

MINUTES OF THE MEETING OF AUGUST 23, 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, August 23, 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 Thomas M. Bernabei, 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:

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

1 COUNCILMEMBER ABSENT: (RICHARD A. MALLONN II)

AGENDA CORRECTIONS & CHANGES

PRESIDENT DENCZAK: Thank you, Member Bernabei (*referring to giving invocation*). Agenda Corrections and Changes, Members of Council. You're being asked to suspend Rule 22A to add Communication #469 to the Agenda. That is a communication from Members West and Zachary requesting legislation to establish an Architectural Review Board; if this is added to your agenda, it will be referred to the Community & Economic Development Committee. The Chair now recognizes Rule 22 suspension, Member Casar.

MEMBER CASAR: Mr. President, I move Rule 22A be suspended to add Ordinance number, or, Communication #469 to this evening's agenda; seconded.

PRESIDENT DENCZAK: Moved and seconded to add Communication #469 to the agenda. Are there any remarks?... If not, roll call vote please.

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

PRESIDENT DENCZAK: You're being asked to suspend the Rule to add Ordinances #13 through and including #26, with the exceptions of those which are retained in Committee. Member Casar, the Chair will now recognize that motion.

MEMBER CASAR: Mr. President, I move we suspend Rule 22A and add Ordinances #13 through 26, excluding 14, 23 and 26, which would remain in Committee; seconded.

PRESIDENT DENCZAK: Moved and seconded to suspend Rule 22 to add the Ordinances 13 through and including 26. Are there any remarks?... If not, roll call vote please.

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

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PRESIDENT DENCZAK: Ordinances 13 through and including #26, except those held in committee, has been added. You're being asked to amend Ordinances 33 and 34. You're being asked to adopt First Reading Ordinance #5. This brings your agenda up to date, Members of Council.

PUBLIC HEARINGS**7:30 P.M. PUBLIC HEARING FOR CANTON'S YEAR 2003 TAX BUDGET:**

PRESIDENT DENCZAK: We have a scheduled public hearing at 7:30. The Chair declares the Public Hearing open in regards to the matter of...regarding the City of Canton's year 2005 Tax Budget as provided for in Ohio Revised Code Section 5705.30. Is there anybody in the audience wishing to speak for or against this budget, please come forward?... Is there anyone in the audience wishing to speak for or against this budget, please come forward?.... Is there anyone in the audience wishing to speak for or against this budget, please come forward?.... Apparently not, the Chair declares the Public Hearing over in regards to this matter. The matter now rests in the hands of Council and the ordinance will follow later this evening.

PRESENTATION TO WPCC SUPT. TRACY MILLS:

PRESIDENT DENCZAK: We have a presentation to make this evening. It's by representatives of Ohio Water Environmental Association of the Water Environment Federation's *William Hatfield Award* for outstanding performance in the operation of a wastewater treatment facility to WPCC Superintendent Tracy Mills. Let the presentation be made now.

MS. HOUESHELL: President of Council, Mayor and Council, we at the Ohio Water Environment Associ...Oh, okay. Okay, sorry about that. (*Clerk of Council adjusted microphone for audio clarity*) My name is Debra Houdeshell, I'm the President of the Ohio Water Environment Association and it is a privilege to come to Council to represent an award that one of your own, Tracy Mills the Superintendent of the Wastewater Plant, has received. It was at our June meeting, we have an annual meeting and he received the award and what we'd like to do is we like to come out and re-present it to those people in front of Council or the employer, that type of thing, so that they know what we in the industry know and appreciate them for. Tracy is the recipient of WEF, which is Water Environment Federation's *William D. Hatfield Award* this year, and it's presented to an operator of wastewater treatment plants for outstanding performance and professionalism. He holds a Class IV Wastewater License here in Ohio and for the past 10 years he's been the Superintendent at the Canton Wastewater Plant. He previously has received the Ohio Water Environment Association's *J. W. Ellms Award*, the *F. H. Waring Award* and he was inducted into the Select Society of Sanitary Sludge Shovelers. (*Laughter*) See, and, if you see our shovels here (*referring to lapel pins*), we all are, and that's by peer, that one's by peers, in the, in the section--and we're in the northeast section, that's by peers and its voted on and it's a total surprise to those people. So, that's another exceptional award that we don't usually go out and re-present it. Under the leadership, the Canton plant has received *US EPA Region V Pretreatment Excellence Award* in 1994 and an *AMSA (Association of Metropolitan Sewerage Agencies) Peak Performance Award* each year from 1999 through 2003 and this is all the criteria and all the reasons that we had selected him. He's been a member of WEF for 19 years. He's also given back a lot. He has served at the State level on the Industrial Waste Committee, Pre-treatment Committee, Annual Conference Committee, and he also served both the northwest section and the northeast section because we got him over here from northwest section so then, since then he has served on our Executive Committee on

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the northeast end. He is, he is the past President. Also, he has served on the OTCO (Operator Training Committee of Ohio) Board of Trustees for 6 years and there was a write up on a board, a display board at the Conference and the final line said, "Tracy has maintained his on-the-job excellence while consistently giving back to his profession and encouraging his staff to follow in his footsteps." So, on behalf of Ohio Water Environment Association, I want to congratulate Tracy. (APPLAUSE) Can we add some more? (PRESIDENT DENCZAK GRANTED PERMISSION FOR ANOTHER SPEAKER)

MS. SUMEGO: My name is Dianne Sumego. I am also part of the Ohio Water Environment Association and we have one additional award that we wanted to include with this and, Tracy was also honored for being a quarter century operator's club, which means that he has consistently been in the organization for 25-plus years and has served them proudly. We'd also like to acknowledge that. (APPLAUSE)

MR. RILEY: Just one closing note. My name is Keith Riley. While I'm the Ohio's National Director to, in the national organization representing 40, over 40 countries, I'm going to put on my EPA hat and I'm the Assistant District Chief over Northeast Ohio EPA office and I want to congratulate the City. It's one of the few major cities in Northeast Ohio that's never been in compliance-trouble with Ohio EPA. And, that's no accident. The City has made very, very good choices with their managers of their utilities. It's a very complex business to try to stay in compliance. It's ever-changing, every day. It's always on the National level changing and you have to adapt. It never stands still and it's a challenge always to maintain a high level of excellence and maintain compliance and be a good steward to the environment and you should be very proud of Tracy and his Assistant, John Leiendecker, as well. They're highly thought of by our Ohio EPA Office and by its regional professional leaders and peers in the region. He has a high level of respect and you should be very proud of your choice for Manager. Congratulations Tracy Mills. (APPLAUSE)

PRESENTATIONS MADE TO TRACY MILLS, SUPERINTENDENT OF CITY OF CANTON WPCC.

MR. MILLS: If I may, I'd like to thank Debbie and Diane and Keith for being here tonight. It's, it's an honor to be the recipient of these awards. The first award is a very prestigious award and again, I'm very honored. The second award just means I'm getting old and that I've been around for a long time but the reality is, you know, these awards couldn't happen without a fantastic team. I'm blessed to have 60 employees under my direction at Water Pollution Control now and over the last 10 years, I've enjoyed the support of the Administration, from the Watkins era as well as Mayor Creighton's Administration, as well as all the Members of Council over that period of time. We've done almost \$24 million worth of projects in that period of time and could not have done that without the support of Council. So, I thank each and every one of you here tonight and again, I'm very honored. I was also honored by Mayor Creighton. She came down to the Conference, took time from her busy schedule, came down to the Conference in Columbus and spent an evening with me at the banquet. I appreciate that very much. She further acknowledged me a week later at our Department Head Meeting with a very special gift commemorating the *Hatfield Award*. I appreciate that. That's something I'll never forget. And, I would also like to thank my biggest supporter for the last 16 years, that'd be my wife Sandra. So, thank you very much. (APPLAUSE)

PUBLIC SPEAKS (ORDINANCES OR RESOLUTIONS FOR ADOPTION ONLY):

PRESIDENT DENCZAK: No one has signed up for Public Speaks under Ordinances and Resolutions for adoption.

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PRESIDENT DENCZAK: Informal Resolution, excusing members. Member Casar.

MEMBER CASAR: Mr. President, I move that Member Mallonn be excused from this evening's meeting; seconded.

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

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

PRESIDENT DENCZAK: Let the journal show that Member Mallonn is excused.

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 AUGUST 23, 2004.

448. AUDITOR KIM R. PEREZ, CITY OF CANTON: REQUEST FOR ADDITIONAL AMENDED CERTIFICATE DATED 8/16/04 - CLERK OF COUNCIL
449. AUDITOR MONTGOMERY, AUDITOR OF STATE OF OHIO, 111 2ND ST NW, 4TH FLOOR, CANTON, OH 44702: REGARDING AUDIT OF CITY'S FINANCIAL STATEMENTS AND SINGLE AUDIT REPORT FOR THE YEAR ENDED 12/31/03 - RECEIVED & FILED
450. BUILDING DEPARTMENT, CITY OF CANTON : MONTHLY INCOME REPORT FOR JUNE, 2004 - RECEIVED & FILED
451. COMMUNITY DEVELOPMENT & PLANNING DEPARTMENT, CITY OF CANTON, SHEILA K. THARP-BARRINO, DIRECTOR: REQUESTING LEGISLATION IN ACCORDANCE W/O.190/97 LAND DISPOSITION PROGRAM, TO ESTABLISH THE FAIR REUSE VALUE OF PARCEL 02-15925 LOCATED ON COOK AVE SW AT \$200 & DISPOSING OF SAME TO ABUTTING PROPERTY OWNER LOUISE HAWKINS - COMMUNITY & ECONOMIC DEVELOPMENT CMTE
452. COMMUNITY DEVELOPMENT & PLANNING DEPARTMENT, CITY OF CANTON, SHEILA K. THARP-BARRINO, DIRECTOR: REQUESTING LEGISLATION IN ACCORDANCE W/O.190/97 LAND DISPOSITION PROGRAM, TO ESTABLISH THE FAIR REUSE VALUE OF PARCEL 02-85033 LOCATED ON UNION AVE SW AT \$1.00 & DISPOSING OF SAME TO ABUTTING PROPERTY OWNERS PAUL & KATHERINE COYLE. - COMMUNITY & ECONOMIC DEVELOPMENT CMTE

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453. COMMUNITY DEVELOPMENT & PLANNING DEPARTMENT, CITY OF CANTON, SHEILA K. THARP-BARRINO, DIRECTOR: REQUESTING LEGISLATION AUTHORIZING MAYOR &/OR SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH CANTON COMMUNITY IMPROVEMENT CORP (CCIC) TO PROVIDE A \$500,000 GRANT UTILIZING COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS FOR GRANTS, LOANS & ADMINISTRATIVE COSTS. - COMMUNITY & ECONOMIC DEVELOPMENT & FINANCE CMTES
454. HEALTH BENEFITS ADMINISTRATOR ROSE BRESSON, CITY OF CANTON: JULY 2004 MONTHLY COMPARATIVE REPORT OF INSURANCE CLAIMS & JAN-JULY 2004 PAID CLAIMS & COMPARATIVE REPORT. - RECEIVED & FILED
455. LIQUORCONTROL DIVISION, 6606 TUSSING RD, PO BOX 4005, REYNOLDSBURG, OHIO 43068-9005: DENIAL OF APPLICATION FOR A NEW C1-2 LIQUOR PERMIT REQUESTED BY WAYNE EDWARD MARION, dba BOYD'S DRIVE THRU, 719 COOK AVE SW. - INTERGOVERNMENTAL & PUBLIC SERVICE CMTE
456. LIQUORCONTROL DIVISION, 6606 TUSSING RD, PO BOX 4005, REYNOLDSBURG, OHIO 43068-9005: APPLICATION FOR TRANSFER OF D2, D2X LIQUOR PERMIT FROM SIEGAL FOODS LTD TO TAMARKIN CO. dba CANTON GIANT EAGLE, 3100 CROMER AVE NW. - INTERGOVERNMENTAL & PUBLIC SERVICE CMTE
457. LIQUORCONTROL DIVISION, 6606 TUSSING RD, PO BOX 4005, REYNOLDSBURG, OHIO 43068-9005: APPLICATION FOR TRANSFER OF D2, D2X, D3, D3A LIQUOR PERMIT FROM DIDONA M. LUNGOCIU, EST, FELICIA LUNGOCIU, EXTX TO DIDONA M. LUNGOCIU LIVING TRUST, FELICIA D. LUNGOCIU AND DANIELA G. LUNGOCIU, TRUSTEES, dba GEORGE'S LOUNGE, 229 CLEVELAND AVE NW. - INTERGOVERNMENTAL & PUBLIC SERVICE CMTE
458. PLANNING COMMISSION, CITY OF CANTON, SHEILA K. THARP-BARRINO, SECRETARY: RECOMMENDING APPROVAL OF PROPOSAL TO AMEND ORC SEC 113.02 TO INCREASE AMOUNT OF DEPOSIT FOR STREET/ALLEY VACATIONS TO \$300. - JUDICIARY CMTE
459. SAFETY DIRECTOR BERNARD L. HUNT, CITY OF CANTON: REQUESTING LEGISLATION ABOLISHING THROUGH ATTRITION ONE CAPTAIN'S POSITION IN THE POLICE DEPT UPON THE CURRENT EMPLOYEE'S RETIREMENT. - PERSONNEL CMTE
460. SAFETY DIRECTOR BERNARD L. HUNT, CITY OF CANTON: REQUESTING AUTHORIZATION TO ENTER INTO A RENEWED TWO YEAR \$69,000 CONTRACT RETROACTIVE TO 8/31/04 W/CANTON CITY SCHOOL DISTRICT BOARD OF EDUCATION TO PROVIDE FOR UNIFORMED SERVICES OF TWO ON-DUTY POLICE OFFICERS ASSIGNED EXCLUSIVELY TO MCKINLEY & TIMKEN HIGH SCHOOLS. - PERSONNEL & FINANCE CMTES
461. SERVICE DIRECTOR TAD C. ELLSWORTH, CITY OF CANTON: REQUEST TO ADVERTISE, RECEIVE BIDS & ENTER INTO \$475,000 CONTRACT FOR THE WPCC MISCELLANEOUS

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- IMPROVEMENTS PROJECT & \$475,000 SUPPLEMENTAL APPROPRIATION FOR SAME. - ENVIRONMENTAL & PUBLIC UTILITIES & FINANCE CMTE
462. SERVICE DIRECTOR TAD C. ELLSWORTH, CITY OF CANTON: REQUESTING CERTIFICATION OF LIST OF DELINQUENT WATER & SEWER CHARGES IN ACCORDANCE WITH CITY CODE SECTION 947.10 FOR SUBMISSION TO THE STARK COUNTY AUDITOR FOR COLLECTION ON THE PROPERTY TAX ASSESSMENTS, & REQUESTING THAT SAME BE PASSED AS AN EMERGENCY MEASURE. - INTERGOVERNMENTAL & PUBLIC SERVICE CMTE
463. SERVICE DIRECTOR TAD C. ELLSWORTH, CITY OF CANTON: REQUESTING TO ENTER INTO A LEASE AGREEMENT FOR THE 2004-05 SCHOOL YEAR W/THE STARK COUNTY EDUCATIONAL SERVICE CENTER FOR THE PURPOSE OF LEASING PORTIONS OF THE SOUTHEAST COMMUNITY CENTER AT A MONTHLY RATE OF \$1,100 RETROACTIVE TO 8/31/04. - FINANCE CMTE
464. SERVICE DIRECTOR TAD C. ELLSWORTH, CITY OF CANTON: REQUESTING TO ENTER INTO AN EASEMENT AGREEMENT FOR THE PURPOSES OF CONSTRUCTION, INSTALLATION, INSPECTION, OPERATION, MAINTENANCE, REPAIR, IMPROVEMENT, RENEWAL &/OR REPLACEMENT OF STORM DRAINAGE FACILITIES IN, UNDER OR UPON THE REAL PROPERTY & ESTABLISH A \$9,000 FAIR MARKET VALUE IN CONJUNCTION W/THE WOODLAND AVE NW RELIEF STORM SEWER PROJECT, GP 1062. - ENVIRONMENTAL & PUBLIC UTILITIES & FINANCE CMTE
465. STARK COUNTY COMMISSIONERS, 110 CENTRAL PLAZA SOUTH, CANTON OHIO 44702: RESOLUTION GRANTING ANNEXATION OF 5.578 ACRES IN PLAIN TOWNSHIP KNOWN AS THE GROFFRE/RICHMOND ANNEXATION AREA. - ANNEXATION CMTE & PLANNING CMSN
466. STARK COUNTY COMMISSIONERS, 110 CENTRAL PLAZA SOUTH, CANTON OHIO 44702: SUBMITTING ALL ANNEXATION MATERIALS RE: GROFFRE/RICHMOND ANNEXATION AREA. - ANNEXATION CMTE
467. STARK COUNTY COMMISSIONERS, 110 CENTRAL PLAZA SOUTH, CANTON OHIO 44702: SUBMITTING ALL ANNEXATION MATERIALS RE: AUTO ELECTRIC SERVICE CO. ANNEXATION AREA. - ANNEXATION CMTE
468. TREASURER ROBERT C. SCHIRACK, CITY OF CANTON: REPORT OF BANK RECONCILIATIONS AND OUTSTANDING INVESTMENTS AS OF 6/30/04 & 7/30/04. - RECEIVED & FILED

SUSPENDED RULE 22A TO ADD C#469

469. WEST, WARD 2 & ZACHARY, WARD 4, CITY OF CANTON COUNCIL MEMBERS: REQUESTING LEGISLATION ESTABLISHING AN ARCHITECTURAL REVIEW BOARD TO PROTECT HISTORICAL PROPERTIES WITHIN THE SPECIAL IMPROVEMENT DISTRICT. - COMMUNITY & ECONOMIC DEVELOPMENT CMTE

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MINUTES OF THE MEETING OF AUGUST 23, 2004ORDINANCES & FORMAL RESOLUTIONS FOR FIRST READING

PRESIDENT DENCZAK: We're now under Ordinances and Formal Resolutions for their first reading. Ordinance #1 please.

NOTE: PRESIDENT DENCZAK CALLED UPON CLERK VANCKUNAS TO READ THE FOLLOWING ORDINANCES #1 THROUGH AND INCLUDING #12 FOR THE FIRST TIME BY TITLE & ANNOUNCED THE COMMITTEE REFERRALS, AS FOLLOWS. ORDINANCE #5 WAS RETURNED TO THE AGENDA & ADOPTED FOLLOWING ITS READING, REFERRAL, AND COMMITTEE MEETING.

- #1 (1ST RDG) AN ORDINANCE NAMING AN UNNAMED ALLEY IN THE CITY OF CANTON CARMELITA COURT NW.
Referred to Public Safety & Thoroughfares Committee
- #2 (1ST RDG) AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN ENTERPRISE ZONE AGREEMENT WITH WEDU PROPERTIES, LLC TO PROVIDE REAL PROPERTY TAX EXEMPTION FOR THE RESTORATION OF AN OFFICE/RETAIL BUILDING; AUTHORIZING THE GRANTING OF 75% TEN YEAR REAL PROPERTY TAX EXEMPTIONS; AUTHORIZING THE AUDITOR TO MAKE PAYMENTS TO THE CANTON BOARD OF EDUCATION AS REQUIRED TO BE PAID PURSUANT TO SECTION 5709.82(C) AND (D) OF THE REVISED CODE; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Community & Economic Development & Finance Committees
- #3 (1ST RDG) AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN ENTERPRISE ZONE AGREEMENT WITH V & S SCHULER ENGINEERING TO PROVIDE REAL PROPERTY TAX EXEMPTION FOR A NEW OFFICE BUILDING; AUTHORIZING THE GRANTING OF 75% TEN YEAR REAL PROPERTY TAX EXEMPTION; AUTHORIZING THE AUDITOR TO MAKE PAYMENTS TO THE CANTON BOARD OF EDUCATION AS REQUIRED TO BE PAID PURSUANT TO SECTION 5709(C) and (D) OF THE REVISED CODE; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Community & Economic Development & Finance Committees
- #4 (1ST RDG) AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CONTRACT WITH HABITAT FOR HUMANITY OF GREATER CANTON INC. TO PROVIDE A GRANT IN AN AMOUNT NOT TO EXCEED \$60,000.00 FOR REIMBURSEMENT OF ACQUISITION AND SITE DEVELOPMENT COSTS; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Community & Economic Development & Finance Committees
- #5 (1ST RDG) **ADOPTED AS ORDINANCE NO. 147/2004** AN ORDINANCE AMENDING APPROPRIATION O.1/2004 AS AMENDED BY MAKING THE SUPPLEMENTAL

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

Referred to Finance Committee

- #6 (1ST RDG) A RESOLUTION AUTHORIZING THE LAW DIRECTOR TO DISTRIBUTE FREE OF CHARGE TO PUBLIC OFFICIALS AN PUBLIC INSTITUTIONS COPIES OF THE 2004 SUPPLEMENT TO THE CANTON CODIFIED ORDINANCES, TO AFFIX A PRICE FOR THE SALE OF SAME; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Judiciary Committee
- #7 (1ST RDG) AN ORDINANCE AUTHORIZING THE EDITING AND INCLUSION OF CERTAIN ORDINANCES AS PARTS OF THE VARIOUS COMPONENT CODES OF THE CODIFIED ORDINANCES OF CANTON, OHIO; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Judiciary Committee
- #8 (1ST RDG) AN ORDINANCE VACATING A PORTION OF 22ND STREET SW; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Public Safety & Thoroughfares Committee
- #9 (1ST RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO MODIFICATION #1 WITH GPD ASSOCIATES IN AN AMOUNT NOT TO EXCEED \$8,913.00 FOR ADDITIONAL DESIGN WORK FOR THE MARKET AVENUE NORTH SANITARY SEWER REPLACEMENT, GP 1070; AMENDING APPROPRIATION O.1/2004; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Environmental & Public Utilities & Finance Committees
- #10 (1ST RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CONTRACT WITH GPD ASSOCIATES IN AN AMOUNT NOT TO EXCEED \$131,774.00 TO PROVIDE PROFESSIONAL ENGINEERING AND SURVEYING SERVICES FOR THE STEESE AREA DRAINAGE PROJECT, GP 1082; AMENDING APPROPRIATION O. 1/2004; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Environmental & Public Utilities & Finance Committees
- #11 (1ST RDG) AN ORDINANCE AUTHORIZING THE MAYOR TO SUBMIT NECESSARY APPLICATIONS TO THE DIRECTOR OF OHIO PUBLIC WORKS COMMISSION AND TO EXECUTE CONTRACTS FOR CURRENT STATE CAPITAL IMPROVEMENT AND LOCAL TRANSPORTATION IMPROVEMENT PROGRAMS FUNDING FOR CAPITAL IMPROVEMENT PROJECTS; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Public Property Capital Improvement Committee
- #12 (1ST RDG) A RESOLUTION APPROVING THE STATEMENT OF SERVICES TO BE PROVIDED TO THE PROPERTY OWNER IN THE BIGLER ANNEXATION AREA UPON ITS BEING

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ANNEXED TO THE CITY OF CANTON, OHIO; AND DECLARING THE SAME TO BE AN EMERGENCY

Referred to Annexation Committee

PRESIDENT DENCZAK: At this time the Chair is going to declare an in-house recess for the Finance Committee to meet on Ordinance #5 for the first reading.

COUNCIL RECESSED AT 7:50 PM FOR THE FINANCE COMMITTEE TO MEET RE: O#5. THE COUNCIL MEETING WAS RECONVENED BY PRESIDENT DENCZAK AT 7:52 PM.

PRESIDENT DENCZAK: Council is reconvening after the recess. Member Casar?...

MEMBER CASAR: Mr. President, I move that Rule 22B, A, be suspended so we can order, add Ordinance #5 back on the agenda; seconded.

PRESIDENT DENCZAK: Moved and seconded to suspend Rule 22 to add Ordinance 5 back to the agenda. Are there any remarks?... If not, roll call vote please.

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance #5 is a legal part of your agenda, Member Casar.

MEMBER CASAR: Mr. President, she has to read it, second reading?

PRESIDENT DENCZAK: No, dispense with the 3 readings.

MEMBER CASAR: Mr. President, I move Statutory Rules be suspended on Ordinance #5; seconded.

PRESIDENT DENCZAK: Moved and seconded to dispense with the three readings of Ordinance #5. Are there any remarks?... If not, roll call vote please.

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

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

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

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

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

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PRESIDENT DENCZAK: Ordinance #5 is adopted.

#5 ADOPTED AS ORDINANCE NO. 147/2004

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PRESIDENT DENCZAK: Ordinances for the second reading.

NOTE: PRESIDENT DENCZAK CALLED UPON CLERK VANCKUNAS TO READ THE FOLLOWING ORDINANCES #13, 15 THROUGH AND INCLUDING 22, 24 & 25 FOR THE SECOND TIME BY TITLE, AS FOLLOWS. ORDINANCES #14, 23 & 26 WERE RETAINED IN COMMITTEE.

RULE 22A WAS SUSPENDED TO ADD #13, #15 THROUGH 22, 24 & 25:

- #13 (2ND RDG) AN ORDINANCE VACATING PORTIONS OF 13TH STREET NE, GRACE AVENUE NE AND CRYSTAL PLACE NE; APPROVING AND ACCEPTING THE REPLATTING OF LOTS 10951-10970, 32434, 32435, 33407, 33862, 34802, 34803 AND 35586 AND THE VACATED PORTIONS OF 13TH STREET NE, GRACE AVENUE NE AND CRYSTAL PLACE NE; AND DECLARING THE SAME TO BE AN EMERGENCY
- #14 **RETAINED IN COMMITTEE** AN ORDINANCE AMENDING SECTION 943.03 OF THE CODIFIED ORDINANCES BY THE ADDITION OF SUBSECTION (F) AND ADDING SECTIONS 943.60 AND 947.22 TO CHAPTERS 943 AND 947 RESPECTIVELY OF PART 9, STREETS, UTILITIES AND PUBLIC SERVICES CODE AND AMENDING SECTION 1379.03, ROOFS, GUTTERS AND DOWN SPOUTS, OF THE BUILDING CODE OF THE CITY OF CANTON; AND DECLARING THE SAME TO BE AN EMERGENCY
- #15 (2ND RDG) AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 1/2004, AS AMENDED, BY MAKING THE SUPPLEMENTAL APPROPRIATIONS AND INTERFUND TRANSFERS HEREIN DESCRIBED; AND DECLARING THE SAME TO BE AN EMERGENCY (Youth Development Summer Food Fund)
- #16 (2ND RDG) AN ORDINANCE AMENDING CHAPTER 150, SYSTEMS PLANNING BOARD, OF THE CODIFIED ORDINANCES OF THE CITY OF CANTON
- #17 (2ND RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A PROFESSIONAL SERVICES CONTRACT WITH BURGESS & NIPLE IN AN AMOUNT NOT TO EXCEED \$95,000.00 FOR THE PREPARATION OF A CAPITAL IMPROVEMENT PLAN FOR THE CANTON WATER SUPPLY AND TREATMENT FACILITIES; AMENDING APPROPRIATION ORDINANCE NO. 1/2004, AS AMENDED, BY MAKING THE SUPPLEMENTAL APPROPRIATION HEREIN DESCRIBED; AND DECLARING THE SAME TO BE AN EMERGENCY
- #18 (2ND RDG) AN ORDINANCE AUTHORIZING THE AUDITOR TO PAY A MORAL OBLIGATION IN AN AMOUNT NOT TO EXCEED \$72,855.73 TO CENTRAL-ALLIED ENTERPRISES FOR EMERGENCY REPAIR WORK AT 12TH STREET AND MONUMENT ROAD NW; AND DECLARING THE SAME TO BE AN EMERGENCY

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- #19 (2ND RDG) AN ORDINANCE AMENDING EXHIBIT A TO ORDINANCE NO. 40/2000, AS AMENDED, THE CLASSIFICATION PLAN FOR BARGAINING UNIT PERSONNEL EMPLOYED BY THE CITY OF CANTON; AND DECLARING THE SAME TO BE AN EMERGENCY (re: classification of Battalion Chief & changes in WPCC Division)
- #20 (2ND RDG) AN ORDINANCE AMENDING ORDINANCE NO. 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 ORDINANCE NO. 164/2001, AS AMENDED; AMENDING CHAPTER 151, EMPLOYMENT PROVISIONS, OF THE CODIFIED ORDINANCES OF THE CITY OF CANTON; AND DECLARING THE SAME TO BE AN EMERGENCY (re: classification of Battalion Chief)
- #21 (2ND RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ADVERTISE, RECEIVE BIDS AND ENTER INTO CONTRACT FOR THE PURCHASE OF ONE HIGH COMPACTION GARBAGE TRUCK FOR THE SANITATION DEPARTMENT; AND DECLARING THE SAME TO BE AN EMERGENCY
- #22 (2ND RDG) AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 1/2004, AS AMENDED, BY MAKING THE SUPPLEMENTAL APPROPRIATION HEREIN DESCRIBED; AND DECLARING THE SAME TO BE AN EMERGENCY (Private Water Reimbursement)
- #23 **RETAINED IN COMMITTEE** AN ORDINANCE AMENDING CHAPTER 181, INCOME TAX, OF THE CODIFIED ORDINANCES OF THE CITY OF CANTON; AND DECLARING THE SAME TO BE AN EMERGENCY
- #24 (2ND RDG) AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO CONVEY CITY-OWNED REAL PROPERTY, NO LONGER NEEDED FOR MUNICIPAL PURPOSES, TO THE CANTON COMMUNITY IMPROVEMENT CORPORATION; AND DECLARING THE SAME TO BE AN EMERGENCY
- #25 (2ND RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A 3 YR PROFESSIONAL SERVICES CONTRACT WITH OHIO BILLING, INC. FOR BILLING & COLLECTION OF USER FEES FOR EMERGENCY AMBULANCES SERVICES; AND DECLARING THE SAME TO BE AN EMERGENCY
- #26 **RETAINED IN COMMITTEE** AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ADVERTISE, RECEIVE BIDS AND ENTER INTO CONTRACT FOR THE INSTALLATION OF BACKWATER VALVES; AMENDING O.1/2004 BY MAKING \$300,000 TRANSFER FROM 5410 20-60-20 RESIDENTIAL REVOLVING LOAN ADMINISTRATION FUND; AND DECLARING THE SAME TO BE AN EMERGENCY

MINUTES OF THE MEETING OF AUGUST 23, 2004**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 #27 THROUGH AND INCLUDING #41 FOR THE THIRD & FINAL TIME BY TITLE, AS FOLLOWS. ORDINANCES #32 & 41 WERE POSTPONED TO 9/13/2004. ALL OTHERS WERE ADOPTED.

#27 (3RD RDG) **ADOPTED AS ORDINANCE NO. 148/2004** 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

MEMBER CASAR: Mr. President, I move we adopt Ordinance #27; seconded.

PRESIDENT DENCZAK: Moved and seconded that you adopt Ordinance 27. Are there any remarks under this Ordinance?... If not, roll call vote please.

NO REMARKS

ROLL CALL VOTE: 11 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance #27 is adopted. **#27 ADOPTED AS ORDINANCE NO. 148/2004**

#28 (3RD RDG) **ADOPTED AS ORDINANCE NO. 149/2004** AN ORDINANCE AUTHORIZING THE MAYOR 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

MEMBER CASAR: Mr. President, I move we adopt Ordinance #28; seconded.

PRESIDENT DENCZAK: Moved and seconded that you adopt Ordinance 28. Are there any remarks under this Ordinance?... Very well, roll call vote please.

NO REMARKS

ROLL CALL VOTE: 11 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance #28 is adopted. **#28 ADOPTED AS ORDINANCE NO. 149/2004**

#29 (3RD RDG) **ADOPTED AS ORDINANCE NO. 150/2004** 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

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MEMBER CASAR: Mr. President, I move we adopt Ordinance #29; seconded.

PRESIDENT DENCZAK: Moved and seconded that you adopt Ordinance 29. Are there any remarks under this Ordinance?... Very well, roll call vote please.

NO REMARKS

ROLL CALL VOTE: 11 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance #29 is adopted.

#29 ADOPTED AS ORDINANCE NO. 150/2004

#30 (3RD RDG) **ADOPTED AS ORDINANCE NO. 151/2004** 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

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: 11 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance #30 is adopted.

#30 ADOPTED AS ORDINANCE NO. 151/2004

#31 (3RD RDG) **ADOPTED AS ORDINANCE NO. 152/2004** 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

MEMBER CASAR: Mr. President, I move we adopt Ordinance #31; seconded.

PRESIDENT DENCZAK: Moved and seconded that you adopt Ordinance 31. Are there any remarks under this Ordinance?... If not, roll call vote please.

NO REMARKS

ROLL CALL VOTE: 11 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance #31 is adopted.

#31 ADOPTED AS ORDINANCE NO. 152/2004

#32 (3RD RDG) **POSTPONED TO 9/13/04** AN ORDINANCE AUTHORIZING MAYOR AND/OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO AN INTERIM AGREEMENT WITH

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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

MEMBER CASAR: Mr. President, I move we adopt Ordinance #32; seconded.

PRESIDENT DENCZAK: Moved and seconded that you adopt Ordinance 32. Are there any remarks under this Ordinance?

MEMBER CASAR: Mr. President, I move we postpone Ordinance #32 to September 13, '04; seconded.

PRESIDENT DENCZAK: Moved and seconded to postpone Ordinance 32 until September the 13th. Are there any remarks?... If not, 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 #32 is postponed until September 13th.

#32 POSTPONED UNTIL SEPTEMBER 13, 2004

#33 (3RD RDG) **ADOPTED AS AMENDED AS ORDINANCE NO. 153/2004** AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A LOAN AGREEMENT WITH STARK COUNTY ***AMENDED: COMMUNITY** 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

MEMBER CASAR: Mr. President, I move we adopt Ordinance #33; seconded.

PRESIDENT DENCZAK: Moved and seconded that you adopt Ordinance 33. Are there any remarks?...

MEMBER CASAR: Mr. President, I move we amend Ordinance #33 per the copy that every Council person has in front of them; seconded.

AMENDMENT: Pursuant to Rule 36, I hereby move to amend Agenda Item No. 33 by the substitution of the name Stark County Foundation with the correct name of Stark Community Foundation in the title and Section 1 of the ordinance.

PRESIDENT DENCZAK: Moved and seconded to amend Ordinance #33 per the copy before each of you Members of Council. Are there any remarks under this motion?... If not, the question you're voting on now is the amendment. By voice vote, all those in favor, signify by saying aye. Those opposed no.

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NO REMARKS

AMENDMENT PASSED BY UNANIMOUS VOICE VOTE

PRESIDENT DENCZAK: The amendment is passed. The question before you now is the Ordinance as amended. Are there any remarks?... Roll call vote please.

NO REMARKS

ROLL CALL VOTE: 11 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance #33 is adopted as amended.

#33 ADOPTED AS AMENDED AS ORDINANCE NO. 153/2004

#34 (2ND RDG) **ADOPTED AS AMENDED AS ORDINANCE NO. 154/2004** 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

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 CASAR: Mr. President, I move we amend Ordinance #34 per the copy that every Councilmember has. Also, as the Chairman of the Judiciary Committee stated at our committee caucus, that we would just be, under 971.05 it would just be "(a)"; "(b)" will not be included in the amendment; seconded.

AMENDMENT: Pursuant to Rule 36, I hereby move to amend Section 1 of Agenda Item No. 34, by the substitution of proposed Sections 971.03 and 971.05 of the Codified Ordinances with the following language:

971.03 CIVIC CENTER MANAGER AUTHORITY TO NEGOTIATE

The independent contractor hired by the City of Canton to manage the day-to-day operations of the Civic Center shall, in the best interest of the City of Canton, be authorized to negotiate rates outside the schedules found in Section 971.02 with respect to those events offering unique opportunities and/or requirements such as, but not limited to, events where the City will share in the gross receipts on a percentage basis. Any negotiated rate shall be subject to the approval of the Director of Public Service

971.05 RENTAL RATES FOR CITY EVENTS; REDUCED RATES AND CHARGES FOR NON-PROFIT EVENTS

(a) The rental rates, fees and charges set forth in Section 971.02 shall not apply to City of Canton events. City of Canton events are events conducted principally by or on behalf of the City of Canton or its departments, boards and commissions for public governmental and educational purposes.

PRESIDENT DENCZAK: Moved and seconded to amend Ordinance #34. Are there any remarks under this motion?... The question you're 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 the ordinance as amended?... Very well, roll call vote, please.

NO REMARKS

ROLL CALL VOTE: 11 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance #34 is adopted as amended.

#34 ADOPTED AS AMENDED AS ORDINANCE NO. 154/2004

#35 (3rd RDG) **ADOPTED AS ORDINANCE NO. 155/2004** 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

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: 11 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance #35 is adopted.

#35 ADOPTED AS ORDINANCE NO. 155/2004

#36 (3RD RDG) **ADOPTED AS ORDINANCE NO. 156/2004** 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

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?... If not, roll call vote please.

NO REMARKS

ROLL CALL VOTE: 11 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance #36 is adopted.

#36 ADOPTED AS ORDINANCE NO. 156/2004

#37 (3RD RDG) **ADOPTED AS ORDINANCE NO. 157/2004** 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

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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: 11 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance #37 is adopted.

#37 ADOPTED AS ORDINANCE NO. 157/2004

#38 (3RD RDG) **ADOPTED AS ORDINANCE NO. 158/2004** 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

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

PRESIDENT DENCZAK: Moved and seconded that you adopt Ordinance 38. Are there any remarks under this Ordinance?...

MEMBER HAWK: Mr. President, I hope that we have some people who will enter into or at least look at bidding on this from our City and we should work hard to find out that we could keep this sale inside our City limits, and if not, at least within our County. I hope that we will have some businesses step up and take a look at this contract for us.

PRESIDENT DENCZAK: Any other remarks?... Roll call, please.

NO REMARKS

ROLL CALL VOTE: 11 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance #38 is adopted.

#38 ADOPTED AS ORDINANCE NO. 158/2004

#39 (3RD RDG) **ADOPTED AS ORDINANCE NO. 159/2004** 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 (to clarify how standby pay will be administered in the Collection System Dept)

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?... Very well, roll call vote, please.

NO REMARKS

ROLL CALL VOTE: 11 YEAS, 0 NAYS

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PRESIDENT DENCZAK: Ordinance #39 is adopted. **#39 ADOPTED AS ORDINANCE NO. 159/2004**

#40 (2ND RDG) **ADOPTED AS ORDINANCE NO. 160/2004** AN ORDINANCE AMENDING APPROPRIATION O.1/2004 AS AMENDED BY MAKING THE SUPPLEMENTAL HEREIN DESCRIBED; AND DECLARING THE SAME TO BE AN EMERGENCY (Lift stations replacement project)

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: 11 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance #40 is adopted. **#40 ADOPTED AS ORDINANCE NO. 160/2004**

#41 (3RD RDG) **POSTPONED TO 9/13/04** AMENDING TITLE NINE, TAXATION, OF THE CODIFIED ORDINANCES OF THE CITY OF CANTON BY THE ENACTMENT AND ADDITION OF CHAPTER 185, TRANSIENT LODGING TAX

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 CASAR: Mr. President, I move we postpone Ordinance #41 until September 13th, '04; seconded.

PRESIDENT DENCZAK: Moved and seconded to postpone Ordinance 41 until September the 13th. Are there any remarks?

MEMBER DIAMOND: Mr. President, I am the sponsor of this ordinance. I would have assumed that if somebody was going to postpone it that they might have let me know that. I would also state that I proposed this in the 2002 and have been working on it up against several brick walls for all those many years and I will make my comments now and I will make them on that date. However, before I go on, I do think as the sponsor, I should have been told by the Majority Leader that he had decided to postpone this. I think that would have been appropriate. Ohio Revised Code 5739.08 gives the City of Canton as well as surrounding municipalities and cities an economic tool to generate additional funds into our General Fund in a fair and equitable manner. My ordinance allows Canton to join with Perry, Plain, Massillon, Akron, and Jackson Townships in receiving their own 3% lodging tax. Currently, we receive and have received, over the years, 100th of 1%, which is collected from the County. That totals about \$600 or \$700 dollars a year. My ordinance, which the Law Department has indicated is legal and which the surrounding cities had implemented years ago, instead of generating \$700 a year, would have generated \$60,000 a year. Since 2002, we have been losing roughly \$60,000 a year that could have gone into our ailing General Fund, which currently is at a deficit of \$400,000. It is amazing to me that we would continue to postpone something that has been proposed for well over 2 years and continue

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to lose the taxpayers of this City, thousands and thousands and thousands of dollars. We discussed this in committee meeting, however, there was no discussion of postponing it and one of the criticisms was that if we charged the 3% tax, people would surely not go to the McKinley Grand. The McKinley Grand, in my opinion, is one of the nicest hotels, not just in the City of Canton, but also in Stark County. A room is approximately \$129. My tax, the lodging transit tax would be \$3.87. I can't imagine anyone refusing to stay at a hotel of that quality because of \$3.87 and should there be that person that felt that that was too expensive, where then would they go because Perry, Plain, Akron, Massillon and Jackson all have the same 3% tax.

PRESIDENT DENCZAK: Member Diamond, at the risk of being criticized by the local news paper, I have to tell you, your 3 minutes are up. Let's see if anybody else has anything to say. If they don't, I'll come back to you. Anybody else have anything to say about this amendment, or, this postponement?

MEMBER CASAR: Mr. President, first of all I don't see anything in our rules that said I have to state why I've, why I have to give the courtesy to the maker of this ordinance, and second of all, there is some information that I gathered and I want to give Council the opportunity to hear from the Marriot Hotel, whose name is John Fuller, he's the Director of Marketing. He has some information that may very well depend on how we wish to support this or not and that's why I asked for the additional few weeks. After all, as Member Diamond said, it's been on the board since 2002 so another few weeks isn't going to make a difference in my opinion.

MEMBER DIAMOND: Mr. President, I sent a letter with statistics from my research, from the Law Department's research on May 20th to Member Casar and each and every other Councilmember here. I duplicated that letter 2 weeks ago to give them the information and not once was I contacted by anyone, in this Council, for any verification or clarification. I spent months gathering this information. I disseminated to everyone and for a Member of Council to say that they don't owe me the courtesy of telling me that it's postponed nor providing any questions in which I could answer, I think is very disrespectful. Thank you. And, I don't think that we can wait. This City is losing revenues. We have a tool that will bring revenues into the City, not at the cost of our taxpayers, because that's the goal behind this ordinance. Out-of-city visitors will pay this tax so that our General Fund will become a little bit healthier and we can continue to provide the City services to the residents that we represent. Waiting a few more weeks or a few more months means that you continue to allow funds that are legally ours to disappear and I think, I think that's an injustice.

MEMBER CASAR: Mr. president, I have, I have some more information but since it's being postponed, at least, hopefully, I'll bring it up next week and some of Member Diamond's facts are not correct.

MEMBER DIAMOND: Mr. President, I would ask Mister Ca..., or Member Casar to tell me which of my facts are not correct.

MEMBER CASAR: Mr. President, first of all, yes I will. First of all, you cannot use \$129 as the rate, you have to use the 74, which is the average rate, so your \$3.00 now is up to \$2.22. Now these are just incidentals, but they're not correct as you stated them. Number 2, they have about 60% occupancy rate, which is a little different than what you stated also; and number 3, which is the important one in my opinion, that John Fuller, who you never contacted, is Director of Marketing for the Marriot Hotel, said he uses this as a tool to get corporations to come and sign up for a year to use the Marriot Hotel, and for 3%, we would lose a lot of business to the downtown area by not, I'm not saying it's right or wrong, but it's still another tax and I am not in favor of another tax. Especially if this tax could, perhaps, curtail

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business that would otherwise come to the Canton. He uses it as a tool when he goes to Belden Village and when he goes, when he has corporates come in, saying we do not have that 3% tax. We have a hotel, as you stated, one of the finest hotels in the area. If that 3% will continue to have people, corporations come here, I'm not worried about the \$60,000 because we would be generating more money downtown in the restaurants and so forth.

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MEMBER DIAMOND: Mr. President, so you're indicating to me that for \$3.87, people are going to not come to the City of Canton and, I don't believe that to be true and if that were true, then the hotels out in Belden Village would all be empty and they would all be here in Canton because they all have that 3%. I would also ask you also to remember that this City forgave a \$3 million loan to the Marriot and we wish them well. That's a great deal of funding that was forgiven for that hotel for it to be successful.

MEMBER CARBENIA: I have a point of order please.

PRESIDENT DENCZAK: State your point of order.

MEMBER CARBENIA: I thought that we had made a motion to postpone this thing until September 13th and that's what....

PRESIDENT DENCZAK: That's correct.

MEMBER CARBENIA: That's actually what's on the board right now.

PRESIDENT DENCZAK: This, the argument right now is relative to the motion to postpone. Now, one member of Council wants to postpone and the other is telling us why she doesn't want it postponed. This is germane to the issue.

MEMBER CASAR: Mr. President, if Member Diamond would have done her homework like she stated, she would have contacted this Mr. Fuller and he would have told her exactly what he told me. He uses it as a tool to enhance people to come to Canton because they don't have to pay that 3%. He says he does not know if it would make a difference or not but that is one of his marketing tools that he uses to get corporations to sign up for a year for so many rooms and so forth and etc. I'm sure that \$2.22 is what it amounts to Member Diamond, is not a big issue. It's the fact is that it's his selling point and I don't know how many of those rooms that average 60% occupancy, 166 rooms so that's roughly 100 a night that's full, and most of those are corporate people coming in and most of them are yearly contracts. He wants to speak to Council; I'm giving him the right to do that, so that is why I'm postponing, or asking to postpone and hope this Council sees fit to do so.

MEMBER DIAMOND: Mr. President and I will conclude and I thank you for your indulgence. The gentleman running the Marriot has a company to run. The City of Canton is a business and we have a company to run here too and that is to be able to pay for the City services for our residents and that is my concern. I would like to know, will this gentleman be appearing in 2 weeks or do you have a time line, or, as you said, a few weeks or a few months don't matter. What would, what would be the date of his attendance?

MEMBER CASAR: Mr. President, if I may. Mr. President, Mr. Fuller said he would have been here tonight but he had previous commitments so, I can, I'm setting up the meeting and I'm having him speak to Council. When I set that meeting up, every Councilmember will be notified; every member of Council will be notified.

PRESIDENT DENCZAK: Does this end the Casar-Diamond show? The question before you now is to postpone this until September the 13th. Are there any further remarks?... If not, by voice vote, all those in favor signify by saying aye.

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Those opposed no. (*VOICE VOTE INCONCLUSIVE*) Roll call.

NO FURTHER REMARKS

ROLL CALL: 9 YEAS, 2 NAYS (DIAMOND & HART VOTED NO)

PRESIDENT DENCZAK: You two members made a lot of noise. The motion to postpone has passed.

#41 POSTPONED UNTIL SEPTEMBER 13, 2004

ANNOUNCEMENT OF COMMITTEE MEETINGS

PRESIDENT DENCZAK: Announcement of Committee Meetings please.

MEMBER CARBENIA: Mr. President, Economic Development will meet September 13th at 5:45.

MEMBER BABCOCK: Mr. President, Public Safety & Thoroughfares will also meet on the, September 13th at 5:45.

MEMBER PRATER: Mr. President, Annexation Committee will meet 9/13 at 5:45.

PRESIDENT DENCZAK: Any other committees?

MEMBER DOUGHERTY: Mr. President, Public Property Capital Improvement will also meet that evening, same time.

MEMBER BERNABEI: Mr. President, the Judiciary Committee will meet at the same time on the same evening.

MEMBER HAWK: Mr. President, the Finance Committee will meet September 13th at 5:45 to discuss the agenda. I would like to call an additional meeting of the Finance Committee for September 13th at 9 AM. At that time we will review the income tax receipts for the last month.

PRESIDENT DENCZAK: Where will that be held?

MEMBER HAWK: It will be in the Caucus Room, sir. Thank you.

PRESIDENT DENCZAK: Any other committees?... What do we have on there?... Member Casar, Member Casar...Member Mallonn isn't here. There are several items under EPU. Do you want to call a meeting for him?

MEMBER CASAR: Member West is the second man on that Committee. Would you like to call a committee meeting Member West?

PRESIDENT DENCZAK: Environmental and Public Utilities.

MEMBER WEST: Yes. Environmental Public will be for 6:00.

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PRESIDENT DENCZAK: Public Speaks, Open Forum, we have 5 speakers signed up. The first speaker is Jack Angelo.

MR. ANGELO: My name is Jack Angelo. I'm a Sergeant on the Police Department. I'm also the President of the Ohio Labor Council, which is the bargaining unit for the Police Department.

PRESIDENT DENCZAK: May I have your address too, please?

MR. ANGELO: 5037 Schuller Drive NE, Canton, Ohio.

PRESIDENT DENCZAK: Okay.

MR. ANGELO: I'm here to lodge the Union's initial objections for a communication you received from Director Hunt, which is a proposal from the Chief McKimm asking to abolish yet another supervisory position from the Police Department. Our Union has several reasons to object to this. One, it would place an undue burden on the remaining three captains. When the department was reorganized in October 2003, we were told that this was the proper way for the department to operate. We agreed with that. However, the way it was implemented, it was in violation of our collective bargaining agreement, as was affirmed by an arbitrator...as was affirmed by an arbitrator, I'm sorry. We feel that this request is directly linked to these arbitrations as well as an open, unfair labor practice, concerning actions of Chief McKimm to what we believe would be rewarding the Captains with raises or benefits to leave the Union. We feel that the actions requested that will drive you, City Council, into becoming a part of the first step to defuse the unfair labor practice. I am sure that after the first of this year, you will be able to look back at the minutes from this meeting and see, excuse me, that I correctly predicted that a request from the Chief will be in front of you to re-establish a second Major position, thus defeating any savings from abolishing the Captain's position, and accomplishing part 2 of the Chief's plan regarding the defusing of the unfair labor practice. We also feel that our current collective bargaining agreement requires negotiations with our Union before any further positions are eliminated and we will be following the grievance to that effect. We also feel that the Civil Service law does not allow this position to be removed after a vacancy occurs. I'll remind you that our Union was the first Union that voluntarily accepted a 0% pay raise and co-pays for insurance. We paid this for nearly a year and a half before the Patrolman's Union or the Firefighters were required to pay this. We have shown good faith and that we understand the City's financial dilemma, by again, allowing, without protest, the elimination of these positions from our bargaining unit. However, we feel any further eliminations would adversely affect the Police Department. It is very disheartening when we only find out about this proposal because we read the agenda for tonight's meeting. There was no contact by the Chief of Police, who advises us of his plans to do away with one of our Union member's position. You should agree, as a courtesy, we should have been informed of this plan to abolish this position. This only leads to further divide, to drive a division between our Union and the Chief of Police. I assure you.....

PRESIDENT DENCZAK: Sir, I'm sorry, but under Council Rules, your 3 minutes are up and I'm going to ask that you bring your remarks to a close.

MR. ANGELO: Okay. I assure you that we will fight this proposal with whatever lawful means are available to us. Thank you.

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PRESIDENT DENCZAK: The next speaker is Brenda Baylor.

MS. BAYLOR: Yes. My name is Brenda Baylor and I live at 2722 Wood Owl NE, Canton, Ohio and I'm here on behalf of the residents of Georgeview Estates. Okay. On June 7th of 2004, we received a letter from the Safety Director in reference to the water problems that we are having in Georgeview Estates, and so, with some anticipated excitement, we thought that it looked as if there might be some things that could be done to solve some of our problems. Unfortunately, we have not received any response since that time so I am here to see if there is any meeting planned. I am inquiring about any updates or anything that might give us some sense of excitement about possibly getting some of our water problems solved.

PRESIDENT DENCZAK: Does anyone care to respond to that?... Safety Director?....

SAFETY DIRECTOR HUNT: Yes. Ms. Baylor, thank you for coming down here this evening. If you will remember, I indicated to you that, unfortunately, this case is in litigation. I spoke to the Law Department just this morning. A mediation has been scheduled for this Friday. I indicated to you after the penning of that letter that, based upon the fact that we are in litigation with one of the property owners in that area, that the City has taken the option of waiting until that particular case has been determined before we make any other active movement in this case. We are doing some basic engineering on one of the streets in the area, but until the Court has ruled in that suit, you know the City of Canton has been added to that suit here recently, so until that suit has been determined, we will just be waiting to abide by the decision of that Judge and see where we can go from there.

MS. BAYLOR: I would like to make one more comment if possible. I do remember receiving a response from you on the information that you just responded to, however, I think it was before this letter. The last response that I have had from anyone from the City dealing with this problem was this letter, which is the reason that I am here because we have heard nothing. So, I understand the litigation. I know we talked about that. I personally feel that that has nothing to do with the neighborhood. We are now 40 strong. There are several more houses going up. We are looking at a situation where, if, possibly too many more houses are built before the situation is solved, it will become more difficult. We have had more problems. We had a situation where a sump pump died, so to speak, and that person did have a flooded basement. The only thing that saved them was that they have french drains. Fortunately, that particular builder puts in french drains, consequently, they only had about an inch of water in their basement. I, in turn, just had the plumber at my house today and had to have my entire sump pump replaced, which is obviously not the City's responsibility, however, mine is the result of a sump pump that has never had to work, and consequently, it got clogged up and it presented problems. I now have a new one, I will be running down to my basement at least once a month or every other month to now dump water into my sump pump because I now know that that also can present a problem. It's amazing the things that one does not know about water until they have a water problem. So, that's kind of what we're dealing with at this point. So, we're not giving up, and we do hope that, you know, these things that were listed on this, in some kind of way, some of these can be handled and that's basically it. Thank you.

MEMBER ZACHARY: Mr. President, if I could ask the Safety Director another question. I'm a little confused as to how one person's personal lawsuit, whether it's against a contractor, a builder or the City of Canton, affects how the City steps in to correct a problem that affects an entire neighborhood. There is, yes, there is a lawsuit in litigation, at this moment, from what I understand, but, that still does not affect the other residents who live in that development who are not in litigation with the City because there are some public problems that have nothing to do with the lawsuit that's

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already underway. So, I'm not sure what that has to do with why we can't step in and correct the other problem that's going on.

SAFETY DIRECTOR HUNT: Mr. President, just briefly, as I indicated, the City was just recently joined in this by an individual in the allotment who has certain issues with the infrastructure, the drains, the roadway surfaces, things like that. Those sort of issues affect all of the property owners, not just the one property owner. So, it would really be not right for the City of Canton to enter into any type of agreement with any of the property owners that may be addressed by some of the issues in that lawsuit. Law Director Martuccio may have more.

PRESIDENT DENCZAK: One, one, one moment please. This is Public Speaks and under the Council Rules, if you're going to engage in dialogue with a speaker, this speaker has another 12 minutes to speak. So, come up here, you got another 12 minutes. Law Director?... *(SPEAKER RETURNS TO PUBLIC MICROPHONE)*

LAW DIRECTOR MARTUCCIO: Mr. President, if I can directly answer Member Zachary's question as best I can. I know it sounds like a cop-out when lawyers say, when lawyers say, please don't discuss this, but it's true. Something could be said here which could be used against the City in litigation to its detriment. We here are also supposed to look out for all of the rest of the taxpayers and their treasury so that we don't end up paying anymore than we have to if we're found to be at fault. On the other hand, Ms. Kaylor is it? ...

MS. BAYLOR: B-A-Y-L-O-R.

LAW DIRECTOR MARTUCCIO: On the other hand, Mrs. Baylor we, we can go ahead with things that are already independently in motion. It may not be affected at all by the lawsuit. Certain technical problems, certain emergency procedures, for example, but anything that might be adversely affected by what's in front of the Judge, Mr. Hunt is correct, we shouldn't be discussing this.

MEMBER ZACHARY: Thank you.

MS. BAYLOR: One more thing. I think the problem that I have with all of this is, is just from coming from me, as a person, is that this is a community that is brand new. This is a community that should have been perfected in the beginning. This is the community that should not have ended up in resulting with me having to stand here representing Georgeview Estates. We are a fantastic neighborhood. Anyone that comes into the neighborhood can see that. We have planned to keep it that way and we plan to do whatever is necessary to see that our water problems are solved because they never should have happened and, again, I will say that that is all I have to say on that.

PRESIDENT DENCZAK: Our next speaker is Wardell Davis.

MR. DAVIS: Good evening all Members of Canton City Council. My name is Wardell Davis.

CLERK VANCKUNAS: Will you use the microphone?

MR. DAVIS: I don't need the mike, I can....

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PRESIDENT DENCZAK: We have to record this.

MR. DAVIS: Okay, I apologize then. I live at 16.....

PRESIDENT DENCZAK: State your address.

MR. DAVIS: Excuse me?

PRESIDENT DENCZAK: State your name and address.

MR. DAVIS: My name is Wardell Davis. I live at 1611 2nd Street NE, Canton, Ohio 44704. My problem is with the new Family Dollar that was built. Last year, being in the Army Reserves, I was gone almost a year when it was brought to my attention about it being built. I don't think the City looked at some of the issues that truly affect the citizens, myself and others that live in that area. There's a very large safety concern that the City, I don't think, even looked at, and I'm not gonna draw that picture for the City, I'm going to paint it for you. You all are going to have to see that for yourselves. There's a lot of things that you, particularly, I have a large concern about with, ah, to include the electric company when they come out there doing their business with, as far as building that, cutting off people's electricity without even notifying us. With the construction workers, and how one of them told my wife she could go park her car in our garage and we park in front of our house every day. It's a good thing I wasn't home. But, with the streets not being cleaned in that area, with the debris and stuff that's still behind the building, we were stated that there were gonna be barriers or a wall or something built there, I guess to quiet the noise of the air conditioning or the heating systems. Like I said, in my livingroom, my window's open and I can still hear that noise over my television. There are a lot of things that wasn't looked at. I even talked to the contractor who had that and spoke with him about that building being built, where it probably should have been built over there on 5th and 6th Street where there wouldn't have been any traffic concerns or anything else. Now, I know that this project was probably brought up last year, and as I stated, I wasn't here a majority of the year. Being that I was in the Reserves, I was gone. When it was brought to my attention, it was October/November. Then in January and February of this year, I was still, I was gone again. But, I am very, I am one unhappy citizen today. That, that total, that project there, it was, it was a bummer.

PRESIDENT DENCZAK: Mayor, are you aware of this?

SAFETY DIRECTOR HUNT: Mr. President, if I may. At the request of Councilmember Zachary, I pulled the blueprints for that Family Dollar and I gave those to Councilman, Member Zachary. It does require greenery, trees and bushes and so forth to be placed as a buffer between The Family Dollar and it faces directly on 2nd Street. Now, the other items that you mentioned, traffic, trash, we can address some of those things and we will address those, however, as far as I understand, Family Dollar was a private enterprise that bought that property. I don't believe there was any City funds provided to Family Dollar, so, it's only the planning and zoning issues were addressed, however, I have the blueprints, Councilmember Zachary has the blueprints if you'd like to look at those, we can look at those today and the other issues, if you contact me after the meeting, we can talk about those.

MR. DAVIS: Okay.

PRESIDENT DENCZAK: The next speaker is Bettie Bell. Mrs. Bell, under the Council Rules, when you sign up you

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have to also sign your address so, if you would give me your address. State your name and address.

MS. BELL: My name is Bettie M. Bell. B-E-T-T-I-E M. B-E-L-L. I live at 1613 2nd Street NE and I too, also have a concern about the Family Dollar that is directly at my front door. I don't think anyone that have a mother or grandmother would like to have that thrown on them right there on 2nd Street. For the last 2 months, I have not been able to sleep for the noise. Also, if I would have company, the big air conditioner and the vents that sit right in my front door, I have, I am lucky to have them to paint my house this summer. My porch is around my foundation. I had my windows cleaned and right now, I have dust in my house and it's laying on my front porch and everywhere in my home. And, if anyone, I'm also a precinct committee person and I have been a precinct committee person for over 50 years and I'm also presiding jury. I've been presiding jury for over 18 years and if anybody here would like to see something like that put in front of their mother or their grandmother's home, I don't think they would like it either. I never thought I'd have to get rid of my home and go into assisted living because it really has gotten the best of me this summer.

PRESIDENT DENCZAK: Mayor, is the City aware of what's going on?

MAYOR CREIGHTON: Mr. President, I would like to ask Ms. Bell a question. Are they constructing at night?

MS. BELL: They're there from about 6:30 in the morning and sometimes they're there after 8:30 at night, and that is 7 days a week. This morning I went to bed, sleep, at 2:00 this morning. At 7:00 this morning, they was there with the bulldozer, and this has been going on for the last 3 months. I have my time of rest, I have had an allergy condition where I coughed all night, could not even breathe at night 'cuz I'd have to try to gasp for breath and this is what I have been going, been going through for the last 3 months and I'm ready to sell my home and go into assisted living because I cannot continue to live there.

PRESIDENT DENCZAK: I don't think the City was aware of this problem, and I'm sure that they'll look into this first thing in the morning, and the gentleman there with you will meet with you to look at the plan. The next speaker is Rudolph Spicer. Mr. Spicer, under the Council Rules, it states you have to list your address. So, state your name and your address now.

MR. SPICER: Yeah, can I tell you that after I tell you my name?

PRESIDENT DENCZAK: Yes.

MR. SPICER: I live at 3620 34th Street NE. I would like....

PRESIDENT DENCZAK: 36...??

MR. SPICER: 20, 34th Street NE.

PRESIDENT DENCZAK: Okay.

MR. SPICER: I would like to withdraw my request to speak.

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PRESIDENT DENCZAK: That's okay.

MR. SPICER: Thank you.

MISCELLANEOUS BUSINESS

PRESIDENT DENCZAK: We are now under miscellaneous business. Is there any miscellaneous business?...

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

PRESIDENT DENCZAK: Wait a minute Member Casar. You made a prediction tonight to me, that we'd be over at 8:45....

MEMBER CARBENIA: Second.

MEMBER CASAR: I didn't even look at the time, Mr. President.

PRESIDENT DENCZAK; So, I'd like to, I'd like to take 3 minutes to say about something, you know, just to throw you off your schedule. *(laughter)* Moved and seconded that you adjourn. Roll call vote please.

NO REMARKS PERMITTED ON THE MOTION TO ADJOURN

ROLL CALL: 11 YEAS, 0 NAYS

PRESIDENT DENCZAK: This meeting is adjourned.

ADJOURNMENT TIME: 8:45 P.M.

ATTEST:

APPROVED:

DEBRA VANCKUNAS
CLERK OF COUNCIL

RAY DENCZAK
PRESIDENT OF COUNCIL