

MINUTES OF THE MEETING OF SEPTEMBER 13, 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, September 13, 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 1st Ward Councilmember Greg Hawk, followed by the Pledge of Allegiance led by President of Council Ray Denczak.

PRESIDENT DENCZAK: Roll call please.

ROLL CALL TAKEN BY CLERK OF COUNCIL VANCKUNAS:

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

NO COUNCILMEMBERS ABSENT

AGENDA CORRECTIONS & CHANGES

PRESIDENT DENCZAK: Members of Council, to bring your agenda up to date, you're being asked to suspend Rule 22A to add the second reading of Ordinances 11 through and including #24, and also Communication #497. Communication 497 is from the Mayor; it's regarding the railroad annexing, and it will be referred to the Annexation Committee. So the Chair will now recognize Rule 22 suspension, Member Casar.

MEMBER CASAR: Mr. President, I move that Rule 22A be suspended for Ordinances 11 through 21...22, 23 and 24 are going to remain in committee; seconded.

PRESIDENT DENCZAK: And also Communication 497.

MEMBER CASAR: And also Communication 497; seconded.

PRESIDENT DENCZAK: It's moved and seconded to suspend Rule 22 to add Ordinances 11 through and including #21...as 22, 23 and 24 are being held in committee...and also the addition of Communication #497 from the Mayor. Are there any remarks?... If not, roll call vote please.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

PRESIDENT DENCZAK: Rule 22A is suspended and the Ordinances and the Communication are a legal part of your agenda. You're being asked to suspend Rule 24 to add Resolution #77. The Chair will recognize that motion now, Member Casar.

MEMBER CASAR: Mr. President, I move we suspend Rule 24B and add Resolution #77; seconded.

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PRESIDENT DENCZAK: Moved and seconded to suspend Rule 24 to add the Resolution 77. Are there any remarks?... If not, roll call vote please.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

PRESIDENT DENCZAK: Your agenda now...Rule 24 has passed and your agenda now is up to date.

PUBLIC HEARINGS**7:30 P.M. PUBLIC HEARING FOR UNITED FOUNDRIES STREET VACATION REQUEST:**

PRESIDENT DENCZAK: We had a scheduled public hearing at 7:30 p.m. The Chair declares the Public Hearing open at this time. It's a request by United Foundries to vacate portions of 13th Street, Grace Avenue and Crystal Place NE; to replat various lots and the vacated 13th Street, Grace Avenue and Crystal Place into one reconfigured lot. The Planning Commission recommends approval of this ordinance. Is there anyone in the audience wishing to speak for or against this vacation?, please come forward... Is there anyone in the audience wishing to speak for or against this vacation?, please come forward.... Is there anyone in the audience wishing to speak for or against this vacation?, please come forward.... Apparently not, the Chair declares the Public Hearing over in regards to this matter. The ordinance will follow later this evening.

7:31 P.M. PUBLIC HEARING FOR HESSON STREET VACATION REQUEST:

PRESIDENT DENCZAK: We had another scheduled public hearing for 7:31 p.m. The Chair opens that now. Is there anyone in the audience wishing to speak for or against the vacation request from Dwight and Debbie Hesson to vacate 22nd Street SW between Frederick Avenue SW and Tanner Avenue SW?... Again, the Planning Commission recommends approval of this vacation. Is there anyone in the audience wishing to speak for or against this vacation?, please come forward...

MRS. SCHUBERT: Yes, I am here to say that we'd like to have it vacated because...

PRESIDENT DENCZAK: State your name and address please.

MRS. SCHUBERT: Speak into it?... Okay, we'd like to have that vacated because it's...

PRESIDENT DENCZAK: State your name and address.

MRS. SCHUBERT: Oh, my name is Mrs. Paul Schubert. I am the mother-in-law of Debbie and Dwight Hesson's. Mother-in-law and mother.

PRESIDENT DENCZAK: Your address please.

MRS. SCHUBERT: Okay, I'm speaking for my daughter, who is Debbie Hesson back here, at 2229 Sandwith SW, Canton, Ohio.

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PRESIDENT DENCZAK: Okay, go ahead.

MRS. SCHUBERT: Okay, we would like to have that vacated because it's never been an open street and there's been a lot of dumping and we own property on both sides of it. And that's the reason why we're here to say why we want it done. So...thank you.

PRESIDENT DENCZAK: Is there anyone else in the audience wishing to speak for or against this vacation?, please come forward... Is there anyone else in the audience wishing to speak for or against this vacation?, please come forward... Is there anyone else in the audience wishing to speak for or against this vacation?, please come forward... Apparently not. The Chair declares the public hearing over in regards to this matter; the matter will follow later tonight under the ordinances for the third and final reading. The matter now rests in the hands of Council.

PUBLIC SPEAKS (ORDINANCES OR RESOLUTIONS FOR ADOPTION ONLY):

PRESIDENT DENCZAK: Public Speaks under Ordinances and Resolutions for adoption. We have one person signed up to speak, Leon Cote.

MR. COTE: My name is Leon M. Cote, I live at 1225 - 41st Street NW in Canton and I appreciate the opportunity to speak this evening. For the past year and a half to two years, residents of 41st Street, where we live, have been coming down to the meetings, the City Council meetings, because of a survey that was done 25, 30 years ago for the flooding. And over that year and a half, we have laughed with you, we have almost cried with you with some of the sad stories that have occurred in our City. I'm down here for something very simple. Tonight, item #19 is coming up for the second reading. I would ask you to please waive the second reading and give it the third reading and pass it. We've waited 25 years and I feel if you waive the third reading, then what happens is we can start the survey, get that done, let people on the street see that we're finally going to taking care of and the problem addressed. And I would certainly appreciate it. And I'm talking on behalf of many people in our neighborhood. Thank you for your time.

INFORMAL RESOLUTIONS

PRESIDENT DENCZAK: Under Informal Resolution, it will not be necessary to excuse members. Let the journal show that all Members of Council are present.

**NOTE: The Clerk of Council read the Resolutions listed below by the titles under which they appeared on the Council Agenda. They are on file in their entirety in the Council Office with the "Agenda Items" file dated September 13, 2004.*

RULE 24B WAS SUSPENDED TO ADD THE FOLLOWING RESOLUTION #77:

77. FROM THE PERSONNEL COMMITTEE: APPROVING THE MAYOR'S APPOINTMENT OF LARRY LANHAM II TO FILL A VACANCY ON THE FAIR HOUSING COMMISSION FOR A 5-YEAR TERM EFFECTIVE 9/1/2004 THROUGH 8/31/2009. - ADOPTED BY COUNCIL

MEMBER CASAR: Mr. President, I move we adopt Resolution #77; seconded.

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PRESIDENT DENCZAK: Moved and seconded that you adopt Resolution 77; 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 #77 APPROVED BY UNANIMOUS VOICE VOTE

PRESIDENT DENCZAK: Resolution #77 is adopted.

78. FROM PRATER, TERRY, WARD 5 COUNCILMEMBER: REQUESTING PLACEMENT OF A STREET LIGHT ON PARK AVENUE SW BETWEEN 10TH & 11TH STREETS. - ADOPTED BY COUNCIL

MEMBER CASAR: Mr. President, I move we adopt Resolution #78; seconded.

PRESIDENT DENCZAK: Moved and seconded that you adopt Resolution 78; 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 #78 APPROVED BY UNANIMOUS VOICE VOTE

PRESIDENT DENCZAK: The resolution is adopted.

COMMUNICATIONS

PRESIDENT DENCZAK: Under Communications, all Communications are received as read, filed and properly 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 September 13, 2004.***

470. AUDITOR KIM R. PEREZ, CITY OF CANTON: MONTHLY REPORT BY FUND FOR 8/1/04 - 8/31/04. - RECEIVED & FILED

471. AUDITOR KIM R. PEREZ, CITY OF CANTON: YEARLY REPORT BY FUND FOR 1/1/04 - 8/3/04. - RECEIVED & FILED

472. AUDITOR KIM R. PEREZ, CITY OF CANTON: CERTIFICATE OF THE TOTAL AMOUNT FROM ALL SOURCES FOR 2004. - CLERK OF COUNCIL

473. COMMUNITY DEVELOPMENT & PLANNING DEPARTMENT, CITY OF CANTON, MARGY POORMAN, DIRECTOR: REQUEST TO ESTABLISH A \$500 FAIR REUSE VALUE FOR PARCEL #02-34591 LOCATED ON 2ND ST SE & CONVEY SAME TO HABITAT FOR HUMANITY. - COMMUNITY & ECONOMIC DEVELOPMENT CMTE

474. HEALTH COMMISSIONER ROBERT E. PATTISON, CANTON CITY HEALTH DEPARTMENT, 420

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MARKET AVENUE NORTH, CANTON, OHIO 44702: REQUESTING \$100,000 SUPPLEMENTAL APPROPRIATION FROM THE 2328 PUBLIC HEALTH INFRASTRUCTURE FUND FOR GRANT FUNDS RECEIVED FROM OHIO DEPT OF HEALTH. - FINANCE CMTE

475. HEALTH COMMISSIONER ROBERT E. PATTISON, CANTON CITY HEALTH DEPARTMENT, 420 MARKET AVENUE NORTH, CANTON, OHIO 44702: REQUESTING \$5,000 SUPPLEMENTAL APPROPRIATION FROM THE 2318 HIV PREVENTION FUND FOR GRANT FUNDS RECEIVED FROM OHIO DEPT OF HEALTH. - FINANCE CMTE
476. LAW DIRECTOR JOSEPH MARTUCCIO, CITY OF CANTON LAW DEPARTMENT: REQUESTING LEGISLATION TO RE-AUTHORIZE & RATIFY PROVISIONS OF O#185/2002; AUTHORIZE SAFETY DIRECTOR TO ENTER INTO AGREEMENT W/OHIO RAIL DEVELOPMENT COMMISSION TO CLOSE OR UPGRADE RAIL CROSSINGS. - PUBLIC SAFETY & THOROUGHFARES CMTE
477. LIQUOR CONTROL DIVISION (STATE OF OHIO), 6606 TUSSING ROAD, PO BOX 4005, REYNOLDSBURG, OHIO 43068-9005: APPLICATION FOR STOCK TRANSFER OF B1, B4, B5 LIQUOR PERMIT REQUESTED BY MARTINAT WINE CO, 610-12-14 WALNUT AVE SE. - INTERGOVERNMENTAL & PUBLIC SERVICE CMTE
478. LIQUOR CONTROL DIVISION (STATE OF OHIO), 6606 TUSSING ROAD, PO BOX 4005, REYNOLDSBURG, OHIO 43068-9005: APPLICATION FOR NEW C2 LIQUOR PERMIT REQUESTED BY BASKETFANFARE LLC, dba BASKETFANFARE LOCATED @ 2241 WEST TUSCARAWAS. - INTERGOVERNMENTAL & PUBLIC SERVICE CMTE
479. LIQUOR CONTROL DIVISION (STATE OF OHIO), 6606 TUSSING ROAD, PO BOX 4005, REYNOLDSBURG, OHIO 43068-9005: APPLICATION FOR NEW C1, C2 LIQUOR PERMIT REQUESTED BY WAYNE EDWARD MARION, dba T & M DRIVE THRU, 912-914 12TH ST NE. - INTERGOVERNMENTAL & PUBLIC SERVICE CMTE
480. LIQUOR CONTROL DIVISION (STATE OF OHIO), 6606 TUSSING ROAD, PO BOX 4005, REYNOLDSBURG, OHIO 43068-9005: APPLICATION FOR NEW D3 LIQUOR PERMIT REQUESTED BY JOHN E. JOHNSON & ARTHUR T. JOHNSON, dba CAROUSEL LOUNGE, 3012 ATLANTIC BLVD NE - INTERGOVERNMENTAL & PUBLIC SERVICE CMTE
481. LIQUOR CONTROL DIVISION (STATE OF OHIO), 6606 TUSSING ROAD, PO BOX 4005, REYNOLDSBURG, OHIO 43068-9005: CONFIRMING CITY OF CANTON'S WITHDRAWAL OF OBJECTION TO TRANSFER OF D2,2X LIQUOR PERMIT REQUESTED BY LORRAINE A. BOYLE, dba HOLLAND INN, 827 10TH ST NW. - INTERGOVERNMENTAL & PUBLIC SERVICE CMTE
482. LY, KEO Q., 4675 LEONE STREET, LOUISVILLE, OHIO 44641: REQUEST TO REZONE 3650 HARMONT AVE NE FROM R-1A TO PB-3 FOR THAI GOURMET RESTAURANT. - PLANNING COMMISSION

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483. PLANNING COMMISSION, SHEILA K. THARP-BARRINO, SECRETARY, CITY OF CANTON: RECOMMENDING APPROVAL OF REQUEST BY ROBERT FRENZ TO VACATE PORTIONS OF AN UNNAMED 19' ALLEY EAST OF WALLACE AVE NE & TO REPLAT THE VACATED ALLEY & LOTS 21677, 21678, 21680 & 21681 INTO 2 RECONFIGURED LOTS. - PUBLIC SAFETY & THOROUGHFARES CMTE
484. PLANNING COMMISSION, SHEILA K. THARP-BARRINO, SECRETARY, CITY OF CANTON: RECOMMENDING APPROVAL OF REQUEST BY LAMBOS INVESTMENT PARTNERS FOR AMENDED PB-3 ZONING AT 2303 W TUSCARAWAS ST FOR PARKING LOT & DRIVE THRU LANE ADJUSTMENT AT NEW KFC RESTAURANT. - LAW DEPARTMENT. **PUBLIC HEARING SCHEDULED FOR 10/18/2004 @ 7:30 PM**
485. SAFETY DIRECTOR BERNARD L. HUNT, CITY OF CANTON: REQUEST TO AMEND PENDING LEGISLATION FOR OHIO BILLING INC CONTRACT TO INCLUDE RATIFICATION EFFECTIVE AUGUST 1, 2004 & AUTHORIZATION TO PAY A MORAL OB IN THE AMOUNT OF \$13,030.50 FOR JULY & AUGUST EMS SUBMISSIONS BILLING. - FINANCE CMTE (**SEE O.173/2004**)
486. SERVICE DIRECTOR TADC. ELLSWORTH, CITY OF CANTON: REQUEST AUTHORIZATION FOR SERVICE & SAFETY DIRECTORS TO EXECUTE LICENSE AGREEMENT DOCUMENTS TO INSTALL PRIVATE MONITORING WELLS IN PUBLIC RIGHT-OF-WAY @ NORTHEAST CORNER OF MARKET AVE N., 12TH ST NE & SOUTHWEST CORNER OF WARNER RD SE & 7TH STREET SE. - ENVIRONMENTAL & PUBLIC UTILITIES CMTE
487. SERVICE DIRECTOR TADC. ELLSWORTH, CITY OF CANTON: REQUEST AUTHORIZATION FOR SERVICE DIRECTOR TO EXECUTE EASEMENT W/STARK COUNTY COMMISSIONERS FOR PROPOSED UNDERGROUND DATA/COMMUNICATION CONDUIT IN WALNUT AVENUE SE, EAST TUSC & 2ND ST SE REQUESTED BY STARK COUNTY JOB & FAMILY SERVICES. - INTERGOVERNMENTAL & PUBLIC SERVICE CMTE
488. SERVICE DIRECTOR TADC. ELLSWORTH, CITY OF CANTON: REQUEST AUTHORIZATION FOR SERVICE DIRECTOR TO EXECUTE AGREEMENT W/PLAIN TWP TO SUBMIT OPWC GRANT APPLICATION, BEGIN SELECTION FOR ENGINEERING DESIGN & ASSIGN PROJECT DEVELOPMENT RESPONSIBILITIES IN THE 25TH STREET NE STORM SEWER PROJECT. - ENVIRONMENTAL & PUBLIC UTILITIES CMTE
489. SERVICE DIRECTOR TADC. ELLSWORTH, CITY OF CANTON: REQUEST AUTHORIZATION FOR MAYOR &/OR SERVICE DIRECTOR TO ENTER INTO WORK AGREEMENTS FOR THE MARKET AVENUE N SANITARY/SEWER REPLACEMENT GP 1070 & MAKE MINISTERIAL CHANGES TO CORRECT ANY/ALL ERRORS. - ENVIRONMENTAL & PUBLIC UTILITIES CMTE
490. SERVICE DIRECTOR TADC. ELLSWORTH, CITY OF CANTON: REQUESTING AUTHORIZATION TO EXECUTE AGREEMENT W/STARK COUNTY FOR OPWC GRANT APPLICATION FOR ROAD & HIGHWAY RESURFACING, REPAIR & MINOR WIDENING, PORTIONS OF WHICH ARE LOCATED W/IN STARK COUNTY; WILL RETURN TO COUNCIL FOR CITY'S SHARE OF

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PROJECT COST. - PUBLIC SAFETY & THOROUGHFARES AND FINANCE CMTES

491. SERVICE DIRECTOR TAD C. ELLSWORTH: REQUESTING AUTHORIZATION TO MODIFY DESIGN CONTRACT WITH URS CORPORATION FOR \$20,077 ADDITIONAL ENVIRONMENTAL STUDIES FEE IN THE TUSCARAWAS IMPROVEMENT PROJECT, GP 1064; REQUESTING \$20,077 SUPPLEMENTAL APPROPRIATION FROM THE 4551 TUSC ST IMP FUND & \$20,077 TRANSFER FROM 4501 FUND. - PUBLIC SAFETY & THOROUGHFARES AND FINANCE CMTES
492. SLIMAN, SAM, AGENT FOR PETITIONER: SUBMITTING ANNEXATION PETITION DOCUMENTS FOR CITY OF CANTON/RAILROAD ANNEXATION AREA IN PLAIN TOWNSHIP. - ANNEXATION CMTE
493. SLIMAN, SAM, AGENT FOR PETITIONER: SUBMITTING ANNEXATION PETITION DOCUMENTS FOR K-MART/EASTRIDGE CEDA #2 ANNEXATION AREA IN PLAIN TOWNSHIP. - ANNEXATION CMTE
494. TREASURER ROBERT C. SCHIRACK, CITY OF CANTON: COMPARATIVE REPORT OF INCOME TAX CASH RECEIPTS AS OF 8/31/04. - RECEIVED & FILED
495. TREASURER ROBERT C. SCHIRACK, CITY OF CANTON: COMPARATIVE REPORT OF AMBULANCE LOCK BOX FOR AUGUST 2004. - RECEIVED & FILED
496. TREASURER ROBERT C. SCHIRACK, CITY OF CANTON: COMPARATIVE REPORT OF PARKING METER REVENUE FOR AUGUST 2004. - RECEIVED & FILED

RULE 22A WAS SUSPENDED TO ADD THE FOLLOWING COMMUNICATION #497:

497. MAYOR JANET W. CREIGHTON, CITY OF CANTON: REQUEST STATEMENT OF SERVICES RESOLUTION BE PASSED W/ALL 3 READINGS 9/20/2004 RE: RAILROAD ANNEXATION AREA. - ANNEXATION CMTE

ORDINANCES & FORMAL RESOLUTIONS FOR FIRST READING

PRESIDENT DENCZAK: We're now under Ordinances and Formal Resolutions for their first reading. Let the journal show that all ordinances are being given their reading as required by State law. Ordinance #1 please.

NOTE: PRESIDENT DENCZAK CALLED UPON CLERK VANCKUNAS TO READ THE FOLLOWING ORDINANCES #1 THROUGH AND INCLUDING #10 FOR THE FIRST TIME BY TITLE & ANNOUNCED THE COMMITTEE REFERRALS, AS FOLLOWS, WITH THE EXCEPTION OF ORDINANCE #8, WHICH WAS WITHDRAWN FROM THE AGENDA. ORDINANCE #7 WAS RETURNED TO THE AGENDA & ADOPTED FOLLOWING ITS READING, REFERRAL, AND COMMITTEE MEETING.

- #1 (1st RDG) AN ORDINANCE AMENDING SECTION 113.02, STREET/ALLEY VACATION FEE, OF THE CODIFIED ORDINANCES OF THE CITY OF CANTON

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Referred to Judiciary Committee

- #2 (1ST RDG) AN ORDINANCE ESTABLISHING THE FAIR MARKET VALUE OF ONE PARCEL OF CITY-OWNED REAL PROPERTY; AUTHORIZING THE SALE AND CONVEYANCE OF SAID PROPERTY PURSUANT TO THE CITY'S RESIDENTIAL LAND DISPOSITION PROGRAM; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Community & Economic Development Committee
- #3 (1ST RDG) AN ORDINANCE ESTABLISHING THE FAIR REUSE VALUE OF ONE PARCEL OF CITY-OWNED REAL PROPERTY; AUTHORIZING THE SALE AND CONVEYANCE OF SAID PROPERTY PURSUANT TO THE CITY'S RESIDENTIAL LAND DISPOSITION PROGRAM; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Community & Economic Development Committee
- #4 (1ST RDG) AN ORDINANCE AMENDING ORDINANCE NO. 17/89, AS AMENDED, AUTHORIZING THE MAYOR TO ENTER INTO AN AMENDED CONTRACT WITH THE CANTON COMMUNITY IMPROVEMENT CORPORATION TO ADMINISTER ADDITIONAL COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS IN AN AMOUNT NOT TO EXCEED \$500,000.00; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Community & Economic Development & Finance Committees
- #5 (1ST RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY TO ENTER INTO AGREEMENT WITH THE CANTON CITY SCHOOL DISTRICT BOARD OF EDUCATION TO PROVIDE TWO POLICE OFFICERS; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Personnel & Finance Committees
- #6 (1ST RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ADVERTISE, RECEIVE BIDS AND ENTER INTO CONTRACT FOR THE WPC MISCELLANEOUS IMPROVEMENTS PROJECT; AMENDING APPROPRIATION ORDINANCE NO. 1/2004, AS AMENDED, BY MAKING THE SUPPLEMENTAL APPROPRIATION HEREIN DESCRIBED; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Environmental & Public Utilities & Finance Committees
- #7 (1ST RDG) **ADOPTED AS ORDINANCE NO. 161/2004** AN ORDINANCE AUTHORIZING THE CLERK OF COUNCIL TO CERTIFY TO THE COUNTY AUDITOR UNPAID AND DELINQUENT CHARGES FOR WATER AND/OR SEWER SERVICES; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Intergovernmental & Public Service Committee

PRESIDENT DENCZAK: Number 8 is withdrawn; it's identical to Ordinance #9 with the changing of the name.

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- #8 **WITHDRAWN FROM AGENDA** AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO AN AGREEMENT WITH THE STARK COUNTY EDUCATIONAL SERVICE CENTER FOR THE LEASE OF PORTIONS OF THE SOUTHEAST COMMUNITY CENTER; AND DECLARING THE SAME TO BE AN EMERGENCY
- #9 (1ST RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO LEASE AGREEMENT WITH THE STARK COUNTY EDUCATIONAL SERVICE CENTER; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Finance Committee
- #10 (1ST RDG) AN ORDINANCE ESTABLISHING THE FAIR MARKET VALUE OF REAL PROPERTY IN CONJUNCTION WITH THE WOODLAND AVENUE NW RELIEF STORM SEWER PROJECT, GP 1062; AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO NEGOTIATE AN EASEMENT AT THE ESTABLISHED FAIR MARKET VALUE; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Environmental & Public Utilities & Finance Committees

PRESIDENT DENCZAK: At this time the Chair is going to declare an in-house recess for the Intergovernmental & Public Service Committee to meet in regards to Ordinance #7. You are now in recess.

COUNCIL RECESSED AT 7:46 PM FOR THE COMMITTEE TO MEET RE: O#7. THE COUNCIL MEETING WAS RECONVENED BY PRESIDENT DENCZAK AT 7:50 PM.

PRESIDENT DENCZAK: All right, Council is reconvening after the recess. Member Casar, we have the ordinance here now...

MEMBER CASAR: Mr. President, I move we suspend Rule 22 A to put Ordinance #7 back on the agenda; seconded.

PRESIDENT DENCZAK: Moved and seconded to suspend Rule 22 to add Ordinance #7 back to the agenda. Are there any remarks?... If not, roll call vote please.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

PRESIDENT DENCZAK: Rule 22 is suspended and Ordinance #7 is a legal part of your agenda, Member Casar.

- #7 **ADOPTED AS ORDINANCE NO. 161/2004** AN ORDINANCE AUTHORIZING THE CLERK OF COUNCIL TO CERTIFY TO THE COUNTY AUDITOR UNPAID AND DELINQUENT CHARGES FOR WATER AND/OR SEWER SERVICES; AND DECLARING THE SAME TO BE AN EMERGENCY

MEMBER CASAR: Mr. President, I move that Statutory Rules be suspended on Ordinance #7; seconded.

PRESIDENT DENCZAK: Moved and seconded to dispense with the three readings of Ordinance #7. Are there any

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

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

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

MEMBER CASAR: Mr. President, I move we adopt Ordinance #7; seconded.

PRESIDENT DENCZAK: Moved and seconded that you adopt Ordinance #7. Are there any remarks under this Ordinance?... Very well, roll call vote please.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance #7 is adopted.

#7 ADOPTED AS ORDINANCE NO. 161/2004

ORDINANCES & FORMAL RESOLUTIONS FOR SECOND READING

PRESIDENT DENCZAK: We're now under Ordinances for the second reading. Ordinance #11 please.

NOTE: PRESIDENT DENCZAK CALLED UPON CLERK VANCKUNAS TO READ THE FOLLOWING ORDINANCES #11 THROUGH AND INCLUDING 21 FOR THE SECOND TIME BY TITLE, AS FOLLOWS. ORDINANCES #17 & 19 WERE ADOPTED FOLLOWING THEIR SECOND READINGS. ORDINANCES #22, 23 & 24 WERE RETAINED IN COMMITTEE.

RULE 22A WAS SUSPENDED TO ADD #11 THROUGH 21:

- #11 (2ND RDG) AN ORDINANCE NAMING AN UNNAMED ALLEY IN THE CITY OF CANTON CARMELITA COURT NW.
- #12 (2ND 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
- #13 (2ND 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

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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

- #14 (2ND 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
- #15 (2ND RDG) A RESOLUTION AUTHORIZING THE LAW DIRECTOR TO DISTRIBUTE FREE OF CHARGE TO PUBLIC OFFICIALS AND PUBLIC INSTITUTIONS COPIES OF THE 2004 SUPPLEMENT TO THE CANTON CODIFIED ORDINANCES, TO AFFIX PRICE FOR THE SALE OF SAME; AND DECLARING THE SAME TO BE AN EMERGENCY
- #16 (2ND 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
- #17 (2ND RDG) **ADOPTED AS ORDINANCE NO. 162/2004** AN ORDINANCE VACATING A PORTION OF 22ND STREET SW; AND DECLARING THE SAME TO BE AN EMERGENCY

MEMBER CASAR: Mr. President, I move that statutory rules be suspended on Ordinance #17; seconded.

PRESIDENT DENCZAK: There is a move to dispense with the three readings of Ordinance 17; are there any remarks?... If not, roll call vote please.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance #17 is adopted.....you've heard the three readings, Member Casar.

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

PRESIDENT DENCZAK: Moved and seconded that you adopt Ordinance 17; are there any remarks under this ordinance?...

MEMBER PRATER: Mr. President, yes, this ordinance is the vacation of 22nd Street, that's in my ward. I don't see a problem with this, I support this. Twenty-second Street does not currently exist; it's nothing but weeds and trees, and according to the Planning Commission, that's all it's going to be for quite some time. So I support this.

PRESIDENT DENCZAK: Any other remarks?... If not, roll call vote please.

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NO FURTHER REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance #17 is adopted.

#17 ADOPTED AS ORDINANCE NO. 162/2004

#18 (2ND 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

#19 (2ND RDG) **ADOPTED AS ORDINANCE NO. 162/2004** 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

MEMBER DIAMOND: Mr. President, I would request that Majority Leader Casar make a request to dispense with the three readings. These people have lived with torrential rains and flooding for well over 30 years and I hope we could waive the third reading and let them get on with improving their street and allowing them to have a livable environment. Thank you.

MEMBER CASAR: Mr. President, my question was going to be to the ward councilperson if they had any objections and also to the Administration if they had any objections....? If not, we will suspend rules and pass Ordinance #19.

PRESIDENT DENCZAK: To pass it?

MEMBER CASAR: Yes.

PRESIDENT DENCZAK: Make that motion then.

MEMBER CASAR: Mr. President, I move that statutory rules be suspended on Ordinance #19; seconded.

PRESIDENT DENCZAK: There is a move to dispense with the three readings of Ordinance #19; are there any remarks?.... If not, roll call vote please.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

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

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

PRESIDENT DENCZAK: Moved and seconded that you adopt Ordinance #19; are there any remarks?... Very well,

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roll call vote please.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance #19 is adopted.

#19 ADOPTED AS ORDINANCE NO. 163/2004

#20 (2ND 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

#21 (2ND RDG) A RESOLUTION APPROVING THE STATEMENT OF SERVICES TO BE PROVIDED TO THE PROPERTY OWNER IN THE BIGLER ANNEXATION AREA UPON ITS BEING ANNEXED TO THE CITY OF CANTON, OHIO; AND DECLARING THE SAME TO BE AN EMERGENCY

#22 **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

#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 **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

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 #25 THROUGH AND INCLUDING #35 FOR THE THIRD & FINAL TIME BY TITLE,

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AS FOLLOWS. ORDINANCE #34 WAS POSTPONED TO 9/20/2004. ALL OTHERS WERE ADOPTED.

#25 (3RD RDG) **ADOPTED AS ORDINANCE NO. 164/2004** 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

MEMBER CASAR: Mr. President, I move we adopt Ordinance #25; seconded.

PRESIDENT DENCZAK: Moved and seconded that you adopt Ordinance 25. 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 #25 is adopted.

#25 ADOPTED AS ORDINANCE NO. 164/2004

#26 (3RD RDG) **ADOPTED AS ORDINANCE NO. 165/2004** 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)

MEMBER CASAR: Mr. President, I move we adopt Ordinance #26; seconded.

PRESIDENT DENCZAK: Moved and seconded that you adopt Ordinance 26. 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 #26 is adopted.

#26 ADOPTED AS ORDINANCE NO. 165/2004

#27 (3RD RDG) **ADOPTED AS ORDINANCE NO. 166/2004** AN ORDINANCE AMENDING CHAPTER 150, SYSTEMS PLANNING BOARD, OF THE CODIFIED ORDINANCES OF THE CITY OF CANTON

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

NO REMARKS

ROLL CALL VOTE: 12 YEAS, 0 NAYS

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PRESIDENT DENCZAK: Ordinance #27 is adopted.

#27 ADOPTED AS ORDINANCE NO. 166/2004

#28 (3RD RDG) **ADOPTED AS ORDINANCE NO. 167/2004** 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

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: 12 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance #28 is adopted.

#28 ADOPTED AS ORDINANCE NO. 167/2004

#29 (3RD RDG) **ADOPTED AS ORDINANCE NO. 168/2004** 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

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: 12 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance 29 is adopted.

#29 ADOPTED AS ORDINANCE NO. 168/2004

#30 (3RD RDG) **ADOPTED AS ORDINANCE NO. 169/2004** 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)

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

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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

PRESIDENT DENCZAK: Ordinance #30 is adopted.

#30 ADOPTED AS ORDINANCE NO. 169/2004

#31 (3RD RDG) **ADOPTED AS ORDINANCE NO. 170/2004** 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)

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

NO REMARKS

ROLL CALL VOTE: 12 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance #31 is adopted.

#31 ADOPTED AS ORDINANCE NO. 170/2004

#32 (3RD RDG) **ADOPTED AS ORDINANCE NO. 171/2004** 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

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

NO REMARKS

ROLL CALL VOTE: 12 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance #32 is adopted.

#32 ADOPTED AS ORDINANCE NO. 171/2004

#33 (3RD RDG) **ADOPTED AS ORDINANCE NO. 172/2004** AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 1/2004, AS AMENDED, BY MAKING THE SUPPLEMENTAL APPROPRIATION HEREIN DESCRIBED; AND DECLARING THE

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SAME TO BE AN EMERGENCY (Private Water Reimbursement)

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 under this Ordinance?... Very well, roll call vote please.

NO REMARKS

ROLL CALL VOTE: 12 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance #33 is adopted.

#33 ADOPTED AS ORDINANCE NO. 172/2004

#34 (3rd RDG) **POSTPONED TO 9/20/2004** 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

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, may I ask the Service Director a question please?

PRESIDENT DENCZAK: You may.

MEMBER CASAR: Service Director Ellsworth, at our last Council Meeting, I asked...requested you to give me the information in regards to the appraised value of this property today and why it's no longer needed for a parking lot and I was wondering if you have that information for myself and/or this Council.Or, you might not have been here, I think I might have directed that to Chief of Staff Concatto.

SERVICE DIRECTOR ELLSWORTH: I don't recall that.

MEMBER CASAR: I'm sorry.

CHIEF OF STAFF CONCATTO: Mr. President, if I may. Member Casar, I did investigate. There is no appraisal presently on the property. We have given Lisa Miller the responsibility to do that, she does our appraisals. As soon as the, we're looking for the funding...it's going to cost us about \$2500 to do that appraisal...we will have the funding we believe out of the Mayor's Community & Economic Development money to fund that appraisal. I could not get it done in time for this meeting. I do not have an estimate of any costs, they weren't kept as far as what we might have put in that property...that was your request. I do not have that either. But it'll probably, even if we find the funding very quickly, it takes probably 30 to 60 days to do an appraisal.

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MEMBER CASAR: Mr. President, I do not want to put a...Chief of Staff Concatto, I don't want to throw a curve ball into this program or project, because I think it's worthwhile, but in the same token, I know, and I may be off a \$100,000 or so, but I'm sure we spent over \$500,000 on that piece of property to make it a parking lot for the City workers that work in the Sears Building, and I can't understand why it's no longer needed. And although I think I stated three weeks ago, I want to see them come to the City of Canton downtown, but that's very valuable property and I know it has to come to CIC Committee for final disposal of the property. But I would like to see, at least this one Councilperson, would like to see how much money we have expended in that, an appraisal, before we pass this legislation. And so I would therefore move that we postpone this until, we'll start with next week's meeting, September 20th. I so move; seconded.

PRESIDENT DENCZAK: Moved and seconded to postpone Ordinance #34 until September the 20th; are there any remarks?...

MEMBER WEST: Mr. President, just for clarity. Mr. Casar, are you saying next week then for the appraisal or...?

MEMBER CASAR: I'm just using that as a starting date and if they have it by next week, fine, if not, we can postpone it...if this Council wishes to, we'll postpone it for another week until those answers come forth.

CHIEF OF STAFF CONCATTO: Mr. President, if we can get the County appraisal, is that okay? I cannot get an appraisal that quickly, but I can get the County appraisal. I'll do some more research as far as what the costs...I cannot find that, but I'll go to another department.

MEMBER CASAR: That's fine; that would suffice. Anything that we'd have some indication...and I'm sure it's changed since the last time, it'll be lower. It normally is.

PRESIDENT DENCZAK: Any further remarks on postponing this until September 20th?... If not, by voice vote, all those in favor, signify by saying aye; those opposed, no.

NO FURTHER REMARKS

34 POSTPONED TO 9/20/2004

PRESIDENT DENCZAK: Ordinance #34 is postponed until September the 20th, 2004.

#35 (3RD RDG) **ADOPTED AS ORDINANCE NO. 173/2004** ~~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~~ *AMENDED TO READ: **AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY TO ENTER INTO A RETROACTIVE THREE-YEAR PROFESSIONAL SERVICES CONTRACT WITH OHIO BILLING, INC. FOR THE BILLING AND COLLECTION OF USER FEES FOR EMERGENCY AMBULANCE SERVICES; AUTHORIZING THE PAYMENT OF A MORAL OBLIGATION; AND DECLARING THE SAME TO BE AN EMERGENCY**

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

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PRESIDENT DENCZAK: Moved and seconded that you adopt Ordinance #35. Are there any remarks under this Ordinance?...

MEMBER CASAR: Mr. President, I move to amend Ordinance 35 per the copy that all Councilpersons have in front of them; seconded. **AMENDMENT: Pursuant to Rule 36, I hereby move to amend Agenda Item No. 35 to include retroactive ratification effective August 1, 2004, and the inclusion of a new Section 2 which authorizes the payment of a moral obligation to Ohio Billing to cover the lapsed period. I move to do so with the substitution of the attached revised ordinance for the ordinance currently pending before Council.**

ATTACHED REVISED ORDINANCE: ORDINANCE NO. _____ AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY TO ENTER INTO A RETROACTIVE THREE-YEAR PROFESSIONAL SERVICES CONTRACT WITH OHIO BILLING, INC. FOR THE BILLING AND COLLECTION OF USER FEES FOR EMERGENCY AMBULANCE SERVICES; AUTHORIZING THE PAYMENT OF A MORAL OBLIGATION; AND DECLARING THE SAME TO BE AN EMERGENCY. BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CANTON, STATE OF OHIO, THAT: Section 1. The Director of Public Safety, on behalf of the City of Canton, is authorized and directed to enter into a three-year professional services contract with Ohio Billing, Inc. for the administration of the billing and collection of user fees for emergency ambulance services retroactive to August 1, 2004. Section 2. The Auditor, on behalf of the City of Canton, is authorized and directed to pay a moral obligation in an amount not to exceed \$13,030.50 to Ohio Billing, Inc. for payment of July and August, 2004, EMS submissions billing. Section 3. The Auditor is authorized and directed to draw his warrants upon receipt of vouchers duly approved by the proper departmental authority. Section 4. This ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health or safety of the citizens of the City of Canton; the emergency being to avoid interruption and delay in the contracting process for the administration of the billing and collection of user fees due to the present contract expiring July 31, 2004. And provided it receives the affirmative vote of two-thirds of the elected and/or appointed members to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

PASSED: _____ PRESIDENT OF COUNCIL: _____ ATTEST: _____
CLERK OF COUNCIL: _____ APPROVED: _____ MAYOR: _____

PRESIDENT DENCZAK: Moved and seconded to amend Ordinance 35, per the copy before each of you. Are there any remarks under the amendment?... The question you're voting on is the amendment. By voice vote, all those in favor, signify by saying aye; those opposed, no.

NO REMARKS AMENDMENT APPROVED BY UNANIMOUS VOICE VOTE

PRESIDENT DENCZAK: The amendment has passed. The question you're voting on now is the ordinance as amended. Are there any remarks under this ordinance as amended?.... Very well, roll call vote please.

NO FURTHER REMARKS ROLL CALL: 12 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance #35, as amended, has been adopted.

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#35 ADOPTED AS ORDINANCE NO. 173/2004

ORDINANCES AND FORMAL RESOLUTIONS – POSTPONED MATTER:

PRESIDENT DENCZAK: Ordinances and Formal Resolutions – Postponed Matter; Ordinance number 36.

#36 (RECEIVED ALL 3 RDGS; POSTPONED FROM 8/23/04)

POSTPONED AGAIN TO 9/20/04 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

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?

MEMBER CASAR: Mr. President, I move we postpone Ordinance 36 until September 20th; seconded.

PRESIDENT DENCZAK: Moved and seconded to postpone Ordinance 36 until September the 20th. 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 #36 is postponed until September 20th, 2004.

#36 POSTPONED UNTIL SEPTEMBER 20, 2004

PRESIDENT DENCZAK: Ordinance 37.

#37 (RECEIVED ALL 3 RDGS; POSTPONED FROM 8/23/04)

ADOPTED AS ORDINANCE NO 174/2004 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 #37; seconded

PRESIDENT DENCZAK: Moved and seconded that you adopt Ordinance #37. Are there any remarks under this ordinance?

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MEMBER DIAMOND: Mr. President, since we last discussed this ordinance 3 weeks ago and postponed it, one more city has proposed a lodging tax. Three weeks ago, we had five surrounding townships and municipalities that were taking advantage of an economic tool to increase their general fund. And in the last couple weeks, the city of Alliance now has its lodging tax pending before its Council. And I think that when you see all of our surrounding neighborhoods coming together and utilizing what I think is a fair and equitable tool, I think that the proposal has merit. The sole purpose for this tax is to charge people, the majority of the people that are coming from outside of the City of Canton, to increase our General Fund, so that we continue to have funds available for City services and for City personnel. Our personal income tax accounts are down, our corporate tax accounts are down. We're looking at anywhere from 400,000 to a million dollar deficit next year. We cannot run in the red; when we're in a deficit, we either cut City services or we lay off personnel. This, in my opinion, is a vehicle to help the residents of the City of Canton. I wish the Marriott continue success. I think they're an asset; I think they are a quality establishment. I think people will continue to come to that hotel, but I don't represent the hotel. I represent the citizens of Canton. And if there is a means available for City Council to increase our revenue to provide those services and provide the personnel, I think we should join with the five other municipalities and townships that are already reaping the benefits. Again, I'm not talking about projected figures. In the year 2003, we took in 732 dollars. Under my proposed legislation, we would have taken in \$61,000. Those are salaries that pay City employees, that next year we will not have if we continue to go by the old method and let our surrounding areas reap the benefits of this law. So I would ask that people look at who we're supposed to be responsible to and who we're supposed to be representing. And as I said, business in Canton is great—we need more of it—but our first responsibility is to the citizens of Canton. And we have a method that is tried and true. The municipalities and cities that enacted this lodging tax have not lost customers. I mean the hotels in Stark County have risen by 5% last year. That tells me that...

PRESIDENT DENCZAK: (TIMER SOUNDING) Member Diamond, do you know what that little signal means?

MEMBER DIAMOND: I know, I know.

PRESIDENT DENCZAK: All right. Bring your remarks to a close.

MEMBER DIAMOND: I would just ask that we take advantage of a law that helps the people that we are supposed to be representing. And that I am asking that you support this legislation. Thank you.

MEMBER CASAR: Mr. President, I had the Director of Marketing and Sales for Marriott speak to Council this evening, because he requested it so I afforded him that opportunity. And I want to first of all want to say that I too represent the citizens of Canton and I think my record proves that. But I want to say for the record because when Mr. Fuller spoke, it was in Caucus and it wasn't on the record, so for the record he basically said that it is not a 3%, but it's a 100% increase in tax because we're going from a 3 to a 6%. And number two, he stated that most of this money is contracted from companies such as Timken, Diebold, so forth and etc. They're paying the bill. Not that I have a big heart or a heavy heart for the corporations that have to pay that extra money, but in my opinion, it is coming from this area, not necessarily from the people coming in as guests for the hotel services. And as I stated three weeks ago, I feel that unlike the other 5 communities that have more than one hotel, we have one hotel that is growing, the occupancy is up to 70%, and hopefully that this lack of 3% has drawn these corporations to contract with the city...our hotel, meaning the Marriott, and if it has or hasn't, I don't know. But all I know is that two years ago, the former Administration, the Republican Administration sent to Council twice...the first time, this Council turned down—at that time the Council turned down a

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\$5 license plate tax. Then they sent it back down again and this Council approved it. And I'm happy to say that I did not vote for it. And I'm happy to say I will not vote for this tax tonight because shame on the Administration, shame on this Council if we can't balance our budget without asking for an additional tax, be it from insiders or outsiders, I think that we should look to...and \$61,000, that may sound like a lot of money, and it is, but when you're talking a \$47 million budget, it's really not. And to increase the taxes just to bail out the General Fund by \$61,000, I'm sorry, I can't go along with that.

PRESIDENT DENCZAK: Any other remarks?...

MEMBER DIAMOND: Mr. President...

PRESIDENT DENCZAK: Anybody else have anything to say?

MEMBER BERNABEI: Mr. President, I congratulate Member Diamond for initiating this legislation. It is a subject worthy of debate for this City Council and it is the kind of legislation that I am pleased to see Councilmembers initiate. I, however, personally cannot support this. I am troubled by imposition of this tax because it is a tax being imposed essentially solely on one taxpayer and that is the Marriott. They would be the predominate taxpayer in this particular situation. I consider that it be inequitable for this kind of a tax to be adopted. And that is why I personally would be opposed to it.

MEMBER DIAMOND: Mr. President, I thank Member Bernabei for his honest and straightforward remarks and we have a difference of opinion. I believe the Marriott's in the business of doing business, and with business come expenses. I went to Indianapolis last week and I paid a 13% room charge. Their downtown is booming, it's revitalized, it looks great. I was in Columbus a month ago, I paid I think a 15% room tax. I see cities all over the United States when I travel and I usually don't ask what the tax is before I make my determination on what hotel to stay in. The Marriott has a quality hotel. I don't believe in any way that an additional 3%, which is the same as the surrounding areas, is going to cause people not to stay there. If that were true, then the hotels in Belden Village and in Perry and in Plain and in Akron and Massillon would be empty and instead of having a 70% occupancy rate at the Marriott, we'd have 100%—if people would determine where to stay based upon a 3% lodging tax. And that's my personal opinion. I personally think \$60,000 is a lot of money when you're dealing in the red. It may or may not be to some other people, but you have to say we're going to cut somebody next year or cut two people, or cut out part of the paving...we need to start with \$60,000. We're not going to find a million dollars in one pot. We need to initiate new programs, fair programs, that can increase our revenue and we do it by tens of thousands of dollars, not by a million dollars. So, again, I would ask people to consider what this means to the City of Canton as far as revenues go. I want to tax people coming in who are using our Fire Department, who are using our Police Department, who are using our Street Departments, in order to maintain those services for the residents of Canton. Thank you.

PRESIDENT DENCZAK: Are there any other remarks?.... The question you're voting on now is Ordinance #37. Roll call vote please.

NO FURTHER REMARKS

ROLL CALL: 7 YEAS, 5 NAYS

(BABCOCK, HAWK, ZACHARY, PRATER, DOUGHERTY, HART & DIAMOND VOTED YES. CASAR, CARBENIA, BERNABEI, WEST & MALLONN VOTED NO)

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PRESIDENT DENCZAK: The ordinance passed—was there an emergency clause to that?...

CLERK OF COUNCIL: No, there was not.

PRESIDENT DENCZAK: The ordinance has passed. **#37 ADOPTED AS ORDINANCE NO. 174/2004**

ANNOUNCEMENT OF COMMITTEE MEETINGS

PRESIDENT DENCZAK: Announcement of Committee Meetings please.

MEMBER CARBENIA: Mr. President, Community & Economic Development will meet 9/20 at 6:00.

MEMBER MALLONN: Mr. President, Environmental & Public Utilities will meet September 20th at 6:15.

MEMBER ZACHARY: Mr. President, the Personnel Committee will meet September 20th at 6:15.

MEMBER BERNABEI: Mr. President, Judiciary will meet 9/20 at 6:00.

MEMBER HAWK: Mr. President, Finance Committee will meet September 20th at 6:00.

MEMBER DOUGHERTY: Mr. President. Member Bernabei, I didn't get that time...is it 6?

PRESIDENT DENCZAK: Which one?

MEMBER DOUGHERTY: Member Bernabei's. What time did he say?

PRESIDENT DENCZAK: Member Bernabei, what time was yours...6? (INAUDIBLE AFFIRMATIVE RESPONSE FROM MEMBER BERNABEI)

PUBLIC SPEAKS (OPEN FORUM--CITY BUSINESS ONLY)

PRESIDENT DENCZAK: Public Speaks, Open Forum, we have one person signed up....Vanessa Millizan... Am I pronouncing that correctly?... Vanessa Millizan on Fulton Road?... (NO RESPONSE) Apparently she's not here.

MISCELLANEOUS BUSINESS

PRESIDENT DENCZAK: Member Casar, Member Carbenia and Mr. Martuccio, the Chair would like to meet with you in the Caucus Room after this meeting for just a few minutes. We are now under miscellaneous business. Is there any miscellaneous business?...

MEMBER HART: Mr. President, yeah, on each Member's desk I placed a letter that was given to me because this could have some implications in their own ward, and for Law Director Martuccio, could you please look at this letter that was sent to me from Mr. Kelleher and, you know, be able to respond because I think that at the next meeting, there may be

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a few residents from the area that might like to, you know, get your opinion on that please.

LAW DIRECTOR MARTUCCIO: Mr. President, I have had a chance to read the letter, Member Hart. And I think I've been called a "girlie boy" without the benefit of an Austrian accent. Girlie Boy. I think there's an inference here that it's gutless government not to respond to some of these alleged zoning violations. I think it's gutless to be macho enough to come out shooting like a terminator and putting the taxpayers' dollars at risk with excess damages. But in fairness to the letter that's before me, I will consult with the Zoning Inspector to see if there are any violations other than those which are already covered and pending in the lawsuit and I will address those.

MEMBER HART: Okay, thank you, and also for Safety Director Hunt, I had the opportunity to be down here Friday afternoon during lunch time and I just want to see that if you could have a little better traffic control. There was a huge line of City employees out there on their lunch paying a rather large amount of money for the ability to dunk our Chief of Staff for the United Way. And I want to congratulate Joe and he probably could have got a lot more money if he would have had longer pants on, 'cause the legs really scared a lot of people away.

CHIEF OF STAFF CONCATTO: Mr. President, just a note that he was not one that was in the line and was willing to pay a measly \$5.

MEMBER HART: I'll give you \$20.

PRESIDENT DENCZAK: Whoa, whoa, whoa. Chief of Staff, everybody knows that he's cheap.

CHIEF OF STAFF CONCATTO: But I would like to thank Member Carbenia, sore arm and all, I'm not sure if it was \$20 or \$30, and I'd like to thank the Mayor, both of which walked up and hit it with their hand and knocked me in.

MEMBER WEST: Mr. President, I'd like to ask the Service Director or the Mayor, the residents that live on Irwin Place NE. Irwin Place NE, every time it rains, they have increased anxiety. I'm very concerned that they have had massive flooding and haven't had any answers as to what's going to happen or occur down there to eradicate the problems. Do we have any response that I can give them?

SERVICE DIRECTOR ELLSWORTH: Mr. President, every time it rains, I travel down to Irwin Place to see what's happening with the creek. We have initiated several creek clean-ups to help get some of the debris out of the way. The unfortunate situation about that area is that it's a flood plain. And I am assured by our engineers there is next to nothing we can do to eliminate flooding in that area. But what we can do and what we're looking to do is to help the creek to flow more smoothly. It may involve things further downstream in other jurisdictions than the City of Canton's to help that to happen. But our engineers are looking at it. We've done several, actually quite a bit of work in that particular portion of the Nimishillen Creek to try and alleviate some of those problems. But every time it rains, that's the first place I go.

CHIEF OF STAFF CONCATTO: Mr. President. Member West, also if I may, we had had a plan put in place earlier that morning, and although we could not stop the rain and floods, the first people that we would look to evacuate were the ones on 9th and Irwin. I was out at 3 in the morning to see where that creek was. If it was anywhere where we thought it was going to overflow, we had a plan in place to open a place for them to go, notify them that there was going to happen. It doesn't seem like much, but at least we would have got them out of harm's way for that evening.

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MEMBER WEST: Thank you.

MEMBER ZACHARY: Mr. President, just real quickly, there's a crime watch meeting scheduled this Thursday, September 16th at 6:30 p.m. at the Monroe Center. All of Council is invited to attend, as well as any members of Ward 4 who are in the audience.

PRESIDENT DENCZAK: Who else was calling?...

MEMBER CARBENIA: Mr. President, I'd like to ask the Chief of Staff a question please.

PRESIDENT DENCZAK: You may.

MEMBER CARBENIA: Was Ray Denczak in that line?

CHIEF OF STAFF CONCATTO: Mr. President, can I answer that?

PRESIDENT DENCZAK: No.

CHIEF OF STAFF CONCATTO: There's your answer.

MEMBER CARBENIA: I knew that.

CHIEF OF STAFF CONCATTO: And he was not in that line, and by the way, Member Hart gave me \$20 to contribute to the United Way because he was not in that line, Mr. President.

PRESIDENT DENCZAK: I will be in the line to feed the needy though.

MEMBER HART: And President Denczak's got so much money, he could probably donate 50.

MAYOR CREIGHTON: Mr. President, I guess I am somewhat surprised 'cause we were giving away free food at United Way.

MEMBER DOUGHERTY: Mr. President...

PRESIDENT DENCZAK: Wait a minute, wait a minute... Where does it say to get the Council President? Do I get to ring the bell at the Stock Exchange now?

MEMBER DOUGHERTY: Mr. President, we'll stay on line with free food, and remind everybody that Saturday is our picnic and that if all of you could come, I would appreciate who can be there to volunteer and make this a great success as we have in the past. And for any of you that haven't donated...Mr. President, I thank you for yours, you did donate. So I'm trying to get things going in the right direction for you.

PRESIDENT DENCZAK: All right, now I'd like to have it back, I need it just for that purpose.

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MEMBER DOUGHERTY: So we start at 8:00 in the morning on Saturday for set up and then the function's from 11 to 1. We're done by 2. So at anytime during that period, if you can come down and help, I'd appreciate it. Thank you.

PRESIDENT DENCZAK: Is there any other Miscellaneous Business?...

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

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

NO REMARKS PERMITTED ON THE MOTION TO ADJOURN

ROLL CALL: 12 YEAS, 0 NAYS

PRESIDENT DENCZAK: This meeting is adjourned.

ADJOURNMENT TIME: 8:34 P.M.

ATTEST:

APPROVED:

DEBRA VANCKUNAS
CLERK OF COUNCIL

RAY DENCZAK
PRESIDENT OF COUNCIL