

MINUTES OF THE MEETING OF JUNE 21, 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, June 21, 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 8 Councilmember Rosemary Diamond, 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:

10 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, & ROSEMARY DIAMOND)

2 COUNCILMEMBERS ABSENT: (DAVID DOUGHERTY & RICHARD HART)

AGENDA CORRECTIONS & CHANGES

PRESIDENT DENCZAK: Thank you, Member Diamond (*REFERRING TO INVOCATION*). Agenda Corrections and Changes, Members of Council. You're being asked to suspend Rule 24B to add Resolution 69 to the agenda. The Chair will now recognize that motion at this time Member Casar.

MEMBER CASAR: Mr. President, I move we suspend Rule 24B and add Resolution #69; seconded.

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

NO REMARKS

ROLL CALL: 10 YEAS, 0 NAYS

PRESIDENT DENCZAK: Rule 24B has been suspended and Resolution 69 is a legal part of your agenda. You're being asked to suspend Rule 22A to add the second reading of Ordinances 13 and 14 to the agenda and Communication #359 and Ordinance 10A. The chair will recognize that motion now, Member Casar.

MEMBER CASAR: Mr. President, I move we suspend Rule 22A and add Ordinance 10A for the first reading, Ordinances 13 & 14 for the second reading and Communication 359; seconded.

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

NO REMARKS

ROLL CALL: 10 YEAS, 0 NAYS

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PRESIDENT DENCZAK: Rule 22A has been suspended and the articles are a legal part of your agenda. Communication #359 is from the Community and Economic Development Committee being added to the agenda. Excuse me. It's in regards to the Kresge Block. That will be referred to the Community and Economic Development and the Finance Committee. This brings your agenda up to date. I'm going to switch back to Informal Resolutions, Excusing Members, before we have the public hearing.

INFORMAL RESOLUTIONS

PRESIDENT DENCZAK: So, at this time, the Chair recognizes the Informal Resolution from the Vice President, Don Casar, Member of Council.

MEMBER CASAR: Mr. President, I move we adopt Resolution, oh, I move that the Resolution #68 be postponed until.....

PRESIDENT DENCZAK: No, no, Member Casar, I want, I want the attendance; move to excuse Members of Council.

MEMBER CASAR: Sorry, Mr. President, I wasn't paying attention. Mr. President, I move that Councilman Dougherty and Councilman Hart be excused from this evening's meeting; seconded.

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

NO REMARKS

ROLL CALL: 10 YEAS, 0 NAYS

PRESIDENT DENCZAK: Let the journal show that Members Hart and Dougherty are excused. The Chair will now go back to the original place on the agenda where we scheduled a Public Hearing for 7:30.

PUBLIC HEARINGS

PUBLIC HEARING #1, REZONE REQUEST BY NICHOLAS W. CONLEY SR.

PRESIDENT DENCZAK: The Chair opens the public hearing now to the matter in regards to the request by Nicholas W. Conley Sr. to rezone 504 - 15th Street NW from B-2 to B, PB-3 for an office building with storage and parking of tow trucks and other motor vehicles. The Planning Commission recommends approval. Is there anyone in the audience wishing to speak for or against this zone change, please come forward... Is there anyone in the audience wishing to speak for or against this zone change, please come forward... Is there anyone in the audience wishing to speak for or against this zone change, please come forward... Apparently not, the Chair declares this public hearing over in regards to this matter. The matter now rests in the hands of Council. The Ordinance will follow later this evening.

PUBLIC SPEAKS (ORDINANCES OR RESOLUTIONS FOR ADOPTION ONLY):

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PRESIDENT DENCZAK: No one has signed up for Public Speaks under Ordinances and Resolutions for Adoption. Member Mallonn...?

MEMBER MALLONN: Mr. President. In regards to the public hearing, could we move to that portion on the agenda and vote on that so the Conley Family....

PRESIDENT DENCZAK: You want to dispose of that matter at this time?

MEMBER MALLONN: Yes.

PRESIDENT DENCZAK: Yes. The Chair is going to exercise its prerogative now and divert from the original agenda and go to Ordinances for their third reading and vote on Ordinance #16.

ORDINANCES AND FORMAL RESOLUTIONS FOR THIRD READING

PRESIDENT DENCZAK: Now, let the journal show that all Ordinances will be given their reading as required by State law this evening. Ordinance #16 please.

NOTE: PRESIDENT DENCZAK CALLED UPON CLERK VANCKUNAS TO READ THE FOLLOWING ORDINANCE #16 FOR THE THIRD & FINAL TIME BY TITLE, AS FOLLOWS.

#16 (3RD RDG) **ADOPTED AS ORDINANCE NO. 105/2004** AN ORDINANCE AMENDING O.55/77 AS AMENDED KNOWN AS THE CITY OF CANTON ZONING ORDINANCE; AND DECLARING THE SAME TO BE AN EMERGENCY

MEMBER CASAR: Mr. President, I move that we adopt Ordinance #16; seconded.

PRESIDENT DENCZAK: Moved and seconded that you adopt Ordinance #16; are there any remarks under this Ordinance?

MEMBER WEST: Mr. President. Yes, I went through the neighborhood on the Conley zone change and, actually, all the residents there wanted to see the trucks off the streets, so, they were in support of it, except for one family. They wanted to see Conley's actually take ownership of the old Mini Mart that's across the street and move their trucks over there. This evening, I had a chance to talk to the owner of Conley's and he had indicated he did make some attempts to purchase that property over there, but, of course, was not able to. But, I do support this change.

PRESIDENT DENCZAK: Any other remarks?

MEMBER CARBENIA: Mr. President, would it be proper to ask a question of one of the Conleys?

PRESIDENT DENCZAK: Ah, you'd have to move to have them speak here. They did not talk under the public hearing portion so, if you wanted to hear from them, you'll have to move to give them time to speak and specify that length

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of time.

MEMBER CARBENIA: Oh, that's all right, I just had a question.

PRESIDENT DENCZAK: Are there any other remarks?

MEMBER BERNABEI: Mr. President. Member West, if you could answer this. Would this zone change enable Mr. Conley to remove the vehicles, the towing vehicles, from the street and park them off-street?

MEMBER WEST: The lot doesn't allow for all his trucks to be moved off the street. Actually, the lot is pretty small and I'm not clear on whether the building is coming down or not, but, Mr. President, is that a question that I can ask Mr. Conley at this time?

PRESIDENT DENCZAK: No, the same applies to you. Of course if you leave your seat, with my permission, and you can go down and ask them the question, but I can't deviate from your Council Rules. Your Rules specify if you want to ask somebody something or have them speak, you have to move to do so.

MEMBER WEST: Yes, I'd like to move to have Mr. Conley speak for 2 minutes on the matter; seconded.

PRESIDENT DENCZAK: Moved and seconded to allow Mr. Conley to speak for 2 minutes. Are there any remarks? If not, by voice vote, all those in favor signify by saying aye; those opposed no.

NO REMARKS

MR. CONLEY ALLOWED TO SPEAK BY UNANIMOUS VOTE

PRESIDENT DENCZAK: Mr. Conley, you have 2 minutes to speak. What, who wants to ask the question now? Member Bernabei?

MEMBER BERNABEI: Yes, Mr. President. Mr. Conley, would this zone change permit you to take your vehicles, which are sometimes parked on the street, either on 15th Street or Woodland Avenue, and get them off the street and on, onto a parking area?

MR. CONLEY: Yes, sir.

PRESIDENT DENCZAK: Member Carbenia, you wanted to ask a question?

MEMBER CARBENIA: Ah, yes sir, that could be done. Yes, I'd like to know, are you going to tear that building down on there so you have more room to park some on there? It doesn't seem like you can park too many on there.

MR. CONLEY: There's no plans for that at the moment sir.

MEMBER CARBENIA: Also, then, would you like, consider putting up a fence, ya know, along the 15th Street side?

MR. CONLEY: If I did that I couldn't get my trucks out. The way it is now, I can back my trucks in, I can pull them

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out, in and out, and go.

MEMBER CARBENIA: Okay, thank you.

PRESIDENT DENCZAK: Member West, did you have a question?

MEMBER WEST: Yes, Mr. Conley, is there any plans for the future of maybe getting some more space for your larger trucks?

MR. CONLEY: No, sir. I would like to buy the property across the street. I approached the people to buy it. They refused. I offered them \$50,000 for it but they opted to sell it to someone else for 42 so I don't know what to tell ya. It's the story of my life.

MEMBER WEST: Member Carbenia, that property's in your ward. I wonder if there's any assistance that you may be able to help Mr. Conley out?

MEMBER CARBENIA: I'd love to see somebody purchase that place. Mr. President, I'm sorry.

MR. CONLEY: There's somebody in there right now. There's a carpet cleaning place in there right now and they're using it, which is, ya know, they're in and out on the weekends. If you did some homework, you can find out who it is.

MEMBER WEST: Thank you, Mr. Conley.

MR. CONLEY: Thank you.

MEMBER HAWK: Mr. President, I have a kind of collateral question. Are we referring to the property on the, on the, it would be the northeast corner of 15th Street and Woodland that was formerly Woodland Drugs? Yeah, the Mini Mart. That's the north...

PRESIDENT DENCZAK: That's the northeast corner.

MEMBER HAWK: North, northeast, let me think about this. Wasn't that building in a sad state of disrepair not too long ago?

PRESIDENT DENCZAK: Ah, gentlemen, you're out of order, we're discussing a zone change and you're discussing another building so....

MEMBER HAWK: I'm sorry, we'll discuss it. I'll ask under miscellaneous business. Thank you.

PRESIDENT DENCZAK: I can, I can cherish your regard for that, but that's out of order.

LAW DIRECTOR MARTUCCIO: Mr. President, if I can, I'll share some information that came to Council through

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the Planning Commission, a few salient facts on the communication addressed to Council. At their meeting on Tuesday, May 11th, they recommended approval of the change from B-2 Neighborhood Business to a PB-3 Planned General Business for this particular address. The salient facts they cited for approval were that some of the surrounding area was zoned B-2 and B-3 to the west, or 1-A to the north, east and south. The surrounding areas consist of mixed uses. Among those they mention various commercial uses along 15th Street and Cleveland Avenue. The planned district zone change requires the building to stay as is, in its current configuration; and, lastly, the change is requested to permit the use as an office, with a storage area and parking. Thank you.

PRESIDENT DENCZAK: Is there any other discussion on this matter?... If not, the question before you now is granting the zone change, Ordinance #16. If there are no other further remarks, roll call vote

NO REMARKS

ROLL CALL VOTE: 10 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance #16 is adopted.

#16 ADOPTED AS ORDINANCE NO. 105/2004

INFORMAL RESOLUTIONS

PRESIDENT DENCZAK: We will now go back to the original place on the agenda, which is Resolution #68.

PRESIDENT DENCZAK CALLED UPON CLERK OF COUNCIL VANCKUNAS TO READ RESOLUTIONS #68 THROUGH AND INCLUDING #69 BY TITLE, AS SHOWN BELOW. THE RESOLUTIONS ARE ON FILE IN THEIR ENTIRETY IN THE COUNCIL OFFICE WITH THE AGENDA ITEMS DATED JUNE 21, 2004.

68. COUNCIL-AS-A-WHOLE: COMMENDING DR. PETER D. FERGUSON FOR HIS SERVICE TO THE CANTON CITY BOARD OF HEALTH - **POSTPONED UNTIL JULY 12, 2004**

MEMBER CASAR: Mr. President, I move that Resolution #68 be postponed until the July 12th meeting; seconded.

PRESIDENT DENCZAK: Moved and seconded that Resolution #68 be postponed until July the 12th meeting. Are there any remarks?... If not, by voice vote, all those in favor signify by saying aye. All those opposed no. Resolution #68 is postponed until July the 12th, 2004.

NO REMARKS

RESOLUTION #68 POSTPONED UNTIL JULY 12, 2004

RULE 24B WAS SUSPENDED TO ADD RESOLUTION #69:

69. COUNCIL MEMBERS WEST AND ZACHARY: COMMENDING WARREN P. CHAVERS AND THE DELIVERANCE CHRISTIAN CHURCH ON THEIR 25TH ANNIVERSARY. - ADOPTED BY COUNCIL

MEMBER CASAR: Mr. President, I move we adopt Resolution #69; seconded.

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PRESIDENT DENCZAK: Moved and seconded that you adopt Resolution #69. 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 #69 ADOPTED BY UNANIMOUS VOICE VOTE

PRESIDENT DENCZAK: Resolution #69 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 JUNE 21, 2004.

332. BOWSER MORNER, INC., 4518 TAYLORSVILLE RD., PO BOX 51, DAYTON, OH 45401-0051: NOTICE OF PUBLIC MEETING ON 7/13/04 FROM 6:30 PM TO 8:30 PM @ CANTON CIVIC CENTER MCKINLEY ROOM LOBBY RE: APPLICATION FOR "PERMIT TO INSTALL" A SOLID WASTE TRANSFER STATION BY JMW TRUCKING SERVICES LOCATED @ 1800 ALLEN RD SE, & NOTICE OF PUBLICATION OF SAME. - RECEIVED & FILED
333. CARBENIA, JOE, WARD 9 COUNCIL MEMBER, CITY OF CANTON: COMMENDING CITY EMPLOYEES WHO VOLUNTEERED TO PLANT THE PERIMETER OF CITY HALL WITH FLOWERS ON 6/4/04. - RECEIVED & FILED
334. HEALTH BENEFITS ADMINISTRATOR ROSE BRESSON, CITY OF CANTON: MAY 2004 MONTHLY COMPARATIVE REPORT OF INSURANCE CLAIMS & JAN-MAY 2004 PAID CLAIMS & COMPARATIVE REPORT. - RECEIVED & FILED
335. HEALTH COMMISSIONER ROBERT PATTISON, CITY OF CANTON: REQUESTING VARIOUS SUPPLEMENTAL APPROPRIATIONS. - FINANCE COMMITTEE
336. LIQUOR CONTROL DIVISION, STATE OF OHIO, 6606 TUSSING ROAD, PO BOX 4005, REYNOLDSBURG, OHIO 43068-9005: NOTICE OF TENTATIVE HEARING DATE OF 7/6/04 ON OBJECTION TO REQUEST BY TAP STATIONS INVESTMENTS, dba AP, FOR A NEW C1,2 LIQUOR PERMIT @ 903 12TH ST NE. - INTERGOVERNMENTAL & PUBLIC SERVICE COMMITTEE
337. LIQUOR CONTROL DIVISION, STATE OF OHIO, 6606 TUSSING ROAD, PO BOX 4005, REYNOLDSBURG, OHIO 43068-9005: NOTICE OF TENTATIVE HEARING DATE OF 7/6/04 ON OBJECTION TO REQUEST BY BZA CONVENIENT MART, dba GAS CITY, FOR TRANSFER OF C1,2 LIQUOR PERMIT @ 216 ROWLAND AVENUE. - INTERGOVERNMENTAL & PUBLIC SERVICE COMMITTEE

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338. LIQUOR CONTROL DIVISION, STATE OF OHIO, 6606 TUSSING ROAD, PO BOX 4005, REYNOLDSBURG, OHIO 43068-9005: NOTICE OF TENTATIVE HEARING DATE OF 7/6/04 ON OBJECTION TO REQUEST BY PLATINUM DYNASTY, dba CLUB BLUEPRINT, FOR TRANSFER OF D5 LIQUOR PERMIT @ 1016 12TH ST NE. - INTERGOVERNMENTAL & PUBLIC SERVICE COMMITTEE
339. LIQUOR CONTROL DIVISION, STATE OF OHIO, 6606 TUSSING ROAD, PO BOX 4005, REYNOLDSBURG, OHIO 43068-9005: NOTICE OF HEARING FOR 7/6/04 AT 10:30 AM IN COUNCIL CAUCUS ROOM ON OBJECTION TO REQUEST BY BZA CONVENIENT MART, dba GAS CITY, FOR TRANSFER OF C1,2 LIQUOR PERMIT @ 216 ROWLAND AVE NE. - INTERGOVERNMENTAL & PUBLIC SERVICE COMMITTEE
340. LIQUOR CONTROL DIVISION, STATE OF OHIO, 6606 TUSSING ROAD, PO BOX 4005, REYNOLDSBURG, OHIO 43068-9005: NOTICE OF HEARING FOR 7/6/04 AT 1:30 PM IN COUNCIL CAUCUS ROOM ON OBJECTION TO REQUEST BY PLATINUM DYNASTY, dba CLUB BLUEPRINT, FOR TRANSFER OF D5 LIQUOR PERMIT @ 1016 12TH ST NE. - INTERGOVERNMENTAL & PUBLIC SERVICE COMMITTEE
341. LIQUOR CONTROL DIVISION, STATE OF OHIO, 6606 TUSSING ROAD, PO BOX 4005, REYNOLDSBURG, OHIO 43068-9005: NOTICE OF HEARING FOR 7/6/04 AT 11:30 AM IN COUNCIL CAUCUS ROOM ON OBJECTION TO REQUEST BY TAP STATIONS INVESTMENTS, dba AP, FOR NEW C1,2 LIQUOR PERMIT @ 903 12TH ST NE. - INTERGOVERNMENTAL & PUBLIC SERVICE COMMITTEE
342. LIQUOR CONTROL DIVISION, STATE OF OHIO, 6606 TUSSING ROAD, PO BOX 4005, REYNOLDSBURG, OHIO 43068-9005: ORDER OVERRULING CITY'S OBJECTION TO ISSUANCE OF NEW C1,2 LIQUOR PERMIT REQUESTED BY JENNINGS ENTERPRISES, INC., dba RJ'S, @ 2417 4TH ST NW, & PERMITTING PROCESSING OF APPLICATION TO CONTINUE. - INTERGOVERNMENTAL & PUBLIC SERVICE COMMITTEE
343. MAYOR JANET WEIR-CREIGHTON, CITY OF CANTON: REQUEST TO AMEND SECTION 123.05(a) OF THE CANTON CITY CODIFIED ORDINANCES PERTAINING TO "TRAVEL EXPENSE GENERALLY" TO INCREASE THE PAYMENT FOR MILEAGE FROM \$.30 TO \$.37 PER MILE FOR EMPLOYEES WHO UTILIZE THEIR PRIVATE VEHICLES FOR CITY BUSINESS. - JUDICIARY COMMITTEE
344. PLANNING COMMISSION, CITY OF CANTON, SHEILA K. THARP-BARRINO, SECRETARY: RECOMMENDING APPROVAL OF THE FEDERAL CAMPUS PROJECT URBAN REDEVELOPMENT PLAN & ATTACHING RELEVANT REPORT. - COMMUNITY & ECONOMIC DEVELOPMENT COMMITTEE
345. PLANNING COMMISSION, CITY OF CANTON, SHEILA K. THARP-BARRINO, SECRETARY : RECOMMENDING APPROVAL OF REQUEST BY JEFFERY DIMMERLING FOR DIMMERLING

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VENTURES TO REZONE OUTLOT 517, LOCATED AT 1131 WERTZ AVE NW, FROM B-3 TO PB-4 TO PERMIT A COMMERCIAL BUILDING WITH LIVING QUARTERS ON 2ND FLOOR AND REAR STORAGE BUILDING. - LAW DEPARTMENT. PUBLIC HEARING 7/26/04 @ 7:30 PM (See O#1, 1st Rdg)

346. PLANNING COMMISSION, CITY OF CANTON, SHEILA K. THARP-BARRINO, SECRETARY: RECOMMENDING APPROVAL OF REQUEST BY FELIX MOLLETT TO VACATE PORTIONS OF AN UNNAMED 10' ALLEY NORTH OF 14TH ST SE. - PUBLIC SAFETY & THOROUGHFARES COMMITTEE
347. SAFETY DIRECTOR BERNARD HUNT, CITY OF CANTON: REQUESTING AUTHORIZATION TO ACCEPT \$1,195.00 DONATION ON BEHALF OF THE FIRE DEPT TO ASSIST IN PURCHASE OF SMOKE DETECTORS FOR CANTON CITIZENS, & REQUEST \$1,195.00 SUPPLEMENTAL APPROPRIATION FROM 2783 SMOKE DETECTOR FUND. - FINANCE COMMITTEE
348. SAFETY DIRECTOR BERNARD HUNT, CITY OF CANTON: REQUESTING AUTHORIZATION TO ENTER INTO \$57,200.00 CONTRACT WITH TRAFFIC SYSTEMS, LLC FOR PURCHASE OF 44 SONEM PHASE SELECTORS AT \$1,300.00 EACH. - PUBLIC PROPERTY CAPITAL IMPROVEMENT & FINANCE COMMITTEES
349. SAFETY DIRECTOR BERNARD HUNT, CITY OF CANTON: REQUESTING AUTHORIZATION TO ACCEPT \$300.00 DONATION ON BEHALF OF THE FIRE DEPT TO ASSIST IN PURCHASE OF SMOKE DETECTORS FOR CANTON CITIZENS, & REQUEST \$300.00 SUPPLEMENTAL APPROPRIATION FROM 2783 SMOKE DETECTOR FUND. - FINANCE COMMITTEE
350. SERVICE DIRECTOR TAD ELLSWORTH, CITY OF CANTON: REQUESTING AUTHORIZATION TO ENTER INTO FIVE YEAR \$115,000.00 AGREEMENT WITH CTR SYSTEMS, INC. FOR THE MAINTENANCE AND SUPPORT OF THE KRONOS TIMEKEEPER SYSTEM. - PUBLIC PROPERTY CAPITAL IMPROVEMENT & FINANCE COMMITTEES
351. SERVICE DIRECTOR TAD ELLSWORTH, CITY OF CANTON: REQUESTING APPROVAL OF WATER MAIN EXTENSION ON WHITTIER STREET NE IN PLAIN TOWNSHIP AS REQUESTED BY PROPERTY OWNER.- ENVIRONMENTAL & PUBLIC UTILITIES COMMITTEE
352. SERVICE DIRECTOR TAD ELLSWORTH, CITY OF CANTON: REQUESTING AUTHORIZATION TO ACCEPT \$236,000.00 GRANT FROM OHIO EMERGENCY MANAGEMENT AGENCY TO PURCHASE & INSTALL SECURITY EQUIPMENT THROUGHOUT WATER TREATMENT & DISTRIBUTION SYSTEM, SET UP SPECIAL ACCOUNT 5223 207001 WATER CRITICAL INFRASTRUCTURE PROTECTION FUND AND \$236,000 APPROPRIATION, AND AUTHORIZATION TO PURCHASE & INSTALL EXTERIOR LIGHTING, SECURITY CAMERAS & INTRUSION DETECTORS FOR THE NORTHEAST, NORTHWEST & SUGAR CREEK WATER TREATMENT PLANTS UNDER THE STATE CONTRACT FROM SIMPLEX GRINNELL, AND TO ADVERTISE, RECEIVE BIDS & ENTER INTO CONTRACT FOR PURCHASE & INSTALLATION OF

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PERIMETER FENCING & ENTRY GATES FOR SAME. - ENVIRONMENTAL & PUBLIC UTILITIES & FINANCE COMMITTEES

353. SERVICE DIRECTOR TAD ELLSWORTH, CITY OF CANTON: REQUESTING AUTHORIZATION TO ENTER INTO \$40,243.12 CONTRACT WITH NORTHRUP GRUMMAN MISSION SYSTEMS FOR PURCHASE OF MARCS (MULTI-AGENCY RADIO COMMUNICATIONS SYSTEM) FOR HEALTH DEPT. - PUBLIC PROPERTY CAPITAL IMPROVEMENT & FINANCE COMMITTEES
354. SERVICE DIRECTOR TAD ELLSWORTH, CITY OF CANTON: REQUESTING APPROVAL OF \$19,488.00 PAYMENT AS MORAL OBLIGATION TO HANNON ELECTRIC CO. FOR EMERGENCY REPAIR OF GEARBOX FOR #1 RETURN ACTIVATED SLUDGE (RAS) PUMP AT THE WATER POLLUTION CONTROL CENTER. - ENVIRONMENTAL & PUBLIC UTILITIES & FINANCE COMMITTEES
355. SERVICE DIRECTOR TAD ELLSWORTH, CITY OF CANTON: REQUEST TO AMEND O.174/95 WHICH ESTABLISHES VARIOUS PETTY CASH & CHANGE DRAWERS THROUGHOUT THE CITY TO INCLUDE \$100.00 PETTY CASH FUND FOR WATER POLLUTION CONTROL CENTER. - FINANCE COMMITTEE
356. SLIMAN, SAM, AGENT FOR PETITIONER, CITY OF CANTON: COPY OF ANNEXATION PETITION DOCUMENTS THAT HAVE BEEN FILED WITH STARK COUNTY COMMISSIONERS IN THE GROFFRE/RICHMOND ANNEXATION. - ANNEXATION COMMITTEE
357. TREASURER ROBERT SCHIRACK, CITY OF CANTON: COMPARATIVE REPORT OF PARKING METER REVENUE FOR THE MONTH OF MAY 2004. - RECEIVED & FILED
358. TREASURER ROBERT SCHIRACK, CITY OF CANTON: COMPARATIVE REPORT OF DEPOSITS & PAY INS TO AMBULANCE LOCK BOX ACCOUNT FOR MONTH OF MAY 2004. - RECEIVED & FILED

ORDINANCES & FORMAL RESOLUTIONS FOR FIRST READING

PRESIDENT DENCZAK: Ordinances for the first reading. I'm sorry, wait a minute.

NOTE: PRESIDENT DENCZAK CALLED UPON CLERK VANCKUNAS TO READ THE FOLLOWING ORDINANCES #1 THROUGH AND INCLUDING #10A FOR THE FIRST TIME BY TITLE & ANNOUNCED THE COMMITTEE REFERRALS, AS FOLLOWS.

- #1 (1ST RDG) AN ORDINANCE AMENDING O.55/77, AS AMENDED, KNOWN AS THE CITY OF CANTON ZONING ORDINANCE; AND DECLARING THE SAME TO BE AN EMERGENCY (DIMMERLING VENTURES ZONE CHANGE REQUEST)
Referred to 2ND Rdg, Next Agenda

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- #2 (1ST RDG) AN ORDINANCE AUTHORIZING THE MAYOR AND/OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CONTRACT WITH THE CANTON REGIONAL CHAMBER OF COMMERCE TO PROVIDE A GRANT IN AN AMOUNT NOT TO EXCEED \$175,000.00 FOR A COMPREHENSIVE ECONOMIC AND DEVELOPMENT PROGRAM; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Community & Economic Development and Finance Committees
- #3 (1ST RDG) AN ORDINANCE AMENDING O.122/92, AS AMENDED, AUTHORIZING THE MAYOR TO ENTER INTO AN AMENDED AGREEMENT WITH STARK COUNTY OUT OF POVERTY PARTNERSHIP, INC. TO PROVIDE ADDITIONAL FUNDING; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Community & Economic Development and Finance Committees
- #4 (1ST RDG) AN ORDINANCE AUTHORIZING THE MAYOR AN/OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CONTRACT WITH STARK SOCIAL WORKERS NETWORK TO PROVIDE A GRANT IN AN AMOUNT NOT TO EXCEED \$50,000.00 TO PURCHASE A BUILDING; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Community & Economic Development and Finance Committees
- #5 (1ST RDG) AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH THE STATE OF OHIO, DEPARTMENT OF REHABILITATION AND CORRECTION FOR RECEIPT OF THE FISCAL YEAR 2005 COMMUNITY CORRECTIONS ACT GRANT IN AN AMOUNT NOT TO EXCEED \$74,261.00; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Marketing & Development Grant and Finance Committees
- #6 (1ST RDG) AN ORDINANCE AUTHORIZING THE MAYOR AND/OR DIRECTOR OF PUBLIC SERVICE TO ACCEPT A GRANT IN THE AMOUNT OF \$1,500.00 FROM THE STARK COUNTY FOUNDATION SUMMERTIME KIDS GRANT ON BEHALF OF THE YOUTH DEVELOPMENT DEPT; AMENDING APPROPRIATION O.1/2004, AS AMENDED, BY MAKING THE SUPPLEMENTAL APPROPRIATION HEREIN DESCRIBED; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Marketing & Development Grant and Finance Committees
- #7 (1ST RDG) AN ORDINANCE AMENDING O.164/2001, AS AMENDED, THE CLASSIFICATION PLAN AND GENERAL SALARIES FOR ALL MANAGEMENT AND NON-BARGAINING UNIT EMPLOYEES OF THE CITY OF CANTON; AMENDING EXHIBIT A TO O.164/2001 AS AMENDED; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Personnel Committee
- #8 (1ST RDG) AN ORDINANCE APPROVING AND ACCEPTING THE REPLATTING OF OUTLOT 1116 AND PARTS OF OUTLOTS 45 AND 315; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Public Safety & Thoroughfares Committee

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#9 (1ST RDG) **ADOPTED AS ORDINANCE 106/2004** AN ORDINANCE DECLARING 16 BUILDINGS TO BE PUBLIC NUISANCES; AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY TO ENTER INTO CONTRACT FOR THE DEMOLITION OF SAID BUILDINGS; AUTHORIZING THE CLERK OF CANTON CITY COUNCIL TO CERTIFY THE COSTS OF DEMOLITION TO THE STARK COUNTY AUDITOR; AND DECLARING THE SAME TO BE AN EMERGENCY

Referred to Community & Economic Development Committee

#10 (1ST RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CONTRACT WITH VALLEY FOR IN THE AMOUNT OF \$21,646.22 FOR THE PURCHASE OF A FORD F350 CHASSIS AND CAB PURSUANT TO O.R.C. SECTION 125.04; AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ADVERTISE, RECEIVE BIDS AND ENTER INTO A LEASE FOR TWO TEN TON HEAVY DUTY DUMP TRUCKS FOR THE WATER DEPARTMENT; AND DECLARING THE SAME TO BE AN EMERGENCY.

Referred to Public Property Capital Improvement and Finance Committees

#10A (1ST RDG) AN ORDINANCE AUTHORIZING THE MAYOR AND/OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A PROFESSIONAL SERVICES AGREEMENT WITH ENVIRONMENTAL PROFESSIONALS INCORPORATED IN AN AMOUNT NOT TO EXCEED \$125,000.00 FOR DEVELOPMENT AND MANAGEMENT SERVICES IN CONJUNCTION WITH THE KRESGE PROJECT; AND DECLARING THE SAME TO BE AN EMERGENCY.

Referred to Community & Economic Development and Finance Committees

PRESIDENT DENCZAK: We're going to go into recess now. The Chair is granting a recess, Members of Council, for the Community and Economic Development Committee to meet in regards to the passage of Ordinance #9 on your agenda this evening. You are now in recess.

AT 7:56 PM, COUNCIL RECESSED FOR A COMMITTEE MEETING ON ORDINANCE # 9 WHICH WAS RETURNED TO THE AGENDA FOR ADOPTION. PRESIDENT DENCZAK RECONVENED THE COUNCIL MEETING AT 8:00 P.M.

#9 **ADOPTED AS ORDINANCE NO. 106/2004** AN ORDINANCE DECLARING 16 BUILDINGS TO BE PUBLIC NUISANCES; AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY TO ENTER INTO CONTRACT FOR THE DEMOLITION OF SAID BUILDINGS; AUTHORIZING THE CLERK OF CANTON CITY COUNCIL TO CERTIFY THE COSTS OF DEMOLITION TO THE STARK COUNTY AUDITOR; AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT DENCZAK: The Chair will now recognize Rule 22A to add the Ordinance back to the agenda. Member Casar.

MEMBER CASAR: Mr. President, I move we suspend Rule 22A and add Ordinances 10A back on the agenda.

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PRESIDENT DENCZAK: No, # 9.

MEMBER CASAR: Nine, I'm sorry. Add Ordinance 9 back on the agenda; seconded.

PRESIDENT DENCZAK: Moved and seconded to suspend Rule 22A to add Ordinance #9 to the agenda. Are there any remarks?... If not, roll call vote.

NO REMARKS

ROLL CALL: 10 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance #9 is a legal part of your agenda Member Casar. ... Move to dispense with the three readings, Member Casar.

MEMBER CASAR: Yes, Mr. President, I move to suspend the Statutory Rules for Ordinance #9; seconded.

PRESIDENT DENCZAK: There's a move to dispense with the three readings of Ordinance #9. Are there any remarks?... If not, roll call vote please.

NO REMARKS

ROLL CALL: 10 YEAS, 0 NAYS

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

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

PRESIDENT DENCZAK: Moved and seconded that you adopt Ordinance #9. Are there any remarks under this Ordinance?... Very well, roll call vote please.

NO REMARKS

ROLL CALL: 10 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance #9 is adopted.

#9 ADOPTED AS ORDINANCE NO. 106/2004

PRESIDENT DENCZAK: Member Casar, Ordinance #10A, Clerk Vanckunas informs me that we have to do this according to Rules and Regulations. We have to suspend Rule 22B to add 10A to the agenda. And, we did that on 22A. So, I don't know my A B C's, so, the Chair will now recognize 22B suspension to add Ordinance A to the agenda, Member Casar.

MEMBER CASAR: Mr. President, I move we suspend Rule 22B to add Ordinance 10A to the agenda; seconded.

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

NO REMARKS

ROLL CALL: 10 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance 10A is a legal part of your agenda.

MINUTES OF THE MEETING OF JUNE 21, 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 #13 & #14 FOR THE SECOND TIME BY TITLE, AS FOLLOWS. ORDINANCES #11, 12 & 15 WERE RETAINED IN COMMITTEE AND DID NOT RECEIVE A SECOND READING.

#11 **RETAINED IN COMMITTEE** AN ORDINANCE APPROVING AND ACCEPTING THE REPLATTING OF LOTS NOS. 5760 - 5770; AND DECLARING THE SAME TO BE AN EMERGENCY

#12 **RETAINED IN COMMITTEE** AN ORDINANCE APPROVING AND ACCEPTING THE REPLATTING OF LOTS NOS. 7452 - 7462; AND DECLARING THE SAME TO BE AN EMERGENCY

RULE 22A WAS SUSPENDED TO ADD #13 & #14:

#13 (2ND RDG) AN ORDINANCE AMENDING PART ELEVEN, PLANNING & ZONING CODE OF THE CODIFIED ORDINANCES OF THE CITY OF CANTON

#14 (2ND RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CONTRACT WITH ENVIRONMENTAL DESIGN GROUP FOR ALL ENVIRONMENTAL MANAGEMENT SERVICES FOR THE TITLE FIVE PERMIT PROJECT; AMENDING APPROPRIATION ORDINANCE 1/2004, AS AMENDED, BY MAKING THE SUPPLEMENTAL APPROPRIATION HEREIN DESCRIBED; AND DECLARING THE SAME TO BE AN EMERGENCY

#15 **RETAINED IN COMMITTEE** AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ADVERTISE, RECEIVE BIDS AND ENTER INTO CONTRACT (S) FOR VARIOUS PROJECTS AND/OR EQUIPMENT FOR THE CANTON PARK DEPARTMENT; AND DECLARING THE SAME TO BE AN EMERGENCY

ORDINANCES AND FORMAL RESOLUTIONS FOR THIRD READING

PRESIDENT DENCZAK: Ordinances and Formal Resolutions for the third and final reading. Ordinance #16 was previously adopted. Ordinance #17 please.

#16 (3RD RDG) **ADOPTED PREVIOUSLY AS ORDINANCE NO. 105/2004** AN ORDINANCE AMENDING ORDINANCE NO. 55/77, AS AMENDED, KNOWN AS THE CITY OF

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CANTON ZONING ORDINANCE; AND DECLARING THE SAME TO BE AN EMERGENCY

NOTE: PRESIDENT DENCZAK CALLED UPON CLERK VANCKUNAS TO READ THE FOLLOWING ORDINANCES #17 THROUGH AND INCLUDING #22 FOR THE THIRD & FINAL TIME BY TITLE, AS FOLLOWS.

#17 (3RD RDG) **ADOPTED AS ORDINANCE NO. 107/2004** AN ORDINANCE AMENDING SECTION 339.08, LOADS DROPPING OR LEAKING; REMOVAL REQUIRED; TRACKING MUD, OF THE CODIFIED ORDINANCES OF THE CITY OF CANTON

MEMBER CASAR: Mr. President, I move that we adopt Ordinance #17; seconded.

PRESIDENT DENCZAK: Moved and seconded that you adopt Ordinance #17; are there any remarks under this ordinance?... Very well, roll call vote please.

NO REMARKS

ROLL CALL VOTE: 10 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance #17 is adopted. **#17 ADOPTED AS ORDINANCE NO. 107/2004**

#18 (3RD RDG) **ADOPTED AS ORDINANCE NO. 108/2004** AN ORDINANCE APPROVING AND ACCEPTING THE REPLATTING OF LOTS NOS. 24501-24503 AND 27078; AND DECLARING THE SAME TO BE AN EMERGENCY

MEMBER CASAR: Mr. President, I move that 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: 10 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance #18 is adopted. **#18 ADOPTED AS ORDINANCE NO. 108/2004**

#19 (3RD RDG) **ADOPTED AS ORDINANCE NO. 109/2004** 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

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

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PRESIDENT DENCZAK: Moved and seconded that you adopt Ordinance #19; are there any remarks under this ordinance?... Very well, roll call vote please.

NO REMARKS

ROLL CALL VOTE: 10 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance #19 is adopted.

#19 ADOPTED AS ORDINANCE NO. 109/2004

#20 (3RD RDG) **ADOPTED AS ORDINANCE NO. 110/2004** AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A CHANGE ORDER WITH R. G. SMITH COMPANY, INC. IN AN AMOUNT NOT TO EXCEED \$13,470.00 TO COMPLETE THE SLUDGE REMOVAL FOR THE WATER POLLUTION CONTROL CENTER DISGESTER PROJECT; AMENDING APPROPRIATION ORDINANCE NO. 1/2004; AND DECLARING THE SAME TO BE AN EMERGENCY

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

PRESIDENT DENCZAK: Moved and seconded that you adopt Ordinance #20; are there any remarks?... If not, roll call vote please.

NO REMARKS

ROLL CALL VOTE: 10 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance #20 is adopted.

#20 ADOPTED AS ORDINANCE NO. 110/2004

#21 (3RD RDG) **ADOPTED AS ORDINANCE NO. 111/2004** 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 that we adopt Ordinance #21; seconded.

PRESIDENT DENCZAK: Moved and seconded that you adopt Ordinance #21; are there any remarks under this ordinance?...

MEMBER CASAR: Mr. President, I would like to ask the Service Director a question if I may. Service Director, for the record, how far removed is this from the contiguous of the City of Canton?

SERVICE DIRECTOR ELLSWORTH: Mr. President, this location is approximately 11,000 feet outside of the City or several miles outside the corporate limits of the City of Canton. It will serve approximately 29 homes. Again, installation will be paid for by the property owner.

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MEMBER CASAR: Thank you.

PRESIDENT DENCZAK: Are there any other remarks?... If not, the question you're voting on now is Ordinance #21.

NO REMARKS

ROLL CALL VOTE: 8 YEAS, 2 NAYS,

PRESIDENT DENCZAK: Ordinance #21 has passed with the emergency.

#21 ADOPTED AS ORDINANCE NO. 111/2004

#22 (3RD RDG) **ADOPTED AS ORDINANCE NO. 112/2004** A RESOLUTION APPROVING THE STATEMENT OF SERVICES TO BE PROVIDED TO THE PROPERTY OWNER IN THE AUTO ELECTRIC SERVICE COMPANY ANNEXATION AREA UPON ITS BEING ANNEXED TO THE CITY OF CANTON, OHIO; AND DECLARING THE SAME TO BE AN EMERGENCY

MEMBER CASAR: Mr. President, I move that we adopt Ordinance #22; seconded.

PRESIDENT DENCZAK: Moved and seconded that you adopt Ordinance #22; are there any remarks under this ordinance?... Very well, roll call vote please.

NO REMARKS

ROLL CALL VOTE: 10 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance #22 is adopted.

#22 ADOPTED AS ORDINANCE NO. 112/2004

ANNOUNCEMENT OF COMMITTEE MEETINGS

PRESIDENT DENCZAK: Announcement of Committee Meetings please.

MEMBER CARBENIA : Mr. President, Community and Economic Development, July 12th at 6 pm please.

MEMBER HAWK: Mr. President, Capital Improvements and Finance will meet July 12th at 6:00 also. Thank you.

MEMBER WEST: Mr. President, Marketing and Development will meet on July 12th at 6:20.

MEMBER BABCOCK: Public Safety and Thoroughfares will also meet on the 12th at 6:00.

MEMBER ZACHARY: Mr. President, Personnel will meet on Monday the 12th at 6:30.

MINUTES OF THE MEETING OF JUNE 21, 2004**PUBLIC SPEAKS (OPEN FORUM--CITY BUSINESS ONLY)**

PRESIDENT DENCZAK: Public Speaks, Open Forum. Members of Council, we have quite a few people signed up this evening. First speaker is Timothy Toolan. Did I pronounce that correct?

MR. TOOLAN : Right. Hello. My name is Tim Toolan and I am here representing..

PRESIDENT DENCZAK: State your address please.

MR. TOOLAN: What's that?

PRESIDENT DENCZAK: State your address, your home address.

MR. TOOLAN: My home address is 541 Olde Orchard Drive NE, Bolivar, Ohio.

PRESIDENT DENCZAK: What was that again now, sir?

MR. TOOLAN: 541 Olde Orchard Drive NE, Bolivar, Ohio.

PRESIDENT DENCZAK: How do you spell that?

MR. TOOLAN: Bolivar?

PRESIDENT DENCZAK: No, Ohio (*laughter*). No, the street name. Old Orchard?

MR. TOOLAN: Olde Orchard – O - L - D - E O - R - C - H - A - R - D.

PRESIDENT DENCZAK: Oh, okay. Bolivar, Ohio?

MR. TOOLAN: Correct.

PRESIDENT DENCZAK: Ok, go ahead.

MR. TOOLAN: My name is Tim Toolan and I'm here representing Canton Graphic Arts, Everhard Glass and Graybar Electric in opposition to City Ordinance #234/2003 which was the vacating of Melchoir Place SW. Mr. Williams informed me tonight that he did come out and look, before this Ordinance was passed. It was not published and the surrounding property owners or businesses was not notified of this closing and we would just like Council to know that we are in great opposition to this Ordinance and we would like you to take consideration into, maybe, ah, rescinding the Ordinance.

PRESIDENT DENCZAK: Who's Ward is this in?

MEMBER ZACHARY: Mr. President, it's in Ward 4. It's over by, where the old Greyhound Bus station was and

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the VA building, I guess, when they did the plans for that, or whatever the case may be, they, part of the agreement, from what I understand, was that they vacate that alley for parking for the VA building.

SERVICE DIRECTOR ELLSWORTH: Mr. President. I do have the advertisement when they announced the public hearing on the street vacation. The public hearing was held November 17, 2003 just for Council's information.

LAW DIRECTOR MARTUCCIO: Mr. President, thank you. I was introduced to Mr. Toolan and spoke with him briefly before the meeting, as did Kathy Tatarsky who is our lawyer who usually handles zoning and related matters and he also spoke for a bit with Mr. Bruce Williams, who is more familiar with the case. We did understand Mr. Toolan's frustrations about not having been directly notified. He also understood, though, that the immediately adjacent land owners to the alley were the only ones that had to be notified by law and consented to it. One of the things he suggested was that in the future, we as a City, consider notifying a larger circle of owners who may be adversely affected when something like this occurs to avoid that sort of pain and frustration. Miss Tatarsky will take a look at it but we also did tell Mr. Toolan that it's very unusual and very unlikely that we would ever re-dedicate a vacated street because it becomes the property of the people who are adjacent to the vacation and I think Mr. Toolan understands, understood that.

MR. TOOLAN: Thank you very much.

PRESIDENT DENCZAK: The next speaker is Grace Shahan.

MS. SHAHAN: Good evening, my name is Grace Shahan. My address is 718 - 29th Street NE, Canton, Ohio, and I have lived there for the last 24 years and have dealt with my property flooding and sewer back ups numerous times during these years, having lost 3 furnaces, 3 washers, 2 driers, a refrigerator, plus hundreds of dollars in personal items. The basement walls are deteriorating but I'm hoping that this will soon be in the past as Plain Township has been working with Canton city utilities to plan for larger sewers to aid drainage. But, I understand that the City utilities is not willing to help Plain Township with the finances, even though we pay City sewers and I would like to know why. Why are you not willing to help us solve this problem? My neighbor, behind me on 28th Street, which is in the City, had basement walls caved in last summer. Will my wall be next? And so, my, my question is directed to the Director of the Canton City Utilities, which I understand is here tonight.

SERVICE DIRECTOR ELLSWORTH: Mr. President. I met with Mark Cozy, Plain Township Administrator last week. There was no indication given at that meeting that we would be unwilling to help in this project. In fact, we were able to come to an agreement on the exact size of the pipe that would be put in on the project on 29th Street and how the connection would be made. We're right now waiting for those final plans, but we never gave them any indication that we would not be willing to help with this project.

MS. SHAHAN: You say you are willing to help with financing it?

SERVICE DIRECTOR ELLSWORTH: It's up to be determined how much we would be financing because most of that is not located within the City but where they make the connection with Market Avenue, we told them we would be open to discussing the financing. I am not prepared at this meeting to tell, to say how much we'd be willing to do. It depends on what the plans look like.

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MS. SHAHAN: I mean, I thought that because that we paid City sewer that City utilities would, ya know, help us financing that part.

SERVICEDIRECTORELLSWORTH: Right. We have a separate storm sewer and sanitary sewer system and where they're making the connections, is actually, to our storm sewer system. They are not connecting to our sanitary sewer system. There is an existing City sanitary sewer line running up 29th Street but what they're talking about is a storm sewer connection that will connect to the large detention basin that is located at Weis Park on 25th Street and in order to do that, they will need to connect to our lines indefinitely. So, we did meet with them last week. We're aware of the problem and it is going to be fixed some time this year, is my understanding. Plain Township will be funding the brunt of that but where they make the connection, we're still in discussions as to what the City's portion of that will be.

MS. SHAHAN: Now, is, because we have sewer back up, doesn't that come from the City sanitary sewers?

SERVICEDIRECTORELLSWORTH: What is happening is that there is rain water infiltrating into the sanitary sewer system, either through illegal connections, manholes, or some, or some breaks in the line. By relieving the storm system in that area so that you don't get the pooling in that basin area in which you live, you will relieve that kind of infiltration into the line. It will also close an existing line that will then solve that problem for you, hopefully.

MS. SHAHAN: Thank you for answering my questions.

PRESIDENT DENCZAK: The next speak is Frank Stranan.

MR. STRANAN: My name is Frank Stranan. I live at 800 - 29th Street NE, Canton, Ohio. We've lived there 27 years and what Gracie was saying, we've had the same problem, not just, you know, like every couple years, but every year, every summer, every year we get a hard rain, the street floods and probably 5 times our basements backed up. I got a letter 27 years ago from Stanely Cmich, who some of you remember was the Mayor at that time and, you know, he knew we had a problem. So, I'm just commenting on what she had. We got the same problem, sewers backing up, street floods all the time and I'm getting too old to clean basements, you know, clean yards up and, I'm just commenting on that. And, we've talked to Mark Coozy, Cozy, whatever his name is, and supposedly, you're going to do something to help us out. Thank you.

PRESIDENT DENCZAK: The next speaker is Lou Bianchi.

MS. BIANCHI: I'm Lou Bianchi. I'm representing my sister on 708 - 29th Street NE and she depends on me to take care of the house. And, I have the same problem as Grace, flooding, streets flooding, she's lost a furnace, washer, dryer and now this time, it was a water tank. And, evidently, they've got stakes on the streets letting us think that they're going to do something about the property there. So, it's these houses that's all flooded that we just don't know what to do there any more because we're losing so much merchandise in the house, in the basement and the house is small so they keep most of their stuff down the basement. Like, the washer and dryer, furnace and gas tank and it's been replaced, all of it, in the last 4 years because of the flooding. And, what does a person do? You just can't keep buying new all the time, and, we're just hoping that someone will come through and help us out with the street flooding or the sewers. That's all I have to say because Grace has told you most of it. I thank you.

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PRESIDENT DENCZAK: Service Director, the Township and the City are working on this problem together?

SERVICE DIRECTOR ELLSWORTH: Yeah. I first became aware of this problem last week and I had a meeting, I think it was Thursday, with Mark Cozy. This area where they live, is in fact in Plain Township. It's right on the border where the City is where, it's kinda strange, where it goes from Canton to Plain Township there. We met there, we met last week and, you know, there was a lot of discussion with our engineers about the size of the pipe. We came to an agreement on the size of the pipe and, basically, all that's left now is to decide how much the City will contribute because they are coming across our right-of-way on Market Avenue. In fact, we'll have to close a lane of Market Avenue at one point when they make that connection. But, my understanding is that Plain Township is raring to go for this project. They want to get it going and we're fully in support of it.

PRESIDENT DENCZAK: It sounds to me like the surface water is infiltrating the sanitary lines then. Is that the case?

SERVICE DIRECTOR ELLSWORTH: That's what it sounds like. If you're getting pooling in those manhole covers there, you'll get some that way, also, we know in many areas of the City and the township, there are illegal connections. In fact, in the next several weeks, we'll be coming down with a new down spout program that should hopefully take care of some of those problems.

PRESIDENT DENCZAK: Okay.

MEMBER CARBENIA: Mr. President, I got a question for the Director. On that, on that situation on 29th Street, 28th is in the City but most of those storm sewers run down the back yard between 28th and 29th, is that our responsibility or not?

SERVICE DIRECTOR ELLSWORTH: No, that's actually, there is a private system that's not on our books that we are aware of that exists that runs from 29th Street across to 28th Street. Plain Township has agreed to plug that line because it actually impedes storm water movement the way it's set up and the size of the line. So, they're going to plug that line, they're not going to close it all together, they're going to plug it so if they need to get back in there, it'll actually improve the drainage for those residents by plugging that line because it actually connects to a manhole in the middle of 29th Street.

MEMBER CARBENIA: Mr. President, can I continue? Otherwise, you're saying you're going to plug that off, is that the one that runs down the back yard on 28th Street or is it the ones on 29th?

SERVICE DIRECTOR ELLSWORTH: If we're talking about the same line, the only line I'm aware of, I'm not aware of any private system that runs parallel through 28th Street, but there's one that runs perpendicular. There's a manhole on 29th Street and it runs across, through yards, over to our system on 28th Street and what it has done is actually impeded the flow on the 28th Street line and also caused backup problems. So, Plain Township has agreed to plug that line in consideration for us, allowing them to extend down to Market Avenue and eventually get into our basin at Weis Park.

MEMBER CARBENIA: Okay, well, I just wanted to know that because...

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PRESIDENT DENCZAK: Member Carbenia, I'm going to stop this now because it isn't public speaks which would allow you to ask a couple questions. Ask these under Miscellaneous Business.

MEMBER CARBENIA: Oh, okay, well, this was about the situation.

PRESIDENT DENCZAK: The next speaker is Mary Baumler.

MS. BAUMLER: My name is Mary Baumler. I'm a resident at 514 - 22nd Street NW in the City of Canton. I appreciate the opportunity and the privilege of speaking to you tonight, Mayor Creighton and City Council, regarding the issue of flooding that I have in my home. I'm a life-long resident of this City and as an adult, I made a decision to purchase my home in Canton 18 years ago. I currently have 4 children in the Canton City School District. For the first 12 years that I lived in my home, I had one episode of flooding. It occurred in June, 1989. Since 1998, I've had water in my basement every time it rains hard anywhere from 6 to 12 inches. Last year, I had to have the entire line, drainage line, from my home to the street, opened by a commercial company because of debris that had been dragged in from the storm sewers. Prior to that, I had 3 days of a foot of water standing in my basement. When I called the City, I was told nothing could be done with standing water. So, we personally paid to have that opened so the water could drain out. When I purchased my home in 1986, it included a fully furnished or finished, carpeted and paneled recreation room. Now, the carpet has long since been ruined and removed, the underlying tile has been eroded to cement and the paneling has rotted 6 to 12 inches from the floor. New paneling that was installed 8 years ago is warped and rotting. My basement holds 2 bedrooms, a laundry room and a full bath. I use my basement as an extension of my family's living space. It has to be this way. I have 4 children and 2 step-children that visit every summer. Six years ago, I filed a claim with the City for material loss and homeowner's insurance for the floor and wall covering loss. Consequently, my homeowner's insurance rate tripled and I have been unable to find a more reasonably priced plan because of the claim. It would be impossible for me to lift all of the loss that I have incurred in the last 6 years, material and personal memorabilia. Suffice it to say, it has been extensive and each episode represents a major loss of time due to clean up, hauling of debris and laundry, which also comes with a cost, namely my Canton City utilities. The very system which creates my loss, further compounds it by an increase in usage charges. The last episode occurred last Monday night. I spent Tuesday and Wednesday, I think, in those 2 days I washed approximately 20 loads of laundry; my washer died. In order to sell my property, I would have to disclose this flooding issue. But, I don't want to move. I want my City to acknowledge this problem and determine how best to solve it. In 1998, I was told the flooding was caused by a 20 year rain event. I think we had 3 of them that summer, and there's been some every summer since. The problem has deteriorated with every passing year. My neighborhood had a meeting with our Councilman, Mr. Hart, last year, and the only advice we received was that our gutter and down spout systems would be smoke-tested to see if they were emptying into the storm sewers, which to me feels like an attempt to put the onus back on the home owners.

PRESIDENT DENCZAK: Ma'am, you're 3 minutes are up. I'm going to ask that you bring your remarks to a close.

MS. BAUMLER: Please, Mayor Creighton and Council, keep faith with your loyal citizens and develop short-term and long-term strategies before we decide to leave with very heavy hearts. I was very encouraged to hear the citizens of Plain Township are getting some action. I'm very hopeful I'm going to hear the same. Thank you.

PRESIDENT DENCZAK: The next speaker is Steve Franks.

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MR. FRANKS: Hello, my name is Steve Franks. I'm at 715 - 28th Street. I guess the property lines runs between my house and Grace's house here and of course what happens is when 29th floods, all the water runs into my back yard which just makes my down spouts useless. There's nowhere for the water to go so it ends up in my basement too. And, unfortunately, when the basement does start to leak, everything goes down to the center of the drain but it doesn't go, it just fills back up. So, we're in the same boat that everybody else is. We actually need a boat in our basement. So, it's the same problem. Everything deteriorated. We have to repaint, we've got mold growing, you know, it's a health hazard too. So, I know, it's just something that needs to be done. Eventually here, we've got to get something done and that's in Canton City I believe, because the line is on, is our property line is Plain and Canton. That's it.

PRESIDENT DENCZAK: The next speaker is Nancy Sponseller.

MS. SPONSELLER: Hi, my name is Nancy Sponseller, 714 - 28th Street NE. I'm flooding too because 29th Street is flooding and last year when we had the big flood, the whole street was bringing us landscape timbers, railroad ties, trash cans, everything. The man across the street, his foundation wall caved in with a bang and everyone has lost things in their basement, which it's what you've already heard. But, we get it on 28th Street and we live in the City. I have pictures, if you would like them.

PRESIDENT DENCZAK: Can you leave them in the Council Office?

MS. SPONSELLER: I sure can.

PRESIDENT DENCZAK: Okay, bring them up here please.

MS. SPONSELLER: Thank you.

PRESIDENT DENCZAK: Do you wish these returned, ma'am? (*NEGATIVE RESPONSE*) All right.

PRESIDENT DENCZAK: The next speaker is Gloria Wright.

MS. WRIGHT: My name is Gloria Wright. W-R-I-G-H-T and I live on 809 - 29th Street NE, out on the corner of 29th and Beverly so, I'm also experiencing the water and it's, it's a health hazard and it is hard; and it's hard on me. My husband's had a stroke in '99 and so, you know, he's not able to help me and so he's going down-hill so I'm dealing with that now and with the flooding. So, hopefully we can get some help. Thank you so much.

PRESIDENT DENCZAK: The next speaker's Hanh Keene.

MS. KEENE: In name is Hanh Keene and I live in 807 - 29th Street NE and I have the same problem what they were saying, is my basement floods. Three years ago I had to (*inaudible*) and every time we left to go on vacation or something, we not enjoy it because we really worry about you know, the water flood. So, I hope the City and Plain Township get together and do something. I live in there for 14 year and I got floods twice. But, last weekend, we stayed up until 4:30 in the morning. We had 2 pumps going on. We pump the water out a window. Thank you.

PRESIDENT DENCZAK: The next speaker is Bill Jasso. Well, Bill, under the new Council rules, I have to have your

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home address, not just Time Warner.

MR. JASO: I'll be glad to. My name is Bill Jasso. My home address is 2182 Forest Oak Drive, Akron.

PRESIDENT DENCZAK: Okay. Go ahead.

MR. JASO: Mayor, Members of Council, as you know, from time to time, Time Warner Cable prepares a report to Members of Council and the Administration on significant changes in our service. I'm here this evening to advise you that we have begun installing customers in the City of Canton to Time Warner Cable's new digital phone service which is something new for our, for our company. Digital phone, just very briefly, uses existing telephones and in-home wiring that already exists. For the benefit of the Safety Department, digital phone is e-911 and both CALIA compliant, so we comply with all of the State and Federal Regulations involving residential telephone service. Standard features of digital telephone service will include call waiting, caller ID, call waiting ID, 4-1-1 services, 6-1-1 repair service and operator's assisted calls along with directory listing and memory portability. Simply said, that means that you can keep your existing telephone number. As you may remember, from our notification to Council earlier this year, Time Warner Cable received authorization from the PUCO last December to provide this service. I want to emphasize this that this is not internet telephone service, but we do use voice over internet protocol technology on our own broad ban network. This is another major investment that we have made in the City of Canton totaling some \$15,000,000.00 as we continue to provide advance tele-communication services for our customers in Canton. I thank you very very much for your time this evening.

PRESIDENT DENCZAK: Our final speaker is Fred Johnson.

MR. JOHNSON: Mr. President, and the Mayor. My name is Fred Johnson. I live at 2438 East Tuscarawas Street in the City of Canton. Last year, well, my basement has been flooded several times. Each time demanding that you throw away all the furniture and all the extra material that one might have in his recreation room. Last August, I think this engineer's name is DiMarco, he came out to our place and he talked to Wallace Haley who's here with me who lives at 201 Freedom Avenue NE and went around our area and he told us that the sewer line down on Wallace is the place where most of the sewer goes and with the addition of cleaning out the, the place, the debris and of course with the work that's being put over there, the lines over there on 5th Street NE, would aid us that we would not have this to re-occur so soon. However, last Tuesday night, we all know what has happened and as one lady so plainly spoken that my, in my rec room where the, the wood is frayed and I'm afraid that we will be having mold there. I am asthmatic and of course, this is one of the things I fear, and right now beside the sewer back up, since last August, I had another flooding this week. When I called to ask for assistance to come in, get this out, well, of course, I was told that the materials are being used, and I can imagine it would be because so many people had similar incidents. So on Saturday, I waited all of Saturday afternoon, the person didn't come. So, he said I'll come Tuesday, but if it's an emergency I will come Monday. He called me Monday at 11:30 and said I'll be there at 1:30, 12:30---11:52 he called back and he said I can't come today so I'll come tomorrow. So, in the mean time, I have 2 dehumidifiers, windows open, 2 fans trying to dry this out but the stench is there and I'm, the way I feel, by the time he gets there tomorrow, much of the water will have been absorbed by virtue of the fans. I'm at a point whereby I just don't know what else to do. I personally went out today and I checked all my spouting, and I'm getting drainage from every side of the house so it's not that my spoutings are filled, and I don't know what else to do. I don't know what else to do.

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PRESIDENT DENCZAK: Who is this person that you contacted to come out?

MR. JOHNSON: I think it was DiMario That was last June.

PRESIDENT DENCZAK: And he hasn't come out yet?

MR. JOHNSON: He came out last August. And of course, he promised us, I mean he was very heart, heart-felt very good to think that these things would not re-occur so soon. And, of course, he had a map. He showed us all the areas whereby this would probably go, whereby we wouldn't have this same situation again. But, it's, it's there. I mean, all the people in my area, Freedom and of course, I live on East Tusc on the south side, the sewer line is just not taking it and of course, I can look with great disappointing feeling that when we have a big rain, I'm going to have the same situation again.

PRESIDENT DENCZAK: Okay, sir, your three minutes are up.

MAYOR CREIGHTON: Mr. President, if I may. Mr. Johnson, I understand that you talked to Jimmy DiMarzio last August. Do you know who you spoke to in this last episode?

MR. JOHNSON: In the last which one?

MAYOR CREIGHTON: In this last rain, in the last week. Did you now make a call again?

MR. JOHNSON: No. In fact, the reason I didn't make a call is because I, I was, I was on vacation and I couldn't make... my neighbor, here, Wallace Haley, took care of these matters and so when I got back home Friday night, then on Saturday, I start tryin' to get someone to get water out and then the same person who's the steam master, he said he would come out. But of course, that was three different promises and it had not been met yet. And of course, the stench is overwhelming.

MAYOR CREIGHTON: Thank you.

PRESIDENT DENCZAK: Thank you, sir.

MR. JOHNSON: Thank you.

MISCELLANEOUS BUSINESS

PRESIDENT DENCZAK: We are now under Miscellaneous Business. Is there any Miscellaneous Business? Member Carbenia, do you want to continue your questioning about the flooding?

MEMBER CARBENIA: No, that's all right. I'll just talk to some of the people. Thank you.

MAYOR CREIGHTON: Mr. President, if I may, I'd like to take this opportunity, although you'll get to see him many

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times, is to introduce the new Manager of the Civic Center. His name is A. J. Boleski and if he would stand, I want Council to know him and I invite all of Council to please go up and visit A. J. up at the Civic Center. Ask any questions, give any suggestions and I just wanted to make sure that everyone did meet A J.

MEMBER ZACHARY: Mr. President, I'm just kind of curious to know, because it seems like the problem with drainage and flooding is not just targeted to one area of the city. So, I know the Mayor had put together a Task Force to address the recent flooding problems, but I was kinda of curious to know what short-term plans we have to help people, as well as long-range goals we have, as far as correcting the problem in the future.

SERVICE DIRECTOR ELLSWORTH: Mr. President, as you know, the problems we have in the City with drainage are tremendous. They can be overwhelming and their causes are varied and sundry. You know, at this point, we are attacking the problems as we can, both in manpower and through funding, the funding that we have available to us. For the people who live in the Ridgewood, Market Avenue area, we do have a new sanitary sewer project. Regarding the gentleman on East Tusc and those on Freedom, I need to investigate that and I will investigate that tomorrow morning to see what we have planned in that area. I did note, in looking at the work orders for sewer, or for basement cleanups, that that area was, wasn't hit as hard as some other areas were. So, the short-range goal is, is to try to fix what we can now. The long-range goal is to figure out how to fund the other hundred million dollars worth of projects that we have related to drainage in this City. Several weeks ago, we had a meeting where we presented some ideas for storm water utility. This may be the time to pursue that more vigorously by appointing a committee from Council to look into the feasibility of such a utility. As you know, the Capital Improvement Fund is primarily responsible for most storm water projects and that fund is severely over-burdened. It is funded by income tax dollars, almost exclusively, and as you know, the income tax numbers have been depressed. So, we need to find a way to build up the infrastructure of this City and, there are many areas that have aging infrastructure and many areas that never had any infrastructure. And so, every day is, I have a drainage issue. Last week, I had a whole lot, but, we're attacking them as we get them and we're looking to have a plan in place. The problem is the funding.

LAW DIRECTOR MARTUCCIO: Mr. President, if I can add to that. While the City is looking more closely at what they can do in the short and the long term, so is the County. Many of you know Bob Fonte, the Director of the Stark County Park System. He is a self-described, frustrated hydraulics engineer who is used to going out in the public, sector by sector, identifying issues that need developed. A lot of the parks line the flood plain so he's managed to bring together elected representatives from every political subdivision in Stark County. Everyone understands that water does not respect boundaries and sometimes there's a concern that if one political subdivision, one city, one township, one village, fixes something, it might adversely hurt their next door neighbors because of not planning ahead with proper ditches or proper pipes and retention basins and detention basins and they're looking at everything and anything--keeping more vegetation where it's supposed to be, keeping future housing allotments from having too much hard surface and not enough ponds. We all know about that, here, unfortunately. So, there are four sub-committees. They have begun to meet in various townships. They are working on problem identification, legalities, education, business, agricultural, farmers are represented, industries are represented and again to sum up, they're trying to make sure that while all these terrible things that are happening to different sub-divisions are being studied by a city, by a village, by township, they don't hurt the next person over, and that's also going on at the same time. And, Bob has been quoted as saying it took 25 years or more to develop some of these problems, it's going to take a while to solve them, unfortunately.

MEMBER WEST: Mr. President, several, a couple months ago, I asked Safety Director in reference to using drug

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money that's seized from, by the police officers, if we could use that for surveillance cameras and for signs and I wanted to check tonight as to where the status of that is.

SAFETY DIRECTOR HUNT: Mr. President, I have checked with the Auditor's office and with the Police Department and talked to Chief McKimm. It is my belief that we will be able to fund some purchase of cameras out of that forfeiture money.

MEMBER WEST: Secondly, how would we access that from, in terms of the wards. Would we write a letter to the Safety Director, a police officer?

SAFETY DIRECTOR HUNT: Our intent is to firstly, purchase these cameras and then come back to Council and try to determine where there are needs. Councilmember Carbenia spoke to me several months ago about the possible use, Councilmember Zachary also has been in contact with the Chief of Police for possible purchase of cameras, mobile cameras, to add to different parts of the City for not only crime, but also we're having a lot of trash being thrown in the streets by unwanted individuals. So, it's our hope, within the next couple months, we can review the funding mechanism and maybe purchase some of these cameras.

MEMBER WEST: I thank you for that, but I also want to say that in our area, Ward 2, there's a lot of pan-handlers, prostitutes, drug dealers and I think these cameras will help out a big deal in irradiating some of that problem. So, I thank you for moving on that.

PRESIDENT DENCZAK: Is there any other miscellaneous business?

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

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

NO REMARKS PERMITTED ON THE MOTION TO ADJOURN ROLL CALL: 10 YEAS, 0 NAYS

PRESIDENT DENCZAK: This meeting is adjourned.

ADJOURNMENT TIME: 8:48 P.M.

ATTEST:

APPROVED:

DEBRA VANCKUNAS
CLERK OF COUNCIL

RAY DENCZAK
PRESIDENT OF COUNCIL

