR MAYOR &/OR SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH THE DOMESTIC VIOLENCE PROJECT TO PROVIDE A \$200,000 GRANT UTILIZING EMERGENCY SHELTER GRANT FUNDS FOR MISCELLANEOUS FURNITURE & EQUIPMENT. - COMMUNITY & ECONOMIC DEVELOPMENT & FINANCE COMMITTEES
262. CD & PLANNING DEPARTMENT, CITY OF CANTON, SHEILA K. THARP-BARRINO, DIRECTOR: REQUESTING AUTHORIZATION FOR MAYOR &/OR SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH THE YWCA TO PROVIDE A \$300,000 GRANT UTILIZING HOME FUNDS FOR A BOILER SYSTEM FOR THE FACILITY LOCATED @ 800 W TUSCARAWAS ST. - COMMUNITY & ECONOMIC DEVELOPMENT & FINANCE COMMITTEES
263. CD & PLANNING DEPARTMENT, CITY OF CANTON, SHEILA K. THARP-BARRINO, DIRECTOR: REQUESTING AUTHORIZATION FOR MAYOR &/OR SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH THE YMCA TO PROVIDE A \$27,000 GRANT UTILIZING EMERGENCY SHELTER GRANT FUNDS FOR ESSENTIAL SERVICES. - COMMUNITY & ECONOMIC DEVELOPMENT & FINANCE COMMITTEES
264. CD & PLANNING DEPARTMENT, CITY OF CANTON, SHEILA K. THARP-BARRINO, DIRECTOR: REQUESTING AUTHORIZATION FOR MAYOR &/OR SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH THE YMCA TO PROVIDE A \$235,000 GRANT UTILIZING EMERGENCY

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SHELTER GRANT FUNDS FOR A NEW SPRINKLER SYSTEM. - COMMUNITY & ECONOMIC DEVELOPMENT & FINANCE COMMITTEES

265. CD & PLANNING DEPARTMENT, CITY OF CANTON, SHEILA K. THARP-BARRINO, DIRECTOR: REQUESTING AUTHORIZATION FOR MAYOR &/OR SERVICE DIRECTOR TO ENTER INTO A ONE YEAR CONTRACT FROM 6/1/04-5/31/05 WITH CANTON REGIONAL CHAMBER OF COMMERCE TO PROVIDE A \$160,000 GRANT UTILIZING COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS FOR A COMPREHENSIVE ECONOMIC & DOWNTOWN DEVELOPMENT PROGRAM. - COMMUNITY & ECONOMIC DEVELOPMENT & FINANCE COMMITTEES
266. CD & PLANNING DEPARTMENT, CITY OF CANTON, SHEILA K. THARP-BARRINO, DIRECTOR: REQUESTING AUTHORIZATION FOR MAYOR &/OR SERVICE DIRECTOR TO ENTER INTO A ONE YEAR CONTRACT COMMENCING 6/1/04 WITH THE CANTON SYMPHONY ORCHESTRA ASSOC TO PROVIDE A \$40,000 GRANT UTILIZING COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS FOR THE CHILDREN'S ARTS CONNECTION PROGRAM. - COMMUNITY & ECONOMIC DEVELOPMENT & FINANCE COMMITTEES
267. COURT ADMINISTRATOR MICHAEL E. KOCHERA, CANTON MUNICIPAL COURT: CANTON MUNICIPAL COURT JUDGES ADMINISTRATION 2003 FISCAL SUMMARY. - RECEIVED & FILED
268. LIQUOR CONTROL DIVISION STATE OF OHIO, 6606 TUSSING ROAD, PO BOX 4005, REYNOLDSBURG, OHIO 43068-9005: REQUEST FOR NEW C1, C2 LIQUOR PERMIT BY WAL MART STORES EAST, dba WAL MART SUPERCENTER #5285, 3200 ATLANTIC BOULEVARD NE. - INTERGOVERNMENTAL & PUBLIC SERVICE COMMITTEE
269. LIQUOR CONTROL DIVISION STATE OF OHIO, 6606 TUSSING ROAD, PO BOX 4005, REYNOLDSBURG, OHIO 43068-9005: REQUEST FOR NEW C1, C2 LIQUOR PERMIT BY WAYNE EDWARD MARION, dba BOYDS DRIVE THRU, 719 COOK AVE SW. - INTERGOVERNMENTAL & PUBLIC SERVICE COMMITTEE
270. LIQUOR CONTROL DIVISION STATE OF OHIO, 6606 TUSSING ROAD, PO BOX 4005, REYNOLDSBURG, OHIO 43068-9005: REQUEST FOR TRANSFER OF D5 LIQUOR PERMIT FROM MOONLIGHT BALLROOM, INC. TO CAN MEX, INC., dba EL RINCON MEXICAN RESTAURANT, 3212 WEST TUSCARAWAS ST. - INTERGOVERNMENTAL & PUBLIC SERVICE COMMITTEE
271. SAFETY DIRECTOR BERNARD L. HUNT, CITY OF CANTON: REQUESTING AUTHORIZATION TO ACCEPT \$2,124.83 OHIO DIVISION OF EMS AIRWAY EQUIPMENT GRANT FROM OHIO DEPT OF PUBLIC SAFETY TO PURCHASE AIRWAY EQUIPMENT FOR THE FIRE DEPT; REQUESTING \$2,124.83 SUPPLEMENTAL APPROPRIATION FROM 2812 EMS TRAINING & EQUIPMENT FUND. - MARKETING & DEVELOPMENT GRANT & FINANCE COMMITTEES
272. SAFETY DIRECTOR BERNARD L. HUNT, CITY OF CANTON: REQUEST TO AMEND SEC. 339.08 OF THE CANTON CODIFIED ORDINANCES TO INCLUDE THAT ANY VEHICLE DRIVEN OR

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MOVED ON ANY STREET, HIGHWAY OR OTHER PUBLIC PLACE THAT HAS BEEN UNLOADED & IS NO LONGER CARRYING A LOAD SHALL BE REQUIRED TO COVER THE VEHICLE TO PREVENT ANY RESIDUAL CONTENTS FROM ESCAPING. - JUDICIARY COMMITTEE

273. SAFETY DIRECTOR BERNARD L. HUNT, CITY OF CANTON: REQUESTING AUTHORIZATION TO MAKE APPLICATION & ACCEPT A \$36,607 GRANT FROM THE OHIO DEPT OF PUBLIC SAFETY, GOVERNOR'S HIGHWAY SAFETY OFFICE, FOR OVERTIME SPEED & SEAT BELT ENFORCEMENT. - MARKETING & DEVELOPMENT GRANT & FINANCE COMMITTEES
274. SERVICE & CITY FINANCE DIRECTOR TAD C. ELLSWORTH, CITY OF CANTON: REQUESTING AUTHORIZATION FOR MAYOR &/OR SERVICE DIRECTOR TO ENTER INTO DEED CONVEYANCE OF PARCEL #86 WDV, STA-77-10.33, AN 86 SQ FT PARCEL OF LAND AT WESTBROOK VETERANS MEMORIAL PARK, IN ACCORDANCE WITH REQUEST OF OHIO DEPT OF TRANSPORTATION TO USE FOR I77. - PUBLIC PROPERTY CAPITAL IMPROVEMENT COMMITTEE
275. SERVICE & CITY FINANCE DIRECTOR TAD C. ELLSWORTH, CITY OF CANTON: REQUESTING \$1,992,054 SUPPLEMENTAL APPROPRIATION FROM 2814 CLEAN OHIO REVITALIZATION FUND, \$996,027 SUPPLEMENTAL APPROPRIATION FROM 2211 COMMUNITY DEVELOPMENT FUND; & \$996,027 INTERFUND TRANSFER FOR DEMOLITION OF THE KRESGE BLOCK. - COMMUNITY & ECONOMIC DEVELOPMENT & FINANCE COMMITTEES
276. SERVICE & CITY FINANCE DIRECTOR TAD C. ELLSWORTH, CITY OF CANTON: STATUS OF THE WOODLAND AVE NW RELIEF STORM SEWER PROJECT, GP 1062, & REQUEST TO ADVERTISE, RECEIVE BIDS & ENTER INTO CONTRACT FOR PROJECT CONSTRUCTION (FUNDING TO BE REQUESTED FOLLOWING RECEIPT OF BIDS). - ENVIRONMENT & PUB UTILITIES COMMITTEE
277. TREASURER ROBERT C. SCHIRACK, CITY OF CANTON: COMPARATIVE REPORT OF PARKING METER REVENUE FOR THE MONTH OF APRIL 2004. - RECEIVED & FILED
278. TREASURER ROBERT C. SCHIRACK, CITY OF CANTON: COMPARATIVE REPORT OF DEPOSITS & PAY INS TO AMBULANCE LOCK BOX ACCOUNT FOR MONTH OF APRIL 2004. - RECEIVED & FILED
279. TREASURER ROBERT C. SCHIRACK, CITY OF CANTON: REPORT OF BANK RECONCILIATIONS & OUTSTANDING INVESTMENTS AS OF 4/30/04. - RECEIVED & FILED

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.

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NOTE: PRESIDENT DENCZAK CALLED UPON CLERK VANCKUNAS TO READ THE FOLLOWING ORDINANCES #1 THROUGH AND INCLUDING #5 FOR THE FIRST TIME BY TITLE & ANNOUNCED THE COMMITTEE REFERRALS, AS FOLLOWS. ORDINANCE #1 WAS ADOPTED FOLLOWING ITS FIRST READING & COMMITTEE HEARING.

#1 (1ST RDG) **ADOPTED AS ORDINANCE NO. 79/2004** A RESOLUTION ESTABLISHING & 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
Referred to Community & Economic Development Committee

MEMBER CARBENIA: Mr. President, is it appropriate to have a committee meeting right now or, after....

PRESIDENT DENCZAK: No, after, at the end of the first reading.

#2 (1ST RDG) AN ORDINANCE APPROVING AND ACCEPTING THE FINAL RECORD PLAT OF COLONIAL VILLAGE IN THE CITY OF CANTON; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Public Safety & Thoroughfares Committee

#3 (1ST RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY TO ACCEPT A DONATION OF \$500.00 FROM BRAD A. BLACK, VICE PRESIDENT OF DOWNTOWN FORD; 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

#4 (1ST RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY TO ADVERTISE, RECEIVE BIDS AND ENTER INTO CONTRACT FOR THE PURCHASE OF SEMI-AUTOMATIC HANDGUNS AND MISCELLANEOUS ITEMS FOR THE POLICE DEPARTMENT; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Finance Committee

#5 (1ST RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ADVERTISE, RECEIVE BIDS AND ENTER INTO A LEASE OF COMMERCIAL SPACE LOCATED AT 215 WEST TUSCARAWAS STREET; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Public Property Capital Improvement Committee

PRESIDENT DENCZAK: At this time, the Chair is going to declare an in-house recess for the Community and Economic Development Committee to meet in regards to Ordinance #1 on the agenda this evening. You are now in recess.

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(COUNCIL RECESSED AT 7:40 PM FOR A COMMITTEE MEETING ON ORDINANCE #1. THE MEETING WAS RECONVENED BY PRESIDENT DENCZAK AT 7:43PM. ORDINANCE #1 WAS THEN ADOPTED).

PRESIDENT DENCZAK: You're back in session. Member Casar....?

MEMBER CASAR: Mr. President, I move that Statutory Rules be suspended on Ordinance #1; seconded

PRESIDENT DENCZAK: Member Casar, please specify.....

MEMBER CASAR: Mr. President, I have to put it back on the agenda, I'm sorry.

PRESIDENT DENCZAK: Yes, Member Casar.

MEMBER CASAR: Mr. President, I move that 24B be suspended for Ordinance #1; seconded.

PRESIDENT DENCZAK: 22A. We have to suspend Rule 22A to add the Ordinance back to the agenda.

MEMBER CASAR: Mr. President, I move that Rule 22A be suspended to put the Ordinance back, Ordinance #1 back on the agenda; seconded.

PRESIDENT DENCZAK: Moved and seconded to suspend Rule 22A to add Ordinance #1 back to the agenda. Are there any remarks?... If not, roll call vote please.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance #1 is a legal part of your agenda, Member Casar.

MEMBER CASAR: Mr. President, I move we suspended Statutory Rules on Ordinance #1; seconded.

PRESIDENT DENCZAK: There's a move to dispense with the 3 readings of Ordinance #1. Are there any remarks?... If not, roll call vote please.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

PRESIDENT DENCZAK: You've heard the 3 readings, Member Casar.

MEMBER CASAR: Mr. President, I move we adopt Ordinance #1; seconded.

PRESIDENT DENCZAK: Moved and seconded that you adopt Ordinance #1. Are there any remarks under this Ordinance?... Very well, roll call vote please.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

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PRESIDENT DENCZAK: Ordinance #1 is adopted.

#1 ADOPTED AS ORDINANCE NO. 79/2004

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 #6 THROUGH AND INCLUDING #10 FOR THE SECOND TIME BY TITLE, AS FOLLOWS. ORDINANCE #10 WAS ADOPTED FOLLOWING ITS SECOND READING. ORDINANCE #11 WAS RETAINED IN COMMITTEE.

RULE 22A WAS SUSPENDED TO ADD #6 THROUGH #10:

- #6 (2ND 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
- #7 (2ND 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
- #8 (2ND RDG) AN ORDINANCE APPROVING AND ACCEPTING THE REPLATTING OF PARTS OF LOTS 1674, 1675 AND 1676; AND DECLARING THE SAME TO BE AN EMERGENCY
- #9 (2ND RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE AND/OR 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 DIRECTOR OF PUBLIC SAFETY TO ALTERNATIVELY PURCHASE SAID VEHICLES AND EQUIPMENT PURSUANT TO OHIO REVISED CODE SECTIONS 125.04 AND/OR 5513.01; AND DECLARING THE SAME TO BE AN EMERGENCY
- #10 (2ND RDG) **ADOPTED AS ORDINANCE NO 80/2004** A FINAL RESOLUTION ADOPTING PLANS, AUTHORIZING SERVICE DIRECTOR TO COOPERATE WITH & REQUEST THE DIRECTOR OF TRANSPORTATION TO PROCEED WITH THE IMPROVEMENT TO AND RESURFACING OF PORTIONS OF SR 43 AND SR 153; AND ENTER INTO CONTRACT; AND DECLARING THE SAME TO BE AN EMERGENCY

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

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PRESIDENT DENCZAK: There's a move to dispense with the 3 readings of Ordinance #10. Are there any remarks?... If not, roll call vote please.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

PRESIDENT DENCZAK: You've heard the 3 readings, 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: 12 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance #10 is adopted. **#10 ADOPTED AS ORDINANCE NO. 80/2004**

#11 **RETAINED IN COMMITTEE ON 5/10/2004** A RESOLUTION TO AMEND RESOLUTION 59/004 FOR A PERMANENT EASEMENT FOR SANITARY SEWER PURPOSES IN THE 4TH ST NE RECONSTRUCTION PROJECT; AND DECLARING THE SAME TO BE AN EMERGENCY.

PRESIDENT DENCZAK: Ordinance # 11 is retained in committee.

ORDINANCES AND FORMAL RESOLUTIONS FOR THIRD READING

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

NOTE: PRESIDENT DENCZAK CALLED UPON CLERK VANCKUNAS TO READ THE FOLLOWING ORDINANCE #12 FOR THE THIRD & FINAL TIME BY TITLE, AS FOLLOWS. IT WAS ADOPTED FOLLOWING THE FINAL READING.

#12 (3RD RDG) **ADOPTED AS AMENDED ORDINANCE NO 81/2004** AN ORDINANCE AMENDING SECTIONS 1313.06 & 1315.09 OF THE ELECTRICAL & PLUMBING CODES OF THE CODIFIED ORDINANCES OF THE CITY OF CANTON; AND DECLARING THE SAME TO BE AN EMERGENCY

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

PRESIDENT DENCZAK: Moved and seconded that you adopt Ordinance #12; are there any remarks under this ordinance?

MEMBER CASAR: Mr. President, I move we amend Ordinance #12 per the copy that each Councilman has in front

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of them; seconded.

AMENDMENT: Pursuant to Rule 36, I move to amend Sections 1 and 2 of Agenda Item No. 12 as follows: **Section 1: (b) Qualifications:** All individuals seeking a license as a journeyman electrician shall provide proof to the satisfaction of the Chief Building Official or his designee, and at least one member of the Electrical Section of the Canton Construction Board, that such applicant has worked as an electrician for a minimum of four (4) years. Evenly divided opinions shall be resolved by the entire Board. By way of example and not limitation, this requirement may be satisfied by proof of a combination of practical experience and technical training from an electrician's trade school approved by the US Department of Labor, Bureau of Apprenticeship and Training. **(G) (2)** The license from the other subdivision must have been issued after the applicant successfully passed an examination in such political subdivision to obtain the license, provided however, that the Electrical Section of the Canton Construction Board must have determined that the qualifications and the examination of such other political subdivision are the same or the equivalent of the qualifications and examination which would be required in the city of canton; and **(g) (4)** The applicant presents a current, valid State of Ohio Electrical Contractor's License obtained through an examination. **(H)** The first sentence only is amended to read: An application for registration as an electrical apprentice shall be made in writing in the name of the person applying therefor on forms provided by the Chief Building Official which have been approved by the Canton Construction Board... **(b) QUALIFICATIONS:** All individuals seeking a license as a journeyman plumbershall provide proof to the satisfaction of the Chief Building Official or his designee and at least one member of the Plumbing Section of the Canton Construction Board that such applicant has worked as a plumber for a minimum of four (4) years. Evenly divided opinions shall be resolved by the entire Board. By way of example and not limitation, this requirement may be satisfied by proof of a combination of practical experience and technical training from a plumber's trade school approved by the US Department of Labor, Bureau of Apprenticeship and Training. An applicant may appeal an adverse decision under this requirement to the entire Canton Construction Board. **(H) (2)** The license from the other subdivision must have been issued after the applicant successfully passed an examination in such political subdivision to obtain the license, provided however, that the Plumbing Section of the Canton Construction Board must have determined that the qualifications and the examination of such other political subdivision are the same or the equivalent of the qualifications and examination which would be required in the City of Canton; and **(h) (4)** The applicant presents a current, valid State of Ohio Plumbing Contractor's License obtained through an examination. **(i)** The first sentence only is amended to read: **Requirements.** An applicant for registration as plumbing apprentice shall be made in writing in the name of the person applying therefor on forms provided by the Chief Building Official which have been approved by the Canton Construction Board. ...

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

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NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

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

#12 ADOPTED AS AMENDED AS ORDINANCE NO. 80/2004

ANNOUNCEMENT OF COMMITTEE MEETINGS

PRESIDENT DENCZAK: Announcement of Committee Meetings please.

MEMBER DIAMOND: Mr. President, Intergovernmental will meet Monday at 6.

PRESIDENT DENCZAK: At 6:00? Monday, that's May the 17th.

MEMBER DOUGHERTY: Mr. President, Public Property Capital Improvement will meet at 6:30 that Monday, the 17th.

MEMBER BABCOCK: Mr. President, Public Safety & Thoroughfares will also meet at 6:00 next Monday evening.

MEMBER BERNABEI: Mr. President, Judiciary will meet Monday evening May 17 at 6:30 pm to consider the ordinance that was retained in committee on March 15th concerning emergency medical services.

MEMBER HAWK: Mr. President, Finance Committee will meet Monday, May 17th at 6:30 also. Thank you.

PRESIDENT DENCZAK: Is Community & Economic Development committee going to meet?

MEMBER CARBENIA: We just met. We had the only one I had, we just met on..

PRESIDENT DENCZAK: What's that?

MEMBER CARBENIA: No.

PRESIDENT DENCZAK: On Ordinance #11? You're going to keep that in Committee then? (*INAUDIBLE RESPONSE*)

PUBLIC SPEAKS (OPEN FORUM--CITY BUSINESS ONLY)

PRESIDENT DENCZAK: Public Speaks, Open Forum. We have one person signed up. It's Wayne Marion. Please use the microphone there. State your name, name and address please.

MR. MARION: Okay, my name is Wayne Marion and I run a roofing company here in town...

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PRESIDENT DENCZAK: State your address please.

MR. MARION: 3302 Lindburg NW, Canton, Ohio.

PRESIDENT DENCZAK: Okay. Go ahead.

MR. MARION: I run a roofing company here for the last 17 years. For those of you who don't know me, I'm a pretty good business man. I've never had any complaints from the Better Business Bureau. I'm trying to open up a business here in Canton. I'm trying to bring revenue back to the City. I realize it is a liquor establishment and a lot of people, when they see liquor, they kinda frown. I'm trying to open one in a building that was totally demolished, I could say, in a bad area. We've taken out about 10 dumpsters full of trash, mostly from the neighborhood. It was mostly a neighborhood dumping ground. I did bring pictures with me tonight. I don't know if you would like to see them, but I could pass them around. I spoke to Ms. Zachary on a couple of occasions. I've even spoken to the Mayor. As far as any of the problems that occur with the liquor establishment, I plan to do many things. So far, the building, we sunk \$15,000.00 into the building itself just cleaning it up and remodeling. We plan to put inside, outside cameras, alarm system, viewed by any computer - new technology. Question has come up, would we hire the Canton Police? I have no problem with the Canton Police Department, I just can't afford them. Okay? I can tell you that if we do have problems, we will hire security services, and if there's problems that we cannot work out with the City, we will shut the place down, and that will be in writing also. We plan on hiring about 10 people, local people, okay, in the community, which is going to bring a lot of revenue back. It's not only going to be a liquor establishment, we plan on bringing in damaged goods. For those of you who don't know about that, I do have a brochure on damaged goods that was in the paper. We do have a contract with Mississippi to bring in damaged goods. For those of you who don't know what damaged goods is, that could be anywhere from dented cans to produce that doesn't sell in the grocery store because of the way it looks, but is still consumable. We did have one meeting. We had a couple people that were pretty upset that we wanted to bring a liquor establishment in. We let the people, we held the meeting, they sent out 80 fliers. Out of the 80 fliers, 9 people showed up. Only 4 opposed and the other 5 didn't say nothing at all. I feel that should be sufficient enough. I went way beyond my means to try to satisfy the people by putting some fencing up. I think a lot of the problem is that the building has been closed for 4 years and a lot of people don't want traffic. Okay?

PRESIDENT DENCZAK: Mr. Marion, under Council Rules, your 3 minutes are up. Bring your remarks to a close.

MR. MARION: Okay, so how many more minutes do I have?

PRESIDENT DENCZAK: Well, just try to bring them to a close.

MR. MARION: Okay, I'll try to bring it to a closing. As far as the traffic goes, we can't do anything about the traffic. The building is zoned industrial. You have to realize zoned industrial means that trucking companies could come in, anything could come in so it doesn't matter what kind of traffic you're going to have. In a closing statement, I would like to say, I would like to take a quote from the Mayor herself. She said 'we have to have people who are willing to take the risk, and we have to support those venues'. Okay, I'm taking a big risk. I'm not asking for any tax abatement, I am funding this totally myself. I'm going to spend about \$50,000.00. Okay. So, that's a lot of money from myself, so I'd appreciate it if you could help me out and give me your vote. Thank you.

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MEMBER ZACHARY: Mr. President. I have met with Mr. Marion. He is correct in stating that he did have a meeting with the residents over there but, after that meeting, I personally walked with a group of, like, about 12 residents, through that neighborhood and we have over 63 signatures of people who do not want to see that drive-thru sell alcohol or beer or wine. The neighbors are concerned about the increased traffic. Where the building is currently located, it is not on a main street. It has been raised to me the concerns over the fact that there is so many crack houses and drug houses and other types of detrimental things going on in that neighborhood now, that opening a business that would sell alcohol would simply exacerbate the problem that is currently there. I have a lot of neighborhood opposition. It wasn't there that day that we met Mr. Marion and, trust me, I am the last person to be opposed to economic development in this city. But, we really haven't been able to sit down with both sides and work out some type of agreement. The neighbors said they wouldn't mind seeing that establishment there if they did not sell the beer and the wine, and, because that is the lion-share of the profit, that's going to be cutting through building. Mr. Marion is not agreeable to that. I don't know.... (*MR. MARION REPLYING FROM THE AUDIENCE*)

PRESIDENT DENCZAK: Sir, sir please, wait, wait one moment please. Member Zachary. One moment. If you're going to address the comments to this gentleman, I'm going to have to ask him to come back to talk because then you're....

MEMBER ZACHARY: Well, we do have sincere and strong opposition to it. Well, I am not addressing any comments to Mr. Marion at this point. I'm not addressing any comments to Mr. Marion at this point.

PRESIDENT DENCZAK: Member Zachary, please, you're carrying on a discussion with the gentleman that was here. Under your Council Rules, if you're going to do that, I have to give him 15, or 12 more minutes.

MEMBER ZACHARY: Okay, then I will close my comments at this point.

PRESIDENT DENCZAK: That's the Council Rules, I'm sorry.

MISCELLANEOUS BUSINESS

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

MEMBER HAWK: Mr. President, I would like to take a minute to thank the Canton Developmental Partnership and the Chamber of Commerce working with, as a division of the Chamber of Commerce, that worked very hard in bringing an event to downtown last Saturday afternoon to re-discover down..., re-discover Canton. It was a wonderful event, it was well attended, it was well managed. I'm very proud to say that in a discussion with all of the local business people who opened that day, they were all very pleased, they all made money. It showed us that Canton is a vibrant town and with this event being aimed at the downtown merchants in particular, it helped us all out a lot and I thank them for their time and effort that they placed in that process.

MEMBER CASAR: Mr. President, in Committee meetings this evening, Service Director Ellsworth told us Councilmembers in regards to this thing at Fulton Road, 12th and Monument that happened over the weekend, and that he said that he contracted with an excavator out of Rootstown and I made the point that we should use, if at all possible,

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we should use local excavators to do this work, and, there are procedures under the 105.4 emergency contractual procedures, if they were followed--fine. If we do not have anyone that could do this work, fine. But, also, this Council is putting the Administration on notice that if, if, the procedures have not been followed, we will look seriously at supporting or funding this emergency legislation. My question to Service Director Ellsworth, I know that this is close to where I live and in 1992, the whole intersection collapsed and there was a local contractor that repaired this, and put a 60 inch sewer in and so I want to make sure that there's not a local contractor/excavator that could do this and I know 2 or 3 of them in this area that possibly could do it and I want to make sure they could not do it before this Administration contracts with a contractor out of this City. So, my question to Service Director Ellsworth, are you, I know you said there's not a local that could do this but wherever you get your information, that there is no contractors that could do this?

SERVICE DIRECTOR ELLSWORTH: Mr. President, let me first preface my remarks by saying that this particular problem, this sinkhole presents an immediate threat to the health, safety and welfare of the citizens of the City and requires us to take action as soon as possible, not only for the hole that currently exists which is relatively small, but, what could potentially happen if we did not get this problem solved immediately. That being said, according to the Civil Engineer, there is no one, no business inside the City of Canton that has the capability of handling a 60 foot, a 60 inch, excuse me, concrete storm sewer and putting it in there. Now, as to what happened back in 1992, that was a local company, I believe, according to the Civil Engineer; it was a company by the name of Joe and Joe's which is no longer in business. I did ask him about several of the other contracting companies that are outside of the City but within a relatively close proximity. One in particular being Bitzel Excavating and he said that he did not believe that they were capable of handling a 60 inch pipe.

MEMBER CASAR: Mr. President, his comment, the Service Director said he did not believe, that is not good enough for this Council person. I want to know if he can do it or if they cannot do it, and I want to ask, I want to ask the Law Director if I may, in regards to 105.4 emergency contractual procedures. What are the procedures and have they been followed to the best of your ability on this particular project?

LAW DIRECTOR MARTUCCIO: Mr. President, Member Casar, that Section is part of Section 105 that deals with contracting in the ordinances that we passed locally that prescribe how to do that. In an emergency that does constitute a threat, there are steps that the appropriate City official, whose jurisdiction that is under, has to take. They have to notify Council as soon as they can and get it on the next agenda within 72 hours, outside of 72 hours. This thing happened over the weekend. There was a letter written and it will be on next week's agenda. There's a certain list of criteria that the appropriate City office, in this case, the Service Director, has to meet. They have to have ensured that, they have to ensure that they're telling Council and keeping them apprised, the appropriate Chairpeople. In this case, the Finance Chairperson and probably the Chairperson of Public Safety and Thoroughfares, for example, have to keep them apprised of every step as to what's going on. While there's not a specific local preference written in here for a local contractor, this chapter, in this particular ordinance, does say that Council has to consider whether all of the factors were met and how they were met in determining whether to pay or reimburse the contractor that was procured under emergency circumstances. One section in there, that I'm not sure we followed in the past, this ordinance is almost 30 years old now, there is presumably a list of contractors that have indicated their willingness to do the work. I'm not sure that that list is currently kept, but in that event, in the past, when the Service Director was confronted with emergencies, he typically went out to do informal request proposals among contractors that he and his departments had felt were capable of doing that kind of work and then following all the steps to keep Council notified. Mr. Ellsworth and I have

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spoken and he will do his best efforts to keep the appropriate Chair people apprised as to what criteria are being used to select that contractor, pro and con.

MEMBER CASAR: Mr. President, thank you Law Director Martuccio. My point on this is the fact is if a local contractor could do this work, we should bend over backwards, no...we should give the work to the contractor because they pay local taxes, they do work for us in the past, that 2 or 3 that I'm thinking of, and if they could possibly do it, and I'm going to take it upon myself tomorrow to check to see if they can't do a 60 inch storm sewer, and if they can, I think most members of this Council feel as I do, we feel very strongly about going outside for outside work, especially on a project as I said is supposed to take 2 to 4 weeks so we're talking quite a few dollars of taxpayer's money and I would like to see the taxpayer's money stay local. So, and I'm not saying that there is anyone that can do this, but if there is, we'd better make sure we can hire them. Thank you.

SERVICE DIRECTOR ELLSWORTH: Mr. President, I too share your preference for local companies, and in this case, because the work will take 2 to 4 weeks, whatever contractor we hire will pay City income tax for the period of time they are working in the City. As to the question of whether or not someone locally can do it, I can only rely on the best information available to me, and the other issue that needs to be addressed, when you're looking at an emergency situation, is the expediency of how quickly someone can get it wrapped up, and the particular company that was selected is ready to go tomorrow.

MEMBER CASAR: Mr. President, just...

PRESIDENT DENCZAK: On moment please, anyone else that hasn't spoken?... Member Casar.

MEMBER CASAR: One further comment, yes I know that they'll be paying City taxes but my point is these individuals, these contractors live or work in the City of Canton all the time, they're paying taxes all the time, they have a business here and we should reward them whenever possible, and second of all, I think you mentioned, you made the point that they're ready to go tomorrow. Well, we don't know if our local contractors are ready to go because we haven't contacted them obviously. So, that's something I think we'd better do and I we better do it tomorrow.

PRESIDENT DENCZAK: Is there any other Miscellaneous Business?

MEMBER HART: Mr. President, I guess just a question for the Mayor. I was contacted by a constituent whose husband is also employed with the City and I guess there was some question raised with the prescription drug plan that we have—having to buy 90 day supplies. I guess due to a change in medication that she had and some other medical issues, you know, she said she ended up throwing away about a thousand dollars worth of medicine because she could no longer take it and I guess the question was, is there any way that, or is it any cheaper to go with 30 day supplies, in some instances, verses, you know, 90 day supplies of drugs and situations or is it just a wash in terms of ordering with Caremark?

MAYOR CREIGHTON: Mr. President, first of all, since I'm new on the plan, I'm going to defer to the Service Director because I'm just learning the new prescription plan but I know who wrote the letter and I have responded to her in writing. She should have gotten a letter either today or Tuesday and if it wasn't acceptable, she needs to call me. But, I wrote her, I answered her in writing.

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PRESIDENT DENCZAK: Service Director, do you wish to respond?

SERVICE DIRECTOR ELLSWORTH: Mr. President, on the prescription drug plan, the City saves an enormous amount of money by requiring mail order for maintenance drugs only. Maintenance drugs are for those chronic or on-going conditions that people have. We get significant discounts through the mail order program, and, it actually does save the employees money. They get a 90 day supply for the price of a 60 day supply, so for both ends, there are savings by having a mandatory mail order program for employees for maintenance drugs only. Now, for acute illnesses, say you got an ear infection and you need to get some amoxicillin, those we do allow to go to retail, but retail costs us significantly more money than the mail order programs which is why one of the changes that was implemented last year to require mandatory mail in for all maintenance drugs. The first one is for, is, either the first one you can get at retail the first 30 day supply and after that you are required to go to mail in.

PRESIDENT DENCZAK: Is there any other Miscellaneous Business?

MEMBER CASAR: Mr. President, I move we adjourn; seconded.

PRESIDENT DENCZAK: Moved and seconded that you adjourn. Roll call vote please.

NO REMARKS PERMITTED ON THE MOTION TO ADJOURN

ROLL CALL: 12 YEAS, 0 NAYS

PRESIDENT DENCZAK: This meeting is adjourned.

ADJOURNMENT TIME: 8:10 P.M.

ATTEST:

APPROVED:

DEBRA VANCKUNAS
CLERK OF COUNCIL

RAY DENCZAK
PRESIDENT OF COUNCIL

