

**MINUTES OF THE MEETING OF JULY 26, 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, July 26, 2004, at 7:30 P.M. in the Canton City Council Chamber. The meeting was called to order by President of Council Ray Denczak. The roll call was then taken (as follows) by Clerk of Council Debbie Vanckunas. The invocation was given by Councilmember-At-Large Mary Babcock, followed by the Pledge of Allegiance led by President of Council Ray Denczak.*

PRESIDENT DENCZAK: Roll call please.

*ROLL CALL TAKEN BY CLERK OF COUNCIL VANCKUNAS:*

ALL 12 COUNCILMEMBERS PRESENT: (DONALD E. CASAR, JOE CARBENIA, MARY M. BABCOCK, THOMAS M. BERNABEL, GREG HAWK, THOMAS E. WEST, RICHARD A MALLONN II, KELLY ZACHARY, TERRY PRATER, DAVID DOUGHERTY, RICHARD HART, & ROSEMARY DIAMOND)

PRESIDENT DENCZAK: Anybody in here from the Supreme Court? God, we're still safe. Thank you, Member Babcock (*referring to giving invocation*).

**AGENDA CORRECTIONS & CHANGES**

PRESIDENT DENCZAK: Agenda Corrections and Changes. You're being asked to suspend Rule 22A to add second readings of Ordinances 20 to 33, 19 being held in Committee. You're being asked to suspend Rule 24 to add Resolutions 73 and 74. Member Casar, the Chair will now recognize the suspension of Rule 22.

MEMBER CASAR: Mr. President, I move we suspend Rule 22A and add Ordinance #20 through 33 on this evening's agenda; seconded.

PRESIDENT DENCZAK: Moved and seconded to suspend Rule 22A to add second readings of Ordinances 20 through and including #33 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 20 through 33 are a legal part of your agenda. The Chair will now recognize Rule 24B suspension, Member Casar.

MEMBER CASAR: Mr. President, I move we suspend Rule 24B and add Ordinances, or Resolutions 73 and 74; seconded.

PRESIDENT DENCZAK: Moved and seconded to suspend Rule 24B to add Resolutions 73 and 74 to the agenda. Are there any remarks?... Very well, roll call vote please.

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NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

PRESIDENT DENCZAK: Rule 24B has been suspended and Resolutions 73 and 74 are a legal part of your Agenda.

**PUBLIC HEARINGS****7:30 PUBLIC HEARING RE: REZONING OF 1131 WERTZ AVENUE NW FR: PB-3 TO PB-4**

PRESIDENT DENCZAK: We have a scheduled public hearing for 7:30 PM. It's a request by Jeffrey Dimmerling to rezone 1131 Wertz Avenue NW from PB-3 to PB-4 for a commercial building with living quarters on the 2<sup>nd</sup> floor and a rear storage building. The Planning Commission recommends approval. The Chair opens the Public Hearing now in regards to this matter. Is there anyone in the audience wishing to speak for or against this rezone, please come forward... Is there anyone in the audience wishing to speak for or against this rezone, please come forward.. State your name and address.

MR. MESSINGER: My name is Paul Messinger, 3022 - 12<sup>th</sup> Street NW. I have a few questions about the rezoning. There's a field behind my house and a few others and myself and another neighbor is concerned about changing the storage. It would bring in other storage units, but that would look like the ones that were built on Wertz called All Star Storage which really looks bad. My comment is, North Canton and Jackson and everybody else, when they put in storage units, they build really nice ones and we allow really crummy ones to be built in our area, but I don't know if, that might be Canton Township area behind my house. Outlot 517 is zoned for residential, Canton City, and I've got no problem with them changing the zoning, as long as it's not ugly and it's, you know, the junk's cleaned up around the back and, because the guy has stepped forward and changed the zoning to be proper and it was never zoned properly anyway and the guy's standing up and doing that right. So, my comment is that, as long as it looks decent, I don't have a problem with it, but we need to have the junk cleaned up and then go from there.

PRESIDENT DENCZAK: Is there anyone else wishing to speak for or against this zone change, please come forward... Is there anyone else wishing to speak for or against this zone change, please come forward...

MR. KNASSAS: My name Alex Knassas. I own three commercial properties...

PRESIDENT DENCZAK: State your address please, where you live... Where do you live? State your address, please.

MR. KNASSAS: My address is 2923 12<sup>th</sup> Street NW, Canton. I own three commercial properties next to 1131 Wertz Avenue. The property being considered for zoning change. I strongly oppose the rezoning because I believe it will devalue my property, and I ask you to deny the request for rezoning. I am also concerned because of the disregard the owner of the property has shown to his neighbors. The area behind his building looks like a dump piled with junk, including five cars, a boat and number of other items that looks like they have been discarded. If the owner wants his neighbors to consider his request, he should show, he should show us that he takes responsibility to his property and clean it up. If you are interested, I have some pictures showing what I'm talking about. They were taken last Thursday. Thank you for your consideration of my opposition to the request for rezoning. This is my pictures. (*Pictures distributed to Members of Council*)

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PRESIDENT DENCZAK: Is there anyone else in the audience wishing to speak for or against this zone change, please come forward.

MR. DIMMERLING: My name is Jeff Dimmerling. I live at 1131 Wertz Avenue. First, I want to address Paul's concern about the field behind all of our properties. There's a big field back there, it's a couple acres. That is Canton Township. I don't own any of that so I have no plans to change any of that and that's not being rezoned to the best of my knowledge. Only my property is. So, I think that addresses that one. And, in terms of him, this addresses cleaning up the trash for both Alex and Paul. I've made it very clear to my tenant that I want all the small stuff that you see in that picture inside. I have both a secured area and the building that he rents out. I want all of that small stuff back inside where it was. He found one of his employees stealing from him so he's in the middle of an inventory. He's trying to clear out room in there and had a bunch of that stuff outside. I told him he needs to get it all back inside and get it cleaned up so it looks decent and then, once we get that done, it'll be business as usual. We're only, we're zoned B-3 now, we rented the back building to him and the back area to him assuming that B-3, you know, you could do storage with B-3 but apparently you can't, you have to be B-4 I come to find out. So, like Paul said, I'm trying to make things right. So, that's really all I have to say on the matter if anybody has any questions.

PRESIDENT DENCZAK: Member Hawk, is this in your ward?

MEMBER HAWK: Yes, Mr. President, it is.

PRESIDENT DENCZAK: Is there anyone else in the audience wishing to speak for or against this zone change, please come forward... Is there anyone else in the audience wishing to speak for or against this zone change, please come forward... Is there anyone else in the audience wishing to speak for or against this zone change, please come forward... Sir, you already spoke (*Mr. Dimmerling attempting to return to the microphone*). No. Is there anyone else?... 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. At the request of the Ward Councilman, the Chair's going to exercise it's prerogative here and go directly to ordinances.

**ORDINANCES & FORMAL RESOLUTIONS FOR THIRD READING**

PRESIDENT DENCZAK: Let the Journal show that all Ordinances are being given their reading as required by State Law. Under Ordinances and Formal Resolutions for the Third and Final Reading, Ordinance #34 is the Ordinance that pertains to this particular rezoning. The question before Council now is Ordinance #34, Member Casar.

MEMBER CASAR: Mr. President, I move we adopt Ordinance #34; seconded.

PRESIDENT DENCZAK: You'll have to ask for it to be read first, Member Casar. Put it on the floor.

MEMBER CASAR: Mr. President....

PRESIDENT DENCZAK: Move to adopt the Ordinance.

MEMBER CASAR: I did.

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PRESIDENT DENCZAK: Oh. The Clerk has to read it first.

MEMBER CASAR: The Clerk has to read it first.

#34 (3<sup>rd</sup> RDG ) **DEFEATED** AN ORDINANCE AMENDING O.55/77, AS AMENDED, KNOWN AS THE CITY OF CANTON ZONING ORDINANCE; AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT DENCZAK: Now, Member Casar.

MEMBER CASAR: Mr. President, I move we adopt Ordinance #34; seconded.

PRESIDENT DENCZAK: Moved and seconded that you adopt Ordinance #34. Are there any remarks under this ordinance?

MEMBER HAWK: Mr. President, I'm going to ask that we reject this zoning change. I have shown some Councilmembers pictures that I took this afternoon. This place is in essence a junk yard. There are four non-running vehicles parked back there. There is three or four yard and garden tractors parked there. There are several other piles of trash and junk parked back, sitting back there. I can, I find it very hard to reward someone with a zone change when they do not maintain or take care of their property and violate our city's zoning ordinances. I would ask all of Council to support me on this issue and I thank you for your time.

PRESIDENT DENCZAK: Are there any other remarks?... The question that you're voting on now is Ordinance #34. Roll call vote please.

NO REMARKS

ROLL CALL: 0 YEAS, 12 NAYS

PRESIDENT DENCZAK: Although the Planning Commission recommended approval, Council has denied the zone change request. The Ordinance is defeated. **#34 DEFEATED**

**PUBLIC HEARINGS - CONTINUED****7:31 PM PUBLIC HEARING RE: FEDERAL CAMPUS PROJECT**

PRESIDENT DENCZAK: We have a scheduled public hearing for 7:31pm. It's declaring and designating a two square block area in downtown Canton known as the Federal Campus Project as an Urban Renewal and Redevelopment Area.

Is there anyone in the audience wishing to speak in regards to this campus area project?...

Is there anyone in the audience wishing to speak in regards to this campus project?... Is there anyone in the audience wishing to speak in regards to this campus area project, please come forward.... Apparently not. The Chair declares the public hearing over in regards to this matter. The Planning Commission recommends approval. The Public Hearing was held this evening, however, the Ordinance is up for the second reading and will not be passed until the third reading, at the next meeting.

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PRESIDENT DENCZAK: No one has signed up for Public Speaks under Ordinances and 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. Resolution #72.

***PRESIDENT DENCZAK CALLED UPON CLERK OF COUNCIL VANCKUNAS TO READ RESOLUTIONS #72, THROUGH AND INCLUDING #74 BY TITLE, AS SHOWN BELOW. THE RESOLUTIONS ARE ON FILE IN THEIR ENTIRETY IN THE COUNCIL OFFICE WITH THE AGENDA ITEMS DATED JULY 26, 2004.***

72. CASAR, DONALD E., MAJORITY LEADER: AMENDING RULE #2 OF THE RULES OF PROCEDURE FOR THE CANTON CITY COUNCIL BY RESCHEDULING THE AUGUST 9, 2004 REGULAR MEETING TO AUGUST 10, 2004. - ADOPTED BY COUNCIL

MEMBER CASAR: Mr. President, I move we adopt Resolution #72; seconded.

PRESIDENT DENCZAK: Moved and seconded that you adopt Resolution #72. Are there any remarks under this Resolution?... The question you're voting on now is the date change. Roll call vote, please.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

PRESIDENT DENCZAK: The rule change has been approved by Council. Council will meet on a Tuesday, 8/10 in the year 2004.

**RESOLUTION #72 ADOPTED**

**RULE 24B WAS SUSPENDED TO ADD RE#73 & 74**

#73 PERSONNEL COMMITTEE: APPROVING MAYOR CREIGHTON'S APPOINTMENT OF JOHN BURKHARDT TO FILL A VACANCY ON THE STARK COUNTY REGIONAL PLANNING COMMISSION FOR A 2-YR TERM EFFECTIVE AUGUST 1, 2004 THROUGH JULY 31, 2006. - ADOPTED BY COUNCIL

MEMBER CASAR: Mr. President, I would move that we adopt Resolution #73; seconded.

PRESIDENT DENCZAK: Moved and seconded that you adopt Resolution #73. 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 #73 ADOPTED BY UNANIMOUS VOICE VOTE

PRESIDENT DENCZAK: Resolution #73 is adopted.

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#74 PERSONNEL COMMITTEE: APPROVING MAYOR CREIGHTON'S APPOINTMENT OF KARL (BUTCH) KRAUS, JR. TO FILL A VACANCY ON THE STARK COUNTY REGIONAL PLANNING COMMISSION FOR A 2 YR TERM EFFECTIVE 8/1/2004 THROUGH 7/31/2006. - ADOPTED BY COUNCIL

MEMBER CASAR: Mr. President, I move we adopt Resolution #74; seconded.

PRESIDENT DENCZAK: Because the Chair senses that this may be a close vote and I, the Chair, may have to vote to break the tie, the Chair's going to call for a roll call vote. Roll call please.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

PRESIDENT DENCZAK: Had there been a tie, the Chair would have voted no.

MEMBER CARBENIA: Mr. President....

PRESIDENT DENCZAK: The Resolution, the Resolution is adopted. Member Carbenia?

MEMBER CARBENIA: Mr. President, may I make a statement on the passage?

PRESIDENT DENCZAK: Yes.

MEMBER CARBENIA: I just wanted to say the reason I did that is I wanted to show that if we took a vote that it was unanimous.

PRESIDENT DENCZAK: Kissing up to him now, huh? Resolution #74 is adopted.

**RESOLUTION #74 ADOPTED BY UNANIMOUS VOICE VOTE**

**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 JULY 26, 2004.***

400. BUILDING DEPARTMENT, CITY OF CANTON: MONTHLY INCOME FOR THE MONTH OF MAY, 2004. - RECEIVED & FILED

401. FRENZ, ROBERT L, 1614 WESTPARK NW, CANTON, OH 44708: REQUEST TO VACATE PART OF A 19' UNNAMED ALLEY NORTH OF WINFIELD WAY NE, & REPLAT VARIOUS LOTS #21677 & ETC. - PLANNING COMMISSION

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402. HEALTH BENEFITS ADMINISTRATOR ROSE BRESSON, CITY OF CANTON: JUNE MONTHLY COMPARATIVE REPORT OF INSURANCE CLAIMS & JAN-JUNE PAID CLAIMS & COMPARATIVE REPORT. - RECEIVED & FILED
403. LIQUOR CONTROL DIVISION, 6606 TUSSING RD, PO BOX 4005, REYNOLDSBURG, OH 43068-9005: ADVISING THAT THE HEARING SCHEDULED FOR 7/6/04 HAS BEEN CONTINUED RE: TRANSFER OF D5 LIQUOR PERMIT REQUESTED BY PLATINUM DYNASTY LLC, dba CLUB BLUEPRINT, 1016 12<sup>TH</sup> STREET NE. - INTERGOVERNMENTAL & PUBLIC SERVICE CMTE
404. LIQUOR CONTROL DIVISION, 6606 TUSSING RD, PO BOX 4005, REYNOLDSBURG, OH 43068-9005: ADVISING THAT THE HEARING SCHEDULED FOR 7/6/04 HAS BEEN CONTINUED RE: NEW C1,2 LIQUOR PERMIT REQUESTED BY TAP STATIONS INVESTMENTS LLC, dba AP, 903 12<sup>TH</sup> ST NE. - INTERGOVERNMENTAL & PUBLIC SERVICE CMTE
405. LIQUOR CONTROL DIVISION, 6606 TUSSING RD, PO BOX 4005, REYNOLDSBURG, OH 43068-9005: REQUEST FOR NEW D1 LIQUOR PERMIT BY JOHN E. JOHNSON & ARTHUR T. JOHNSON, dba CAROUSEL LOUNGE, 3012 ATLANTIC BLVD NE. - INTERGOVERNMENTAL & PUBLIC SERVICE CMTE
406. LIQUOR CONTROL DIVISION, 6606 TUSSING RD, PO BOX 4005, REYNOLDSBURG, OH 43068-9005: REQUEST FOR NEW C2 LIQUOR PERMIT BY JAMES THOMAS NEWELL, dba BASKETFANFARE, 2241 W TUSC. - INTERGOVERNMENTAL & PUBLIC SERVICE CMTE
407. MAYOR JANET WEIR-CREIGHTON, CITY OF CANTON: REQUESTING \$33,000 SUPPLEMENTAL APPROPRIATION & INTERFUND TRANSFER TO COVER REMAINING WAGES, MATERIALS & SUPPLIES FOR THE YOUTH DEVELOPMENT SUMMER FOOD PROGRAM. - FINANCE CMTE
408. MAYOR JANET WEIR-CREIGHTON, CITY OF CANTON: REQUESTING CONFIRMATION OF APPOINTMENT OF JOHN W. BURKHARDT TO FILL A VACANCY ON THE STARK COUNTY REGIONAL PLANNING COMSN FOR A 2-YR TERM 8/1/04-7/31/06. - PERSONNEL CMTE (See Re#73)
409. MAYOR JANET WEIR-CREIGHTON, CITY OF CANTON: REQUESTING CONFIRMATION OF APPOINTMENT OF KARL A. (BUTCH) KRAUS, JR. TO FILL VACANCY ON THE STARK COUNTY REGIONAL PLANNING COMMISSION FOR A 2-YR TERM 8/1/04 - 7/31/06. - PERSONNEL CMTE (See Re#74)
410. OHIO EPA, P O BOX 1049, COLUMBUS, OH 43216-1049: APPROVAL OF PLANS FOR PROPOSED WATER MAIN EXTENSION TO NEW DAWN DEVELOPMENT PARK #2 & NOTIFICATION THAT THIS ACTION MAY BE APPEALED. - RECEIVED & FILED
411. REPUBLIC ENGINEERED PRODUCTS, 3770 EMBASSY PARKWAY, AKRON, OH 44333-8367: ANNOUNCEMENT OF SECOND-QUARTER PROFIT. - RECEIVED & FILED

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412. SERVICE DIRECTOR TAD C. ELLSWORTH, CITY OF CANTON: REQUEST TO AMEND CITY CODE SECTION 150.01 RE: SYSTEMS PLANNING BOARD BY REMOVAL OF BUDGET DIRECTOR, REDUCTION OF PUBLIC MEMBERS FROM 2 TO 1, & ADDITION OF SAFETY DIRECTOR; REQUESTING RESOLUTION THAT SYSTEMS PLANNING BOARD APPROVE ANY COMPUTER-RELATED PURCHASE OVER \$15,000. - JUDICIARY CMTE
413. SERVICE DIRECTOR TAD C. ELLSWORTH, CITY OF CANTON: REQUEST TO ACCEPT \$4,700 TARGETED INDUSTRIES TRAINING GRANT THROUGH STARK STATE COLLEGE FOR JAVA PROGRAMMING TRAINING FOR MIS DEPT. - FINANCE CMTE
414. SERVICE DIRECTOR TAD C. ELLSWORTH, CITY OF CANTON: REQUEST \$402,651.62 TRANSFER FROM 4501 CAPITAL IMPROVEMENT FUND FOR CONSTRUCTION COSTS IN THE WOODLAND AVE NW RELIEF STORM SEWER GP 1062, & \$984,851.62 SUPPLEMENTAL APPROPRIATION FOR SAME. - ENVIRONMENTAL & PUBLIC UTILITIES & FINANCE CMTE
415. SERVICE DIRECTOR TAD C. ELLSWORTH, CITY OF CANTON: REQUEST TO ENTER INTO \$95,000 CONTRACT W/ BURGESS & NIPLE FOR PREPARATION OF A CAPITAL IMPROVEMENT PLAN FOR CANTON WATER FACILITIES, & \$95,000 SUPPLEMENTAL APPROPRIATION FROM THE 5201 FUND. - ENVIRONMENTAL & PUBLIC UTILITIES & FINANCE CMTE
416. SERVICE DIRECTOR TAD C. ELLSWORTH, CITY OF CANTON: REQUEST \$72,855.73 MORAL OB PAYMENT TO CENTRAL-ALLIED ENTERPRISES FOR EMERGENCY REPAIR WORK AT 12<sup>TH</sup> & MONUMENT NW. - FINANCE CMTE
417. MAYOR JANET WEIR-CREIGHTON: REQUEST AMENDMENTS TO O.164/2001, O.40/2001, & CITY CODE CHAPTER 151 BASED UPON THE STATE EMPLOYMENT RELATIONS BOARD'S RULING INCLUDING FIRE BATTALION CHIEFS IN THE BARGAINING UNIT REPRESENTED BY THE CPFFA, LOCAL 249. - PERSONNEL & JUDICIARY CMTE
418. SERVICE DIRECTOR TAD C. ELLSWORTH, CITY OF CANTON: REQUEST TO ADVERTISE, RECEIVE BIDS & ENTER INTO CONTRACT FOR THE PURCHASE OF A HIGH COMPACTION GARBAGE TRUCK FOR THE SANITATION DEPT. - PUBLIC PROPERTY CAPITAL IMPROVEMENT & FINANCE CMTE
419. SERVICE DIRECTOR TAD C. ELLSWORTH, CITY OF CANTON: REQUEST \$10,128.10 REIMBURSEMENT TO RESIDENTS FOR WATER SERVICE AT 1404 BELLVIEW ST NE & 155 FAIRCREST ST SW, & \$40,000 FOR FUTURE REIMBURSEMENTS TO 5203 207044 PRIVATE WATER REIMBURSEMENT FUND. - ENVIRONMENTAL & PUBLIC UTILITIES & FINANCE CMTE
420. TREASURER ROBERT C. SCHIRACK, CITY OF CANTON: REQUEST AMENDMENT TO CITY CODE CHAPTER 181 TO INCLUDE SPECIFIC LANGUAGE ADDRESSING THE RESPONSIBILITY & LIABILITY OF CORPORATIONS & BUSINESSES TO FILE & PAY CITY INCOME TAXES. - JUDICIARY CMTE

**MINUTES OF THE MEETING OF JULY 26, 2004****ORDINANCES & FORMAL RESOLUTIONS FOR FIRST READING**

PRESIDENT DENCZAK: Resolutions for the first reading and referral. Resolution, Ordinance #1.

***NOTE: PRESIDENT DENCZAK CALLED UPON CLERK VANCKUNAS TO READ THE FOLLOWING ORDINANCES #1 THROUGH AND INCLUDING #18 FOR THE FIRST TIME BY TITLE & ANNOUNCED THE COMMITTEE REFERRALS, AS FOLLOWS.***

- #1 (1<sup>ST</sup> RDG) AN ORDINANCE ESTABLISHING THE FAIR MARKET VALUE OF REAL PROPERTY IN CONJUNCTION WITH THE FEDERAL CAMPUS PROJECT; AUTHORIZING THE MAYOR OR CHIEF OF STAFF TO NEGOTIATE AND PURCHASE SAID PARCELS AT THE ESTABLISHED FAIR MARKET VALUE; AND DECLARING THE SAME TO BE AN EMERGENCY  
Referred to Marketing & Development Grant and Community & Economic Development Committees
- #2 (1<sup>ST</sup> RDG) AN ORDINANCE AUTHORIZING THE MAYOR TO SUBMIT THE 2005 RECYCLE OHIO GRANT APPLICATION TO THE OHIO DEPARTMENT OF NATURAL RESOURCES AND TO ACCEPT AND EXECUTE THE GRANT; AUTHORIZING A VARIABLE CASH MATCH FROM COMMUNITY DEVELOPMENT FUNDS; AUTHORIZING THE MAYOR TO ENTER INTO CONTRACT WITH THE GREATER CANTON CHAMBER OF COMMERCE; AND DECLARING THE SAME TO BE AN EMERGENCY  
Referred to the Community & Economic Development Committee
- #3 (1<sup>ST</sup> RDG) AN ORDINANCE AUTHORIZING THE MAYOR AND OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CONTRACT WITH ICAN, INC. TO PROVIDE A GRANT IN AN AMOUNT NOT TO EXCEED \$25,000 TO BUILD A BUS GARAGE; AND DECLARING THE SAME TO BE AN EMERGENCY  
Referred to Community & Economic Development and Finance Committees
- #4 (1<sup>ST</sup> RDG) AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CONTRACT WITH THE CANTON COMMUNITY CLINIC INC. TO PROVIDE A GRANT IN AN AMOUNT NOT TO EXCEED \$251,000 FOR OPERATIONAL EXPENSES; AND DECLARING THE SAME TO BE AN EMERGENCY  
Referred to Community & Economic Development and Finance Committees
- #5 (1<sup>ST</sup> RDG) AN ORDINANCE AMENDING SECTIONS 515.02 AND 515.03 OF THE FAIR HOUSING CODE OF THE CODIFIED ORDINANCES OF THE CITY OF CANTON; AND DECLARING THE SAME TO BE AN EMERGENCY  
Referred to Judiciary, Community & Economic Development and Finance Committees

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- #6 (1<sup>ST</sup> RDG) AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A PROFESSIONAL SERVICE CONTRACT WITH HULL & ASSOCIATES INC. IN AN AMOUNT NOT TO EXCEED \$52,615.00 FOR PROJECT DEVELOPMENT AND CONSTRUCTION MANAGEMENT SERVICES FOR THE ONESTO HOTEL PROJECT; TO ADVERTISE, RECEIVE BIDS AND ENTER INTO CONTRACT FOR THE REMOVAL OF ASBESTOS, AMENDING APPROPRIATION O.1/2004 AS AMENDED BY MAKING THE SUPPLEMENTAL APPROPRIATIONS AND INTERFUND TRANSFERS HEREIN DESCRIBED; AND DECLARING THE SAME TO BE AN EMERGENCY  
Referred to Community & Economic Development and Finance Committees
- #7 (1<sup>ST</sup> RDG) AN ORDINANCE AUTHORIZING MAYOR AND/OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO AN INTERIM AGREEMENT WITH THE U. S. DEPARTMENT OF HOUSING & URBAN DEVELOPMENT TO PARTICIPATE IN THE FAIR HOUSING ASSISTANCE PROGRAM; ESTABLISHING THE 2215 FAIR HOUSING ASSISTANCE PROGRAM FUND; AMENDING APPROPRIATION O.1/2004 AS AMENDED; AND DECLARING THE SAME TO BE AN EMERGENCY  
Referred to Judiciary, Community & Economic Development and Finance Committees
- #8 (1<sup>ST</sup> RDG) AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A LOAN AGREEMENT WITH STARK COUNTY FOUNDATION, SUBSIDIARIES, ASSIGNEES OR DESIGNEES IN AN AMOUNT NOT TO EXCEED \$900,000 FOR PROFESSIONAL SERVICES AND REMOVAL OF ASBESTOS IN THE ONESTO HOTEL; AND DECLARING THE SAME TO BE AN EMERGENCY  
Referred to Community & Economic Development and Finance Committees
- #9 (1<sup>ST</sup> RDG) AN ORDINANCE AMENDING CHAPTER 971 CANTON MEMORIAL CIVIC CENTER OF THE CODIFIED ORDINANCES OF THE CITY OF CANTON; AND DECLARING THE SAME TO BE AN EMERGENCY  
Referred to the Judiciary Committee
- #10 (1<sup>ST</sup> RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY TO ENTER INTO A THREE YEAR PROFESSIONAL SERVICES CONTRACT WITH OHIO BILLING INC. FOR THE BILLING AND COLLECTION OF USER FEES FOR EMERGENCY AMBULANCE SERVICES; AND DECLARING THE SAME TO BE AN EMERGENCY  
Referred to Finance Committee
- #11 (1<sup>ST</sup> RDG) AN ORDINANCE AUTHORIZING THE MAYOR TO MAKE APPLICATION FOR A LOCAL LAW ENFORCEMENT BLOCK GRANT TO THE U. S. DEPARTMENT OF JUSTICE TO ENTER INTO AGREEMENT TO ACCEPT AND ADMINISTER THE GRANT AND TO EXECUTE A LETTER OF UNDERSTANDING WITH STARK COUNTY, OHIO CONCERNING REALLOCATION OF PROCEEDS OF THE GRANT; AND DECLARING THE SAME TO BE AN EMERGENCY

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Referred to Marketing & Development Grant Committee

- #12 (1<sup>ST</sup> RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY TO ENTER INTO A SERVICE AGREEMENT WITH MOTOROLA INC. FOR THE MAINTENANCE OF THE CITY'S RADIO COMMUNICATION SYSTEM; AND DECLARING THE SAME TO BE AN EMERGENCY

Referred to Public Property Capital Improvement and Finance Committees

- #13 (1<sup>ST</sup> RDG) AN ORDINANCE ADOPTING THE CITY OF CANTON'S PROPOSED TAX BUDGET FOR THE FISCAL YEAR ENDING 12/31/05; AND DECLARING THE SAME TO BE AN EMERGENCY

Referred to the Finance Committee

- #14 (1<sup>ST</sup> RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ADVERTISE, RECEIVE BIDS AND ENTER INTO CONTRACT FOR THE PURCHASE OF VARIOUS TABLES AND STORAGE CARTS FOR THE CIVIC CENTER; AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ALTERNATIVELY PURCHASE TABLES AND STORAGE CARTS PURSUANT TO THE STATE COOPERATIVE PURCHASING AGREEMENT; AND DECLARING THE SAME TO BE AN EMERGENCY

Referred to the Public Property Capital Improvement and Finance Committees

- #15 (1<sup>ST</sup> RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ADVERTISE, RECEIVE BIDS AND ENTER INTO CONTRACT FOR THE INSTALLATION OF BACKWATER VALVES; AMENDING APPROPRIATION O.1/2004 AS AMENDED; AND DECLARING THE SAME TO BE AN EMERGENCY

Referred to the Judiciary, Environmental & Public Utilities and Finance Committees

- #16 (1<sup>ST</sup> RDG) AN ORDINANCE AUTHORIZING A CONTRACT AMENDMENT BETWEEN THE CITY OF CANTON AND LOCAL 2937 AND OHIO COUNCIL 8 AFSCME; AND DECLARING THE SAME TO BE AN EMERGENCY

Referred to Personnel Committee

- #17 (1<sup>ST</sup> RDG) AN ORDINANCE AMENDING EXHIBIT A TO O.48/2004; AND DECLARING THE SAME TO BE AN EMERGENCY

Referred to Community & Economic Development and Finance Committees

- #18 (1<sup>ST</sup> RDG) AN ORDINANCE AMENDING APPROPRIATION O.1/2004 AS AMENDED BY MAKING THE SUPPLEMENTAL HEREIN DESCRIBED; AND DECLARING THE SAME TO BE AN EMERGENCY

Referred to Environmental & Public Utilities and Finance Committees

**ORDINANCES & FORMAL RESOLUTIONS FOR SECOND READING**

**MINUTES OF THE MEETING OF JULY 26, 2004**

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

***NOTE: PRESIDENT DENCZAK CALLED UPON CLERK VANCKUNAS TO READ THE FOLLOWING ORDINANCES #20 THROUGH AND INCLUDING #33 FOR THE SECOND TIME BY TITLE, AS FOLLOWS. ORDINANCE #19 WAS RETAINED IN COMMITTEE; ORDINANCE #30 WAS ADOPTED FOLLOWING ITS SECOND READING.***

#19 **RETAINED IN COMMITTEE** AN ORDINANCE AMENDING TITLE NINE, TAXATION, OF THE CODIFIED ORDINANCES OF THE CITY OF CANTON BY THE ENACTMENT AND ADDITION OF CHAPTER 185, TRANSIENT LODGING TAX

**RULE 22A WAS SUSPENDED TO ADD #20 THROUGH #33:**

- #20 (2<sup>ND</sup> RDG) AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 1/2004, AS AMENDED, BY MAKING THE SUPPLEMENTAL APPROPRIATIONS HEREIN DESCRIBED; AND DECLARING THE SAME TO BE AN EMERGENCY
- #21 (2<sup>ND</sup> RDG) AN ORDINANCE AMENDING SECTION 123.05, TRAVEL EXPENSES GENERALLY, OF THE CODIFIED ORDINANCES OF THE CITY OF CANTON
- #22 (2<sup>ND</sup> RDG) AN ORDINANCE DECLARING AND DESIGNATING AN AREA LOCATED IN DOWNTOWN CANTON AS AN URBAN RENEWAL AND REDEVELOPMENT AREA; AND DECLARING THE SAME TO BE AN EMERGENCY
- #23 (2<sup>ND</sup> RDG) AN ORDINANCE APPROVING AND ADOPTING AN URBAN RENEWAL PLAN FOR AN URBAN RENEWAL AND REDEVELOPMENT AREA LOCATED IN DOWNTOWN CANTON; AND DECLARING THE SAME TO BE AN EMERGENCY
- #24 (2<sup>ND</sup> RDG) AN ORDINANCE VACATING A PORTION OF A 10' UNNAMED ALLEY NORTH OF 14<sup>TH</sup> STREET SE; AND DECLARING THE SAME TO BE AN EMERGENCY
- #25 (2<sup>ND</sup> RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY TO ACCEPT DONATIONS FOR SMOKE DETECTORS; AMENDING APPROPRIATION ORDINANCE NO. 1/2004, AS AMENDED BY MAKING THE SUPPLEMENTAL APPROPRIATION HEREIN DESCRIBED; AND DECLARING THE SAME TO BE AN EMERGENCY
- #26 (2<sup>ND</sup> RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY TO ENTER INTO CONTRACT WITH TRAFFIC SYSTEMS, LLC FOR THE PURCHASE OF SONEM PHASE SELECTORS; AND DECLARING THE SAME TO BE AN EMERGENCY

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- #27 (2<sup>ND</sup> RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A MAINTENANCE AGREEMENT WITH CTR SYSTEMS, INC. FOR THE KRONOS TIME KEEPER SYSTEM; AND DECLARING THE SAME TO BE AN EMERGENCY
- #28 (2<sup>ND</sup> RDG) AN ORDINANCE APPROVING A CANTON CITY WATER MAIN EXTENSION TO PLAIN TOWNSHIP; AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CONTRACT FOR THE EXTENSION OF THE WATER MAIN; AND DECLARING THE SAME TO BE AN EMERGENCY
- #29 (2<sup>ND</sup> RDG) AN ORDINANCE AUTHORIZING THE MAYOR TO ACCEPT A GRANT FROM THE OHIO EMERGENCY MANAGEMENT AGENCY; AUTHORIZING THE AUDITOR TO ESTABLISH THE 5223 WATER CRITICAL INFRASTRUCTURE PROTECTION FUND; AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CONTRACT WITH SIMPLEX GRINNELL LP FOR SECURITY EQUIPMENT PURSUANT TO OHIO REVISED CODE SECTION 125.04; AMENDING APPROPRIATION ORDINANCE NO. 1/2004; AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ADVERTISE, RECEIVE BIDS AND ENTER INTO CONTRACT FOR THE PURCHASE OF FENCING AND GATES; AND DECLARING THE SAME TO BE AN EMERGENCY
- #30 (2<sup>ND</sup> RDG) **ADOPTED AS ORDINANCE 117/2004** AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CONTRACT WITH NORTHROP GRUMMAN MISSION SYSTEMS IN AN AMOUNT NOT TO EXCEED \$40,243.12 FOR THE PURCHASE OF COMMUNICATION EQUIPMENT PURSUANT TO OHIO REVISED CODE SECTION 125.04; AND DECLARING THE SAME TO BE AN EMERGENCY

MEMBER CASAR: Mr. President, I move the statutory rules be suspended on Ordinance 30; seconded.

PRESIDENT DENCZAK: Moved and seconded to dispense with the three readings of Ordinance #30. Are there any remarks?... If not, roll call vote, please.

NO REMARKS

ROLL CALL VOTE: 12 YEAS, 0 NAYS

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

MEMBER CASAR: Mr. President, I move we adopt Ordinance #30; seconded.

PRESIDENT DENCZAK: Moved and seconded that you adopt Ordinance #30. Are there any remarks under this Ordinance?... Very well, roll call vote please.

NO REMARKS

ROLL CALL VOTE: 12 YEAS, 0 NAYS

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PRESIDENT DENCZAK: Ordinance #30 is adopted.

**#30 ADOPTED AS ORDINANCE NO. 117/2004**

#31 (2<sup>nd</sup> RDG) AN ORDINANCE AUTHORIZING THE AUDITOR TO PAY A MORAL OBLIGATION IN AN AMOUNT NOT TO EXCEED \$19,488.00 TO HANNON ELECTRIC COMPANY; AND DECLARING THE SAME TO BE AN EMERGENCY

#32 (2<sup>nd</sup> RDG) AN ORDINANCE AMENDING ORDINANCE NO. 174/95, AUTHORIZING THE AUDITOR TO ESTABLISH AND/OR MAINTAIN PETTY CASH AND/OR CHANGE DRAWER FUNDS FOR THE WATER POLLUTION CONTROL CENTER; AND DECLARING THE SAME TO BE AN EMERGENCY

#33 (2<sup>nd</sup> RDG) A RESOLUTION APPROVING THE STATEMENT OF SERVICES TO BE PROVIDED TO THE PROPERTY OWNER IN THE GROFFRE/RICHMOND ANNEXATION AREA UPON ITS BEING ANNEXED TO THE CITY OF CANTON, OHIO; 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.

***NOTE: PRESIDENT DENCZAK CALLED UPON CLERK VANCKUNAS TO READ THE FOLLOWING ORDINANCES #35 THROUGH AND INCLUDING #45 FOR THE THIRD & FINAL TIME BY TITLE, AS FOLLOWS.***

***ORDINANCE #34 UNDER THIRD READINGS WAS PREVIOUSLY DEFEATED BY COUNCIL—SEE JOURNAL PAGE 393 HEREIN.***

#35 (3<sup>RD</sup> RDG) **ADOPTED AS ORDINANCE 118/2004** 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

MEMBER CASAR: Mr. President, I move we adopt Ordinance #35; seconded.

PRESIDENT DENCZAK: Moved and seconded that you adopt Ordinance 35. Are there any remarks under this Ordinance?... Very well, roll call vote, please.

NO REMARKS

ROLL CALL VOTE: 12 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance #35 is adopted.

**#35 ADOPTED AS ORDINANCE NO. 118/2004**

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#36 (3<sup>RD</sup> RDG) **ADOPTED AS ORDINANCE 119/2004** AN ORDINANCE AUTHORIZING THE MAYOR 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

MEMBER CASAR: Mr. President, I move we adopt Ordinance #36; seconded.

PRESIDENT DENCZAK: Moved and seconded that you adopt Ordinance 36. Are there any remarks under this Ordinance?... Very well, roll call vote, please.

NO REMARKS

ROLL CALL VOTE: 12 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance #36 is adopted.

**#36 ADOPTED AS ORDINANCE NO. 119/2004**

#37 (3<sup>RD</sup> RDG) **ADOPTED AS ORDINANCE 120/2004** 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

MEMBER CASAR: Mr. President, I move we adopt Ordinance #37; seconded.

PRESIDENT DENCZAK: Moved and seconded that you adopt Ordinance 37. Are there any remarks under this Ordinance?... Very well, roll call vote, please.

NO REMARKS

ROLL CALL VOTE: 12 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance #37 is adopted.

**#37 ADOPTED AS ORDINANCE NO. 120/2004**

#38 (3<sup>RD</sup> RDG) **ADOPTED AS ORDINANCE 121/2004** AN ORDINANCE AUTHORIZING THE MAYOR 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

MEMBER CASAR: Mr. President, I move we adopt Ordinance #38; seconded.

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PRESIDENT DENCZAK: Moved and seconded that you adopt Ordinance 38. Are there any remarks under this Ordinance?... Very well, roll call vote, please.

NO REMARKS

ROLL CALL VOTE: 12 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance #38 is adopted.

**#38 ADOPTED AS ORDINANCE NO. 121/2004**

#39 (3<sup>RD</sup> RDG) **ADOPTED AS ORDINANCE 122/2004** 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

MEMBER CASAR: Mr. President, I move we adopt Ordinance #39; seconded.

PRESIDENT DENCZAK: Moved and seconded that you adopt Ordinance 39. Are there any remarks under this Ordinance?

MEMBER CASAR: Mr. President, I move we amend Ordinance #39 per the copy that each one has in front of them and basically, what the amendment is, an employee hired into this position shall become a city resident within six months of their of their hire date unless a waiver of residency is granted by City Council; seconded.

**AMENDMENT:** Pursuant to Rule No. 36, I hereby move to amend Section 2 of Agenda Item No. 39 to read as follows:

**SECTION 2. Exhibit A to Ordinance No. 164/2001, as amended, is amended as follows:**

**POSITION GROUP 50CD DIVISION OF COMMUNITY & ECONOMIC DEVELOPMENT & PLANNING MANAGEMENT**

**(a) Establish a salary range of \$66,633 - \$99,000 for the position of Director**

**(b) Add the following qualifying language to the Director position:**

**Any employee hired into this position shall become a city resident within six (6) months of their hire date, unless a waiver of residency is granted by City Council. The foregoing amendment is contained in the attached Exhibit A.**

**I further move to amend Agenda Item No. 39 by substituting the Exhibit A attached to this Amendment for the Exhibit A attached to the ordinance currently pending before Council.**

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

NO REMARKS

AMENDMENT PASSED BY UNANIMOUS VOICE VOTE

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PRESIDENT DENCZAK: The amendment is 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.

NO REMARKS

ROLL CALL VOTE: 12 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance #39 as amended is adopted.

**#39 ADOPTED, AS AMENDED, AS ORDINANCE NO. 122/2004**

#40 (3<sup>RD</sup> RDG) **ADOPTED AS ORDINANCE 123/2004** 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

MEMBER CASAR: Mr. President, I move we adopt Ordinance #40; seconded.

PRESIDENT DENCZAK: Moved and seconded that you adopt Ordinance #40. Are there any remarks under this Ordinance?... Very well, roll call vote, please.

NO REMARKS

ROLL CALL VOTE: 12 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance #40 is adopted.

**#40 ADOPTED AS ORDINANCE NO. 123/2004**

#41 (3<sup>RD</sup> RDG) **POSTPONED TO AUGUST 10, 2004** AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CONTRACT WITH VALLEY FORD 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.

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

PRESIDENT DENCZAK: Moved and seconded that you adopt Ordinance #41. Are there any remarks under this ordinance?

MEMBER MALLONN: Yes, I have a question for our Service Director. Mr. Ellsworth, maybe you can answer this question. I'm wondering why we're purchasing a F350 truck from a car dealership south of Cleveland when we have a local dealership right down on West Tuscarawas Street, if you could answer that for me?

DIRECTOR ELLSWORTH: If you'll give me one second to review my notes, I can answer that question for you. (PAUSE) Mr. President, this dealership was on the State contract. I do not know whether the other one was or not for this particular model, that the superintendent of Water was looking for. So, the answer to the question is the

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Superintendent of Water, this was on the, the, particular specs were on the State contract for this particular dealer, and we went to the State Contract for this purchase.

MEMBER MALLONN: Thank you.

PRESIDENT DENCZAK: Service Director, are these specs exclusionary? Can all car dealers bid on these?

DIRECTOR ELLSWORTH: Yeah, I mean if a particular dealer on a State contract has a truck with those specs, we could give it to that....

PRESIDENT DENCZAK: What I'm saying is, when we specify trucks, no other dealer can comply with the specs?

DIRECTOR ELLSWORTH: No, I mean, we've specified the specifications for the truck that we would need. You know, whoever has this, great.

PRESIDENT DENCZAK: Any other questions or remarks?

MEMBER CASAR: Mr. President, I am on the same line on the first item of that truck. Service Director Ellsworth, you're saying that the specs on that particular truck, that was the only Ford dealership that could meet that specification, that's why you're going to Valley Ford? Is that what I understand you to say?

DIRECTOR ELLSWORTH: I cannot tell whether there was another dealership, I don't have that list in front of me. But, based on the recommendation from the Superintendent was, from the State contract, I think that's pretty standard when you go off the State contract.

MEMBER CASAR: Mr. President, I feel that, I don't know how much of an emergency there is for this particular truck, but I feel that we should, we should use local suppliers, local dealerships as much as possible and being that the Service Director doesn't have these answers, I would like to see this, part of this ordinance, divided, and not act on this Ford vehicle this evening and pursue with the other parts of it so I'd like to have this question divided please.

DIRECTOR ELLSWORTH: Mr. President, before you do that, I do have the list of contractors.....

PRESIDENT DENCZAK: Service Director.....go ahead.

DIRECTOR ELLSWORTH: Before you do that, I do have the list of Contractors. The three that were on the list were Valley Ford Truck Sales in Cleveland, Wadsworth Ford Sales in Wadsworth and 32 Ford Mercury Inc. in Batavia, Ohio. There were no locals on the list for this, for this contract for this particular model of truck.

MEMBER CASAR: Mr. President. Are you saying that no local.....

PRESIDENT DENCZAK: Are you asking me this question? Are you asking me this question?

MEMBER CASAR: No, I asked for the floor for Mr. Ellsworth.

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PRESIDENT DENCZAK: Okay, go ahead.

MEMBER CASAR: Service Director Ellsworth, you say that the local, our local Ford dealers did not bid on this or were they not asked to bid on it?

MEMBER ELLSWORTH: We passed an ordinance. Mr. President. We passed an ordinance earlier this year putting this on, this particular vehicle on the State contract list—a whole host of vehicles on the State contract list. We have to go from this list is my understanding.

MEMBER CASAR: Mr. President, I think to clarify this up, I would move that we postpone the entire ordinance 41 until next week so we get the answers that we want and also to direct the Service Director to see if our local Ford dealerships would, indeed, match the price. If that's possible, we should do it if at all possible. So, I'm going to move that we postpone this ordinance until the next meeting which is August 10; seconded.

PRESIDENT DENCZAK: Moved and seconded that this be postponed until August the 10<sup>th</sup>. Are there any remarks?... If not, then by voice vote, all those in favor signify by saying aye. Those opposed no.

NO REMARKS

ORDINANCE POSTPONED BY UNANIMOUS VOICE VOTE

PRESIDENT DENCZAK: Ordinance #41 is postponed until August the 10<sup>th</sup>.

#41 POSTPONED UNTIL AUGUST 10, 2004

#42 (3<sup>rd</sup> RDG) ADOPTED AS ORDINANCE 124/2004 AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A PROFESSIONAL SERVICES AGREEMENT WITH ENVIRONMENTAL PROFESSIONALS INC. IN AN AMOUNT NOT TO EXCEED \$125,000 FOR DEVELOPMENT AND MANAGEMENT SERVICES IN CONJUNCTION WITH THE KRESGE PROJECT; AND DECLARING THE SAME TO BE AN EMERGENCY

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

PRESIDENT DENCZAK: Moved and seconded that you adopt Ordinance 42. Are there any remarks under this Ordinance?... Very well, roll call vote, please.

NO REMARKS

ROLL CALL VOTE: 12 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance #42 is adopted.

#42 ADOPTED AS ORDINANCE NO. 124/2004

#43 (3<sup>RD</sup> RDG) ADOPTED AS ORDINANCE 125/2004 AN ORDINANCE AUTHORIZING THE MAYOR AND/OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A CONTRACT WITH THE YWCA TO PROVIDE A GRANT IN THE AMOUNT NOT TO EXCEED \$300,000 FOR THE PURCHASE OF A BOILER SYSTEM; AND DECLARING THE SAME TO BE AN EMERGENCY

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MEMBER CASAR: Mr. President, I move we adopt Ordinance #43; seconded.

PRESIDENT DENCZAK: Moved and seconded that you adopt Ordinance 43. Are there any remarks under this Ordinance?... Very well, roll call vote, please.

NO REMARKS

ROLL CALL VOTE: 12 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance #43 is adopted.

**#43 ADOPTED AS ORDINANCE NO. 125/2004**

#44 (3<sup>RD</sup> RDG) **ADOPTED AS ORDINANCE 126/2004** AN ORDINANCE APPROVING AND ACCEPTING THE REPLATTING OF LOTS NOS. 5760-5770; AND DECLARING THE SAME TO BE AN EMERGENCY

MEMBER CASAR: Mr. President, I move we adopt Ordinance #44; seconded.

PRESIDENT DENCZAK: Moved and seconded that you adopt Ordinance 44. Are there any remarks under this Ordinance?... Very well, roll call vote, please.

NO REMARKS

ROLL CALL VOTE: 12 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance #44 is adopted.

**#44 ADOPTED AS ORDINANCE NO. 126/2004**

#45 (3<sup>RD</sup> RDG) **ADOPTED AS ORDINANCE 127/2004** AN ORDINANCE APPROVING AND ACCEPTING THE REPLATTING OF LOTS NOS. 7452-7462; AND DECLARING THE SAME TO BE AN EMERGENCY

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

PRESIDENT DENCZAK: Moved and seconded that you adopt Ordinance 45. Are there any remarks under this Ordinance?... Very well, roll call vote, please.

NO REMARKS

ROLL CALL VOTE: 12 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance #45 is adopted.

**#45 ADOPTED AS ORDINANCE NO. 127/2004**

**ANNOUNCEMENT OF COMMITTEE MEETINGS**

PRESIDENT DENCZAK: Announcement of Committee Meetings please.

MEMBER MALLONN: Mr. President, Environmental and Public Utilities will meet August 10<sup>th</sup> at 5:30.

MEMBER HAWK: Mr. President, Finance Committee will meet August 10<sup>th</sup> at 5:30.

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MEMBER WEST: Mr. President, Marketing and Development will meet at 5:45.

MEMBER CARBENIA: Community & Economic Development will meet 8/10/04 at 5:45.

MEMBER ZACHARY: Mr. President, Personnel Committee will meet August 10<sup>th</sup> at 5:45.

MEMBER BERNABEI: Mr. President, Judiciary will meet August 10<sup>th</sup> at 5:30 PM.

MEMBER DOUGHERTY: Mr. President, Public Property Capital Improvement will also meet that day, 5:45.

PRESIDENT DENCZAK: Public Speaks, Open Forum.....

MAYOR CREIGHTON: Mr. President, Oh, I'm sorry. Mr. President, thank you. The Jackson Pool Committee will meet at 4:45 on August 10<sup>th</sup> on the 8<sup>th</sup> Floor. 4:45, August the 10<sup>th</sup> on the 8<sup>th</sup> Floor.

PRESIDENT DENCZAK: Next... Oh, Public Speaks. You threw me off over there Mayor.

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

PRESIDENT DENCZAK: Public Speaks, Open Forum, City business only. We have one speaker signed up. Pete DiGiacomo, is that correct?

MR. DIGIACOMO: Yep. I'd like to thank Council for letting me speak tonight. My name is Pete DiGiacomo. I live at 600 Dent Place SW, Canton, Ohio. I guess I'll start out by saying, I realize and understand that the entire City of Canton has a, has a drug trafficking, drug use problem. It's well known. What I'm here to speak about is what is happening within a hundred yards, two hundred yards of my house. I don't like it. I don't know how to get rid of it. I've called Canton Police, Metro Narcotics, Canton Vice, I've called the Mayor's Office. The Mayor's Office told me to call the Safety Director. The Safety Director, I left a message, he did not return a phone call. I've talked with Captain McKimm about a year and a half ago. I've also spoke with my Council person. Canton City Vice, Detective Sparr, I spoke to at least 3 or 4 times. I've given him addresses of drug activity. There's a bar on 9<sup>th</sup> Street SW, the Pastime Bar. He said that yes, they're aware of what's going on there. We have black, I see black and white cars come by from time to time. The trouble is that when they see them come by, they stop their activity. Two weeks ago, I had to get very indignant with a dispatcher. The dispatcher's first name was Chris. I called about drug activity. I don't call if somebody just comes out of the bar and they're going to smoke some marijuana and go back in. That's just an every day occurrence, that's nothing. I'm not going to get upset about that. The thing is when they're sitting in their vehicle other people are coming to the vehicle, leaving, other people, ya' know, it's a little party going on, they're also dealing. I called about that the one evening. I waited about 5 or 6 minutes. A cruiser goes by at 9<sup>th</sup> & Wells SW, so I call back and said hey, a cruiser just went by. They said the cruiser's on another call. I said well, can we get somebody down here? As soon as we get a unit free. I hung up the phone. About 3 minutes later, another cruiser goes by 9<sup>th</sup> Street. This time, heading in the opposite direction. I asked again the same question. This dispatcher Chris said, you know, we're very busy and we can only handle the calls as we get them in. I asked her again, I said, could you please get a cruiser down here? I said I've called quite a few times. I said all I wanna do is get some arrests. Arrests stop people

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from coming around, and, ya' know, there was nothing said, it was like a pause. I said well, I'll tell you what, I'll call you back every 2 minutes until I get a cruiser here. Her response was bye bye, hung up the phone. I immediately pressed re-dial and asked for a sergeant or an officer and told them what happened. As I'm speaking, then, the cruiser finally shows up. They arrested the person. He had crack cocaine on him and he had also swallowed some. Like I say, the, just the normal, every day marijuana use, I don't even call about that any more. It doesn't make sense. The thing is that when I do call is when I see the drug use that's going on for 5, 10, 15, 20 minutes, a half an hour, when you have a drug dealer that's dealing. They use cell phones. You know, they call where they're at.

PRESIDENT DENCZAK: I'm sorry sir, but your 3 minutes are up so, bring your remarks to a close.

MR. DIGIACOMO: Okay, I, I'm just bringing this to the Mayor's Office. You know, I've brought it to every body that I can think of with not much help or satisfaction. Thank you.

PRESIDENT DENCZAK: Mayor, is your office aware of this matter?

MAYOR CREIGHTON: I would like to talk to you when we're finished here tonight, sir.

MR. DIGIACOMO: Yes ma'am.

MAYOR CREIGHTON: Thank you.

MEMBER ZACHARY: Mr. President, if I could. I asked Mr. DiGiacomo to come here tonight because I am having a serious problem on the southwest end. It's not just on his street, it's in that general area, and every time that you ask for assistance from the Police Department, you're being told that they have limited resources, and, you know, I get a lot of people who throw in my face that we're devoting a lot of time and attention to the prostitutes in the northwest end, no offense Greg, but I think as the problem moves, so should the Police move with the problem, and, it's migrating to other areas of the city now and we need help in that area. We definitely need help in that area so I would ask the Mayor and the Safety Director, whatever we can do to get Vice on the problem, because they're not going to do it in front of, what I call, the bumble bee cars, the black and whites. They're just not gonna do it. So, if we could get some help down there, some assistance, I would really appreciate it.

PRESIDENT DENCZAK: Is this problem on Dent in your ward?

MEMBER ZACHARY: Yes it is. It's on Dent, it's on Union, it's on High. There's a lot of vacant houses out there that people deal crack out of and homeless people who are on drugs go and break into these houses and it's gotta be stopped.

PRESIDENT DENCZAK: Mayor, you're on notice.

**MISCELLANEOUS BUSINESS**

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

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MEMBER WEST: Mr. President, I just want to announce once again that on August 1<sup>st</sup>, in an effort to revitalize Nimisilla Park, we're going to have a clean-up leading towards the kick-off of what we call the Joy Fest 2004 where we will have national recording artist Vickie Winans come down, ½ Mile Home and Keith Wonderboy Johnson. There's going to be a rib burn-off, soul style, as well as a carnival event, so please come on out and have a good time.

PRESIDENT DENCZAK: Member West, I noticed on your flier that this is free. Does that include the ribs?  
(laughter)

MEMBER WEST: Yeah, you can bring your ribs down and..... (laughter)

PRESIDENT DENCZAK: Is there any other miscellaneous business?...

MEMBER ZACHARY: Mr. President, oh, I'm sorry. I just want to announce that there's going to be a Crime Watch meeting on Monday, August 9<sup>th</sup> at 5:30pm at the Peel Coleman Center, and that's for Ward 4.

PRESIDENT DENCZAK: Any other miscellaneous business?...

MEMBER PRATER: Mr. President, since we amended Ordinance 39, are we supposed to....? (INAUDIBLE)

PRESIDENT DENCZAK: No, you can bring this up under miscellaneous business.

MAYOR CREIGHTON: Mr. President, you must have been reading my mind. You can go ahead and pass those papers around. Yes, tonight, actually, I am pleased to announce that we do have a new Economic Development Director. Her name is Margareta Poorman. She goes by Margie. That's easier to remember. You are getting a fax sheet, ladies and gentlemen, Members of Council and Mr. President. This is the information about Margie. She will start on September the 7<sup>th</sup> of 2004. Her salary will be \$80,000.00. She's married to David Poorman and the mother of a 2 year old, Katie. She and her husband share those duties. She graduated from Youngstown State with a BA in Economics and a minor in History. She currently lives in Toledo, Ohio. She is currently the Vice President of Administrative Affairs for the Regional Growth Partnership of Toledo, Ohio which is Lucas County. She has had that job since 1999 and I'm happy also to announce that her past experience includes city economic development under Mayor Finkbiner of Toledo. She's also been a member, or, I'm sorry, worked for the Chamber of Commerce in Youngstown and has that experience and she was also with the Foreign Trade Division, Department of Commerce in Washington DC. She's also served as President and a board member of the Ohio Development Association and the International Economic Development Council and she was also a CIC member for the City of Sylvania, Ohio. So, I'm very pleased tonight to announce that Margie has been hired. I will tell you, out of respect to this Council, I had asked her to join our, I had asked her to join the City 2 weeks ago, but knew that we needed to pass the amendment first. So, I was not going to put the cart before the horse. I felt that it was imperative that City Council give their blessing to this salary range. I thank you very much for that. Margie thanks you and lastly, Mr. Hawk and the rest of Council, you will be happy to know that she is about to purchase a home in historic Ridgewood. She will be a Canton city resident.

PRESIDENT DENCZAK: There's another vote ya', Member Hawk. (Laughter)

MEMBER HAWK: Mr. President, I was hoping she could move into Ward 1 but, I'm, I'll relinquish that to Mr. Hart

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over there - only because I didn't get to meet her first. I would have brought her down to Ward 1 and shown her around, and we'd have found her a house down there.

MEMBER WEST: I have a house in Westpark district if she changes her mind.

PRESIDENT DENCZAK: There's a house for sale at 2416 - 38<sup>th</sup> Street. That could help you out, Rosemary. Is there any other miscellaneous business?...

MEMBER WEST: Mr. President, just to ask the Mayor to piggy-back off that. Now that we know the Community Economic Development Director's job, do we know where Sheila Barrino will be going?

MAYOR CREIGHTON: Sheila Barrino is the current Director. We had a conversation this afternoon. Those discussions are on-going. Sheila will be treated with the respect she deserves as a city employee of 29 and a half years and Sheila will have a place in Community Development. I'm just not quite sure yet where that will be. I am not asking you to create anything. We will find a space.

PRESIDENT DENCZAK: Any other miscellaneous business?...

MAYOR CREIGHTON: Mr. President, just 2 more things. First of all, I just want to report to City Council the Farmer's Market is absolutely fabulous. If you haven't been there, you need to be there to buy your fresh produce every Saturday and your baked goods which are absolutely outstanding and, also, I'd like to announce that I accompanied the Fire Department this past week as they installed another fire smoke detector and we do have more smoke detectors and we need more people to apply. We'd love to be able to give them away. It's a service that we provide. Our Fire Department does a fabulous job and we even come out to the senior citizens and install them so, you know, let's help them out and get 'em some more smoke detector applications and let's help our citizens.

PRESIDENT DENCZAK: No, Madame Clerk, I do not need one at my house. *(Laughter)*

CLERK VANCKUNAS: It's free.

PRESIDENT DENCZAK: It's free.

MAYOR CREIGHTON: You would qualify as a senior citizen. *(Laughter)*

PRESIDENT DENCZAK: Who's Chairman of the Personnel Committee? I'm gonna have a talk with you. I want more money. If I'm going to be assassinated here by my colleagues. No, you're welcome to pick on me any time. I got big shoulders.

MEMBER CARBENIA: We will.

PRESIDENT DENCZAK: Is there any other Miscellaneous Business?

MEMBER HAWK: Mr. President, one quick comment. Saturday morning I was having breakfast at one of the local

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diners and the comments I overheard from the booth in back of me that the folks were down there to go to the Farmer's Market and then they were going to ride the train. So, as we take a look at our City, it is growing and re-bounding and coming back, I found that very interesting to have folks coming in our City, actually, to participate in these 2 activities. I think we're going in the right direction.

PRESIDENT DENCZAK: 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: 8:27 P.M.

ATTEST:

APPROVED:

DEBRA VANCKUNAS  
CLERK OF COUNCIL

RAY DENCZAK  
PRESIDENT OF COUNCIL

