

**MINUTES OF THE MEETING OF SEPTEMBER 27, 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 27, 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 Pro Tem Elizabeth Wensel. The invocation was given by 3<sup>rd</sup> Ward Councilmember, Richard A. Mallonn, II, 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 PRO TEM WENSEL:*

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

NO COUNCILMEMBERS ABSENT

**AGENDA CORRECTIONS & CHANGES**

PRESIDENT DENCZAK: Thank you, Member Mallonn (*referring to giving invocation*). Agenda Corrections and Changes, Members of Council. You're being asked to suspend Rule 22A to add 2<sup>nd</sup> reading of Ordinance 10 through 20, except for Ordinance #14 which is retained in committee. The Chair will recognize that motion now, Member Casar.

MEMBER CASAR: Mr. President, I move that Rule 22A be suspended to add Ordinance #10-20, excluding #14 which will remain in committee; seconded.

PRESIDENT DENCZAK: Moved and seconded to suspend Rule 22A to add Ordinances 10 through and including #20 with the exception of #14 to your agenda this evening. Are there any remarks?... If not, roll call vote please.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

PRESIDENT DENCZAK: Rule 22A has been suspended and the Ordinances are a legal part of your agenda. You're also being asked to suspend Rule 24B to add Resolution #80. The Chair will now recognize that motion, Member Casar.

MEMBER CASAR: Mr. President, I move that Rule 24B be suspended and add Resolution #80 to this evening's agenda; seconded.

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

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

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PRESIDENT DENCZAK: Rule 24B is suspended and the Resolution is a legal part of your agenda. This brings your agenda up to date with the exception of you're gonna be asked to retain #14 in committee. You're gonna be asked to postpone Ordinance #22 until 10/4/04. You're going to be asked to postpone Ordinance #32 until 10/4/04. That brings your agenda up to date, Members of Council.

**PUBLIC HEARINGS**

PRESIDENT DENCZAK: We have no scheduled public hearing at this time.

**PUBLIC SPEAKS (ORDINANCES OR RESOLUTIONS FOR ADOPTION ONLY):**

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

**INFORMAL RESOLUTIONS**

PRESIDENT DENCZAK: Informal Resolution, excusing members. Let the Journal show that all members of Council are present. It will not be necessary to excuse any members. Resolution #79, please.

***PRESIDENT DENCZAK CALLED UPON CLERK OF COUNCIL PRO TEM WENSEL TO READ RESOLUTIONS #79 AND #80 BY TITLE, AS SHOWN BELOW. THE RESOLUTIONS ARE ON FILE IN THEIR ENTIRETY IN THE COUNCIL OFFICE WITH THE AGENDA ITEMS DATED SEPTEMBER 27, 2004.***

79. COUNCIL PRESIDENT & COUNCIL-AS-A-WHOLE: COMMENDING BILL SMUCKLER ON RECEIVING THE TRI-COUNTY RESTAURANT ASSOCIATION'S JESSE KNIGHT AWARD. - ADOPTED BY COUNCIL

MEMBER CASAR: Mr. President, I move we adopt Resolution #79; seconded.

PRESIDENT DENCZAK: Moved and seconded that you adopt Resolution #79. Are there any remarks under this Resolution?... If not, by voice vote, all those in favor signify by saying aye. Those opposed no.

NO REMARKS

RESOLUTION #79 ADOPTED BY UNANIMOUS VOICE VOTE

PRESIDENT DENCZAK: The Resolution is adopted. The Chair has been asked to present this at their dinner on Sunday. All communications are received as read. Oh, wait a minute. Resolution #80. I'm sorry.

80. INTERGOVERNMENTAL & PUBLIC SERVICE COMMITTEE: OBJECTING TO NEW C1, C2 LIQUOR PERMIT AS REQUESTED BY WAYNE EDWARD MARION, dba T&M DRIVE THRU, 912-14 12<sup>TH</sup> ST NE. - ADOPTED BY COUNCIL

MEMBER CASAR: Mr. President, I move we adopt Resolution #80; seconded.

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PRESIDENT DENCZAK: Moved and seconded that you adopt Resolution #80. 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 #80 ADOPTED BY UNANIMOUS VOICE VOTE

PRESIDENT DENCZAK: Resolution #80 is adopted.

**COMMUNICATIONS**

PRESIDENT DENCZAK: 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 27, 2004.***

510. AUDITOR KIM R. PEREZ, CITY OF CANTON: CERTIFICATE OF THE TOTAL AMOUNT FROM ALL SOURCES FOR 2004. - CLERK OF COUNCIL
511. COMMUNITY DEVELOPMENT & PLANNING DEPARTMENT, CITY OF CANTON, MARGY POORMAN, DIRECTOR: REQUEST TO FILE APPLICATION W/OHIO DEPT OF DEVELOPMENT TO PARTICIPATE IN THE CLEAN OHIO ASSISTANCE FUND FOR THE STEIN PROPERTY IN SE SECTION. - COMMUNITY & ECONOMIC DEVELOPMENT CMTE
512. HAWK, GREG, WARD 1 COUNCIL MEMBER, CITY OF CANTON: SUBMITTING PROPOSED AMENDMENTS TO CODIFIED ORDINANCES TO SIMPLIFY DEMOLITION PROCESS & APPEALS. - JUDICIARY CMTE
513. PLANNING COMMISSION, CITY OF CANTON, MARGY POORMAN, SECRETARY: RECOMMENDING APPROVAL OF THE DOWNTOWN SPECIAL IMPROVEMENT DISTRICT'S RECOMMENDATION TO AMEND THE ZONING CODE TO CREATE A NEW CHAPTER 1107, ARCHITECTURAL REVIEW BOARD. - JUDICIARY CMTE. PUBLIC HEARING SCHEDULED FOR 11/1/2004 AT 7:30 PM.
514. SAFETY DIRECTOR BERNARD L. HUNT, CITY OF CANTON: REQUEST TO ACCEPT & EXECUTE THE FEDERAL EMERGENCY MANAGEMENT AGENCY'S ASSISTANCE TO FIREFIGHTER GRANT; AUTHORIZE CITY AUDITOR TO DEPOSIT PROCEEDS OF GRANT INTO 2813 FIREFIGHTERS ASSISTANCE GRANT FUND; REQUEST \$58,485 TRANSFER FROM 4501 CAPITAL IMPROVEMENT FUND & \$194,950 SUPPLEMENTAL APPROPRIATION FROM THE 2813 FIREFIGHTER ASSISTANCE GRANT FUND. - MARKETING & DEVELOPMENT GRANT CMTE
515. SERVICE DIRECTOR TAD C. ELLSWORTH, CITY OF CANTON: REQUEST TO RE-AUTHORIZE 0.205/2003 TO ENTER INTO SUPPLEMENTAL AGREEMENT WITH STARK COUNTY FOR THEIR FAIR SHARE OF WPCC DIGESTER PROJECT COSTS. - INTERGOVERNMENTAL & PUBLIC

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## SERVICE &amp; FINANCE CMTES

516. SERVICE DIRECTOR TAD C. ELLSWORTH, CITY OF CANTON: REQUEST TO ENTER INTO SUPPLEMENTAL AGREEMENT WITH STARK COUNTY FOR CERTAIN SANITARY SEWER CONVEYANCE ISSUES; REQUEST \$86,678 PAYMENT TO STARK COUNTY FOR 143.27 ACRE MILLS FARM PROPERTY CONVEYANCE; REQUEST \$86,678 SUPPLEMENTAL APPROPRIATION FROM THE 5410 SANITARY SEWER FUND. - INTERGOVERNMENTAL & PUBLIC SERVICE & FINANCE CMTES
517. STARK COUNTY DISTRICT LIBRARY, 715 MARKET AVE N., CANTON OH 44702: LETTER TO PRESIDENT OF COUNCIL REQUESTING COUNCIL'S FORMAL ENDORSEMENT FOR A 1 MILL 5 YEAR OPERATING LEVY FOR STARK COUNTY DISTRICT LIBRARY. - MAJORITY LEADER

**ORDINANCES & FORMAL RESOLUTIONS FOR FIRST READING**

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

***NOTE: PRESIDENT DENCZAK CALLED UPON CLERK PRO TEM WENSEL TO READ THE FOLLOWING ORDINANCES #1 THROUGH AND INCLUDING #9 FOR THE FIRST TIME BY TITLE & ANNOUNCED THE COMMITTEE REFERRALS, AS FOLLOWS.***

- #1 (1<sup>ST</sup> RDG) AN ORDINANCE AMENDING ORDINANCE NO. 55/77, AS AMENDED, KNOWN AS THE CITY OF CANTON ZONING ORDINANCE; AND DECLARING THE SAME TO BE AN EMERGENCY (Lambos/KFC Zone change)  
Referred to 2<sup>nd</sup> Rdg. portion of next agenda
- #2 (1<sup>ST</sup> RDG) AN ORDINANCE ESTABLISHING THE FAIR REUSE VALUE OF ONE PARCEL OF CITY-OWNED PROPERTY; AUTHORIZING THE SALE AND CONVEYANCE OF SAID PROPERTY PURSUANT TO THE CITY'S COMMUNITY DEVELOPMENT PROGRAM; AND DECLARING THE SAME TO BE AN EMERGENCY  
Referred to Community & Economic Development Committee
- #3 (1<sup>ST</sup> RDG) A RESOLUTION ESTABLISHING AND DESIGNATING THE CANTON CENTRAL NEIGHBORHOODS COMMUNITY REINVESTMENT AREA; AUTHORIZING TAX EXEMPTIONS FOR QUALIFYING PROJECTS WITHIN THE COMMUNITY REINVESTMENT AREA; ESTABLISHING PROGRAM CONDITIONS; AND DECLARING THE SAME TO BE AN EMERGENCY  
Referred to Community & Economic Development Committee
- #4 (1<sup>ST</sup> RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CHANGE ORDER #2 WITH CARDINAL ENVIRONMENTAL SERVICES IN AN AMOUNT NOT TO EXCEED \$36,859.77 FOR ADDITIONAL EXPENSES OF THE REMOVAL OF ASBESTOS AT THE "KRESGE BLOCK"; AND DECLARING THE SAME

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TO BE AN EMERGENCY

Referred to Community & Economic Development & Finance Committees

- #5 (1<sup>ST</sup> RDG) AN ORDINANCE AMENDING CHAPTER 971, CANTON MEMORIAL CIVIC CENTER, OF THE CODIFIED ORDINANCES OF THE CITY OF CANTON; AND DECLARING THE SAME TO BE AN EMERGENCY  
Referred to Judiciary Committee
- #6 (1<sup>ST</sup> RDG) AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 1/2004, AS AMENDED, BY MAKING THE SUPPLEMENTAL APPROPRIATIONS AND REDUCTIONS IN APPROPRIATIONS HEREIN DESCRIBED; AND DECLARING THE SAME TO BE AN EMERGENCY  
Referred to Finance Committee
- #7 (1<sup>ST</sup> RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO AN EASEMENT AGREEMENT WITH RALPH D. DAYTON, NANCY R. DAYTON AND PATRICIA J. PARKS FOR THE GRANTING OF AN EASEMENT IN A PORTION OF 25<sup>TH</sup> STREET SW FOR THE CONSTRUCTION OF A GARAGE; AND DECLARING THE SAME TO BE AN EMERGENCY  
Referred to Public Safety & Thoroughfares Committee
- #8 (1<sup>ST</sup> RDG) AN ORDINANCE AUTHORIZING THE CITY AUDITOR TO PAY A MORAL OBLIGATION IN THE AMOUNT OF \$20,979.59 TO NORTH AMERICAN SALT COMPANY; AND DECLARING THE SAME TO BE AN EMERGENCY  
Referred to Finance Committee
- #9 (1<sup>ST</sup> RDG) AN ORDINANCE APPROVING A CANTON CITY WATER MAIN EXTENSION TO THE VILLAGE OF MEYERS LAKE; AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CONTRACT FOR THE EXTENSION OF SAID WATER MAIN; AND DECLARING THE SAME TO BE AN EMERGENCY  
Referred to Environmental & Public Utilities Committee

**ORDINANCES & FORMAL RESOLUTIONS FOR SECOND READING**

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

***NOTE: PRESIDENT DENCZAK CALLED UPON CLERK PRO TEM WENSEL TO READ THE FOLLOWING ORDINANCES #10 THROUGH AND INCLUDING #13 AND #15 THROUGH AND INCLUDING #20 FOR THE SECOND TIME BY TITLE, AS FOLLOWS. ORDINANCE #14 WAS RETAINED IN COMMITTEE.***

**RULE 22A WAS SUSPENDED TO ADD #10-13 AND #15-20:**

- #10 (2<sup>ND</sup> RDG) AN ORDINANCE ESTABLISHING THE FAIR REUSE VALUE OF ONE PARCEL OF

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CITY-OWNED 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

#11 (2<sup>ND</sup> RDG) AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 1/2004, AS AMENDED, BY MAKING THE SUPPLEMENTAL APPROPRIATIONS HEREIN DESCRIBED; AND DECLARING THE SAME TO BE AN EMERGENCY

*(CLERK PRO TEM INADVERTENTLY SKIPS THE READING OF O#12, WHICH IS READ FOLLOWING O#16)*

#13 (2<sup>ND</sup> RDG) AN ORDINANCE VACATING PORTIONS OF A 19' UNNAMED ALLEY NORTH OF WINFIELD WAY NE; APPROVING AND ACCEPTING THE REPLATTING OF ALL OF LOTS 21677, 21678, 21680 AND 21681; AND DECLARING THE SAME TO BE AN EMERGENCY

#14 **RETAINED IN COMMITTEE** AN ORDINANCE AUTHORIZING THE DIRECTORS OF PUBLIC SERVICE AND PUBLIC SAFETY TO ENTER INTO LICENSE AGREEMENTS WITH BP PRODUCTS NORTH AMERICA, INC. TO PERMIT INSTALLATION OF TWO MONITORING WELLS ON A TEMPORARY BASIS; AND DECLARING THE SAME TO BE AN EMERGENCY

#15 (2<sup>ND</sup> RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO EXECUTE AND DELIVER TO THE BOARD OF STARK COUNTY COMMISSIONERS AN EASEMENT ON PROPERTY OWNED BY THE CITY OF CANTON; AND DECLARING THE SAME TO BE AN EMERGENCY

#16 (2<sup>ND</sup> RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO AGREEMENT WITH PLAIN TOWNSHIP TO SUBMIT AN OHIO PUBLIC WORKS COMMISSION GRANT APPLICATION, BEGIN CONSULTANT SELECTION FOR FINAL ENGINEERING DESIGN AND ASSIGN PROJECT DEVELOPMENT RESPONSIBILITIES FOR THE 25<sup>TH</sup> STREET NE STORM SEWER PROJECT; AND DECLARING THE SAME TO BE AN EMERGENCY

*(COUNCIL PRESIDENT AND CLERK SPEAK IN SOTTO VOCE)*

Clerk Pro Tem Wensel: I believe I may have skipped over Ordinance #12. I apologize.

#12 (2<sup>ND</sup> RDG) AN ORDINANCE RE-AUTHORIZING ORDINANCE NO. 185/2002; CONSENTING TO AND APPROVING THE PERMANENT CLOSURE AND UPGRADING OF PUBLIC GRADE RAILROAD CROSSINGS; AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY TO ENTER INTO SUBSIDY AGREEMENT WITH THE OHIO RAIL DEVELOPMENT COMMISSION; AND DECLARING THE SAME TO BE AN EMERGENCY

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- #17 (2<sup>ND</sup> RDG) AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO WORK AGREEMENTS IN CONJUNCTION WITH THE MARKET AVENUE NORTH SANITARY/SEWER REPLACEMENT PROJECT, GP 1070; AND DECLARING THE SAME TO BE AN EMERGENCY
- #18 (2<sup>ND</sup> RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO AGREEMENT WITH STARK COUNTY TO SUBMIT AN OHIO PUBLIC WORKS COMMISSION GRANT APPLICATION AND ASSIGN PROJECT DEVELOPMENT RESPONSIBILITIES FOR VARIOUS ROAD AND HIGHWAY PROJECTS; AND DECLARING THE SAME TO BE AN EMERGENCY
- #19 (2<sup>ND</sup> RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A MODIFICATION WITH URS CORPORATION IN AN AMOUNT NOT TO EXCEED \$20,077.00 TO PERFORM ADDITIONAL ENVIRONMENTAL STUDIES FOR THE TUSCARAWAS STREET IMPROVEMENT PROJECT WITH ODOT, GP 1065; AMENDING APPROPRIATION ORDINANCE NO. 1/2004; AND DECLARING THE SAME TO BE AN EMERGENCY
- #20 (2<sup>ND</sup> RDG) A RESOLUTION APPROVING THE STATEMENT OF SERVICES TO BE PROVIDED TO THE PROPERTY OWNERS IN THE K-MART/EASTRIDGE CEDA #2 ANNEXATION AREA, THE APPROXIMATE DATE SERVICES WILL BE PROVIDED, PROCEDURE FOR INCOMPATIBLE ZONING USES UPON ITS BEING ANNEXED TO THE CITY OF CANTON, OHIO; AND DECLARING THE SAME TO BE AN EMERGENCY

**ORDINANCES AND FORMAL RESOLUTIONS FOR THIRD READING**

PRESIDENT DENCZAK: Ordinances and Formal Resolutions for the third and final reading. Ordinance #21 please.

***NOTE: PRESIDENT DENCZAK CALLED UPON CLERK PRO TEM WENSEL TO READ THE FOLLOWING ORDINANCES #21 THROUGH AND INCLUDING #31 FOR THE THIRD & FINAL TIME BY TITLE, AS FOLLOWS. ORDINANCE #22 WAS POSTPONED TO 10/4/2004. ALL OTHERS WERE ADOPTED.***

- #21 (3<sup>RD</sup> RDG) **ADOPTED AS ORDINANCE NO. 187/2004** AN ORDINANCE AMENDING SECTION 113.02, STREET/ALLEY VACATION FEE, OF THE CODIFIED ORDINANCES OF THE CITY OF CANTON

MEMBER CASAR: Mr. President, I move we adopt Ordinance #21; seconded.

PRESIDENT DENCZAK: Moved and seconded that you adopt Ordinance 21. Are there any remarks under this Ordinance?... Very well, roll call vote please.

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NO REMARKS

ROLL CALL VOTE: 12 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance #21 is adopted. **#21 ADOPTED AS ORDINANCE NO. 187/2004**

#22 (3<sup>RD</sup> RDG) **POSTPONED TO 10/4/04** 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 LANDDISPOSITION PROGRAM; AND DECLARING THE SAME TO BE AN EMERGENCY (Parcel # 02--5929, Louise Hawkins)

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

PRESIDENT DENCZAK: Moved and seconded that you adopt Ordinance 22. Are there any remarks under this Ordinance?...

MEMBER CASAR: Mr. President, I move we postpone Ordinance #22 until October 4, 2004; seconded.

PRESIDENT DENCZAK: Moved and seconded that Ordinance #22 be postponed till October 4, 2004. Are there any remarks?...

CHIEF OF STAFF CONCATTO: Mr. President. Member Casar, if I may ask a question. Do you need more information than you had in the -- than Ms. Poorman gave you?

MEMBER CASAR: Mr. President. Chief of Staff Concatto, one of the, or a couple of the councilmen asked for some more information, so we're just granting them that. I'm sure they'll be getting with you this week in regards to why the difference in price for the appraisal value.

CHIEF OF STAFF CONCATTO: Let us know what those are. We'll be glad to give you those answers.

MEMBER CASAR: Yeah, Member-- Kelly Zachary's the one. She'll probably be in contact with you.

CHIEF OF STAFF CONCATTO: Please call Margy Poorman and we'll give you the answers.

PRESIDENT DENCZAK: The question before you now is the postponement. By voice vote, all those in favor signify by saying aye. Those opposed no.

NO REMARKS

O#22 POSTPONED BY UNANIMOUS VOICE VOTE

PRESIDENT DENCZAK: Ordinance 22 is postponed until October 4, 2004.

#23 (3<sup>RD</sup> RDG) **ADOPTED AS ORDINANCE NO. 188/2004** 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

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THE CITY'S RESIDENTIAL LAND DISPOSITION PROGRAM; AND DECLARING THE SAME TO BE AN EMERGENCY (Parcel #02-85033, Coyle)

MEMBER CASAR: Mr. President, I move we adopt Ordinance #23; seconded.

PRESIDENT DENCZAK: Moved and seconded that you adopt Ordinance 23. 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 #23 is adopted.

**#23 ADOPTED AS ORDINANCE NO. 188/2004**

#24 (3<sup>RD</sup> RDG) **ADOPTED AS ORDINANCE NO. 189/2004** 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

MEMBER CASAR: Mr. President, I move we adopt Ordinance #24; seconded.

PRESIDENT DENCZAK: Moved and seconded that you adopt Ordinance 24. 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 #24 is adopted.

**#24 ADOPTED AS ORDINANCE NO. 189/2004**

#25 (3<sup>RD</sup> RDG) **ADOPTED AS ORDINANCE NO. 190/2004** AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO RECEIVE BIDS AND ENTER INTO CONTRACT FOR THE WPCC 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

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

NO REMARKS

ROLL CALL VOTE: 12 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance #25 is adopted.

**#25 ADOPTED AS ORDINANCE NO. 190/2004**

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#26 (3<sup>RD</sup> RDG) **ADOPTED AS ORDINANCE NO. 191/2004** 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

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. 191/2004**

#27 (2<sup>ND</sup> RDG) **ADOPTED AS ORDINANCE NO. 192/2004** 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

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

PRESIDENT DENCZAK: Ordinance #27 is adopted. **#27 ADOPTED AS ORDINANCE NO. 192/2004**

#28 (3<sup>RD</sup> RDG) **ADOPTED AS ORDINANCE NO. 193/2004** AN ORDINANCE AUTHORIZING THE MAYOR AND/OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A ONE-YEAR CONTRACT WITH THE CANTONS SYMPHONY ORCHESTRA ASSOCIATION TO PROVIDE A GRANT IN AN AMOUNT NOT TO EXCEED \$40,00.00 FOR THE CHILDREN'S ARTS CONNECTION PROGRAM; 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

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PRESIDENT DENCZAK: Ordinance #28 is adopted. **#28 ADOPTED AS ORDINANCE NO. 193/2004**

#29 (3<sup>RD</sup> RDG) **ADOPTED AS ORDINANCE NO. 194/2004** AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ADVERTISE, RECEIVE BIDS AND ENTER INTO CONTRACT FOR THE INSTALLATION OF BACKWATER VALVES; AMENDING APPROPRIATION ORDINANCE NO. 1/2004; AS AMENDED; 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?... If not, roll call vote please.

NO REMARKS

ROLL CALL VOTE: 12 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance #29 is adopted. **#29 ADOPTED AS ORDINANCE NO. 194/2004**

#30 (3<sup>RD</sup> RDG) **ADOPTED AS AMENDED ORDINANCE NO. 195/2004** AN ORDINANCE AMENDING SECTION 943.03 **\*AMENDED AND 947.21** OF THE CODIFIED ORDINANCES BY THE ADDITION OF SUBSECTION (F) AND ADDING SECTIONS **\*AMENDED** 943.60, 947.22 **AND 947.23** TO CHAPTERS 943 AND 947 RESPECTIVELY OF PART 9, STREETS, UTILITIES AND PUBLIC SERVICES CODE AND AMENDING SECTION 1379.03, ROOFS, GUTTERS AND DOWNSPOUTS, OF THE BUILDING CODE 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?...

MEMBER CASAR: Mr. President, I move we adopt Ordinance #30 per the attachment that everyone has, and under Section 2, Paragraph 2, "the City to contact for further information." The words further information should be placed in there, which we talked about in committee; seconded.

PRESIDENT DENCZAK: What was the motion, Member Casar? To amend?

MEMBER CASAR: To amend, yeah. I'm sorry if I...

PRESIDENT DENCZAK: Yeah, you said...

MEMBER CASAR: Amend Ordinance #30, I'm sorry.

**AMENDMENT:**

**MINUTES OF THE MEETING OF SEPTEMBER 27, 2004****ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE AMENDING SECTION 943.03 AND 947.21 OF THE CODIFIED ORDINANCES BY THE ADDITION OF SUBSECTION (F) AND ADDING SECTIONS 943.60, 947.22 AND 947.23, TO CHAPTERS 943 AND 947 RESPECTIVELY OF PART 9, STREETS, UTILITIES AND PUBLIC SERVICES CODE AND AMENDING SECTION 1379.03, ROOFS, GUTTERS AND DOWNSPOUTS, OF THE BUILDING CODE OF THE CITY OF CANTON; AND DECLARING THE SAME TO BE AN EMERGENCY**

*WHEREAS, numerous excessive rainfall events have occurred since the summer of 2002 which have resulted in flooded basements, high flow events at the Water Pollution Control Center (WPCC) and bypassing of raw sewage due, in part, to improper connections of storm water drainage systems into the sanitary sewer system;*

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CANTON, STATE OF OHIO, THAT:**

**Section 1. Section 943.03, Prohibitions; Requirements, of Part Nine, Streets, Utilities and Public Services Code, of the Codified Ordinances of the City of Canton is amended by the addition of subsection (f) which shall read as follows:**

*(f) No person shall connect roof downspouts, exterior foundation drains, areaway drains or other sources of surface run-off or ground water to a building sewer or building drainage which in turn is connected directly or indirectly to a sanitary sewer. This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection. An actual or threatened discharge to the sanitary sewer system that violates or would violate this Section is declared to be a nuisance.*

**Section 2. Chapter 943, Sewer Regulations, of the Codified Ordinances of the City of Canton is amended by the addition of the following section:**

**943.60 Penalty Does Not Preclude Other Remedial Action.**

*The imposition of any penalty as provided in Section 943.99 for a violation of this Chapter shall not preclude the City Law Director from instituting an appropriate action or proceeding in a court of proper jurisdiction to prevent an unlawful condition or continuation of same, to restrain, correct, remove or abate a violation of the Sewer Code, or to otherwise obtain or compel compliance with the provisions of the Sewer Code or other applicable laws, ordinances, rules, regulations or orders.*

**Section 3. Paragraph (a) of Section 947.21, Revolving Loan Fund for Residential Water Run-off**

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*Improvement Program, of Part Nine, Streets, Utilities and Public Services Code, of the Codified Ordinances of the City of Canton is amended to read as follows:*

**947.21 REVOLVING LOAN FUND FOR RESIDENTIAL WATER RUN-OFF  
IMPROVEMENT PROGRAM.**

***(a) There is hereby created a revolving loan fund for making limited purpose loans to reimburse owners of eligible residential property within the City of Canton. The funds shall be budgeted and established from the City's Sanitary Sewer revenues and shall be in the maximum amount of \$50,000.00 annually, or in such amount otherwise established by Council. The fund shall be used exclusively for the following purposes:***

- (1) To assist such owners in the making of improvements and corrections in the gutters, downspouts and dwelling drainage facilities on their premises, in order to reduce the inflow of water run-off from such residential premises into the City sanitary sewer system and thereby to assist in the control and reduction of wastewater volume required to be treated by the City of Canton Water Pollution Control Center; or*
- (2) To assist such owners in making improvements and corrections in their premises needed for the elimination of any sanitary sewer discharges from their premises either to the City storm sewer system or to water courses which are a part of or connected to streams or other waters of the State of Ohio.*

*(b) All loans made under this chapter shall be secured by a mortgage or lien against the real estate which is the subject of the improvements.*

*(c) The fund created by this chapter is to be administered and implemented by the Director of Public Service or his designee. Loans from said fund shall not exceed the amount of \$4,000.00 per loan recipient, shall be made without interest, shall provide for repayment over a period not to exceed five (5) years and shall be made solely for the specific purposes as stated and provided in this section. Rules, regulations and fees for the administration of the loan program as set forth in this section shall be promulgated by the Director of Public Service.*

*Section 4. Chapter 947, Sewer Rates, of the Codified Ordinances of the City of Canton is amended by the addition of the following section:*

**947.22 Backwater Response Initiative Program**

***(a) There is hereby created a "Backwater Response Initiative Program" ("BRI"), the purpose of which is to assist homeowners with chronic backwater flooding by providing for the installation of a backwater prevention valve under the terms and conditions set forth herein and further governed by the BRI Program policies.***

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(b) *Eligibility for the benefits of the BRI Program shall be based upon submission of an application and the satisfaction of qualifying criteria as established by the Canton City Collection Systems Department (CSD).*

(c) *In order to qualify for the BRI Program, the following eligibility criteria shall be met:*

(1) *The applicant must have experienced at least three (3) documented backwater occurrences within the last five (5) years. Documentation may include insurance claims, claims filed with the City of Canton, or CSD Sewer Back-up work orders. CSD work order records shall be reviewed by the department to verify the cause of the backwater. The origin of the problem must not be due to any cause within the residential system or temporary structural impediments, such as a broken pipe or foreign objects.*

(2) *The CSD will verify the proper plumbing of the sanitary lateral to the sanitary system by performing a tracer dye test.*

(3) *The CSD will verify that the mainline sewer system is functioning properly. This includes televising the mainline system to verify that the flow is not impeded by roots, mineral deposits, debris or foreign objects.*

(4) *Any property located in an area of the City where the City Engineering Department has planned a system upgrade in the 18-month period subsequent to the application shall not be eligible.*

(d) *Approved applications will make the applicant eligible for 100 percent of the funds necessary to pay for the installation of the backwater valve, subject to availability of funds.*

(e) *The Canton City Collection Systems Department shall establish and administer policies governing the BRI Program on the following matters:*

(1) *Program eligibility and target participation.*

(2) *Installation and testing.*

(3) *Approved materials.*

(4) *Terms of payment and/or reimbursement.*

(5) *Contractor eligibility.*

(f) *The funds for the BRI Program shall be in the initial amount of \$300,000.00 to be budgeted and established from the City's sanitary sewer funds to accomplish the purposes stated herein. The initial funds shall come from a transfer of funds budgeted for the "Revolving Loan Fund" Program established by Section 947.21 and each year thereafter shall be budgeted directly from sanitary sewer funds.*

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Section 5. Chapter 947, Sewer Rates, of the Codified Ordinances of the City of Canton is amended by the addition of the following section:

947.23 Downspout Disconnection Required

(a) Illicit connection of downspouts and other sources of surface run-off to the sanitary sewer system contribute to reduction in available sanitary sewer system capacity, treatment of an increased flow volume and possible bypass of untreated sewage to area streams and tributaries. These consequences are potentially hazardous and injurious to the public health, safety and welfare of the residents of the City, and are in violation of section 943.03 of these Codified Ordinances.

(b) The Downspout Disconnect Program (DDP) is hereby established and shall be managed and administered by the City of Canton Collection Systems Department (CSD). In order to reduce or eliminate illicit connections, the CSD shall investigate any suspected illicit connection as follows:

(1) Contact the property owner/occupant either directly or by certified U.S. Mail to solicit voluntary participation in the abatement of the suspected illicit connection;

(2) Provide information explaining to the owner/occupant why the illicit connection must be abated,\* **AND** the appropriate personnel and/or departments of the City to contact and the process for testing and reporting of findings; **FOR ADDITIONAL INFORMATION.**

~~(3) Provide a report of investigatory results to owner/occupant; and~~

**3**

(4) Attempt to obtain voluntary consent for entry onto owner/occupant's property for purpose of inspection, testing and abatement of illicit connection.

~~(d) The scope of work to be performed by the City under authority of the DDP shall include and be limited to the following procedures:~~

~~———— (1) Photographs of the downspouts and the surrounding area shall be taken by CSD personnel in advance of any work being undertaken.~~

~~———— (2) Excavation will be performed to sufficiently uncover, cut and disconnect the illicitly connected downspout and shall be done so as to cause the least amount of disturbance to the area.~~

~~———— (3) The downspout connection shall be capped and filled with concrete or other material to prevent reconnection.~~

~~———— (4) The surrounding area shall be repaired to as near the condition as existed prior to the work as practicable.~~

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~~(5) The City shall install and/or connect a splash block, coil discharger or length of aboveground downspout, as selected by the property owner.~~

~~(6) Upon completion of the above-described process, the effected area will again be photographed. The City will also obtain written acknowledgement by the property owner that the work has been completed.~~

**c**

(e) The Collection Systems Department is hereby authorized to utilize personnel and expend necessary funds to carry out the purposes of this program. The funds for the downspout disconnection program shall be budgeted and established from the funds and revenues from the City's Sanitary Sewer funds to accomplish the purposes stated herein.

**d**

(f) In the event that the CSD suspects an illicit connection on property where the owner and/or occupant neglects or refuses to give consent to entry onto the property, or where, after diligent inquiry, the owner/occupant or other person in possession of the property cannot be located, an inspection warrant may be obtained pursuant to section 943.27 of the Codified Ordinances.

**e**

(g) Should the owner/occupant or other person in possession of the property refuse or otherwise fail to give consent for the necessary acts to abate the illicit connection, the City, through the authority granted to its Board of Health pursuant to Ohio Revised Code Section 3707.01, may proceed to take the steps necessary to abate the illicit connection.

**f**

~~(h) The City will participate in the cost for testing, abatement and remediation for the first \$500.00 in costs. The property owner is responsible for all other costs associated with the abatement or remediation of the illicit connection. which exceed the City's costs. THE OWNER MAY BE ELIGIBLE FOR A CITY LOAN AS AUTHORIZED AND PROVIDED IN SECTION 947.21.~~

Section 6. Section 1379.03, Roofs, Gutters and Downspouts, of Part Thirteen, Building Code, of the Codified Ordinances of the City of Canton is amended to read as follows:

1379.03 ROOFS, GUTTERS AND DOWNSPOUTS

All roofs of every structure shall be maintained weather-tight and shall be equipped with gutters and downspouts maintained in good repair. The discharge of storm water from gutters and downspouts shall be in compliance with the provisions of Chapter 943 of the Codified Ordinances and shall be constructed or maintained so as not to cause damage to adjoining property owners or create a nuisance on public or private property. The discharge of storm water shall be directed or connected to a public storm sewer or to an approved retention system.

Section 7. All ordinances or parts of ordinances in conflict with this ordinance are repealed.

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*Section 8. 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 the necessity to reduce or eliminate excessive storm water run-off into sanitary sewer systems which adversely affects homeowners and the Water Pollution Control Center. 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:

APPROVED:

\_\_\_\_\_  
*Clerk of Council*

\_\_\_\_\_  
*Mayor*

PRESIDENT DENCZAK: It's been moved and seconded to amend Ordinance #30 as per copy before each of you. Are there any remarks under the amendment?... 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

PRESIDENT DENCZAK: The amendment has passed. The question before you now is Ordinance #30 as amended. Are there any remarks under this ordinance as amended?... Very well, roll call vote please.

NO REMARKS

ROLL CALL VOTE: 12 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance #30 as amended has been adopted.

**#30 ADOPTED AS AMENDED AS ORDINANCE NO. 195/2004**

#31 (3RD RDG) **ADOPTED AS ORDINANCE NO. 196/2004** AN ORDINANCE AMENDING CHAPTER 181, INCOME TAX, 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 #31; seconded.

PRESIDENT DENCZAK: Moved and seconded that you adopt Ordinance 31. Are there any remarks under this Ordinance?...

MEMBER CASAR: Mr. President, I move we amend Ordinance #31 per the copy that everyone has in front of them;

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seconded.

**AMENDMENT:** Pursuant to Rule 36, I hereby move to amend Agenda Items No. 31 as follows:

1) Delete Sections 1 and 2 entirely (proposing a new Section 181.05(g), and renumber sections 3, 4, 5 and 6 as Sections 1, 2, 3 and 4 respectively;

2) Add the phrase "by this section" to the end of the first sentence in new subsection (c) to Section 181.06, Collection at Source.

PRESIDENT DENCZAK: Moved and seconded to amend Ordinance #31 per the copy before each of you. Are there any remarks under the amendment?... 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

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

NO REMARKS

ROLL CALL VOTE: 12 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance #31 as amended has been adopted.

**#31 ADOPTED AS AMENDED AS ORDINANCE NO. 196/2004**

**ORDINANCES AND FORMAL RESOLUTIONS – POSTPONED MATTER:**

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

#32 **(RECEIVED ALL 3 RDGS; POSTPONED FROM 9/13&20/04)**

**POSTPONED AGAIN TO 10/4/04** AN ORDINANCE AUTHORIZING 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 #32; seconded.

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

MEMBER CASAR: I move we postpone Ordinance #32 until October 4, 2004; seconded.

PRESIDENT DENCZAK: Moved and seconded that you postpone this ordinance until October 4, 2004. Are there any remarks?... Very well, by voice vote, all those in favor, signify by saying aye; those opposed, no.

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NO FURTHER REMARKS

**# 32 POSTPONED TO 10/4/2004 BY UNANIMOUS VOICE VOTE**

PRESIDENT DENCZAK: Ordinance #32 is postponed until October 4, 2004.

**ANNOUNCEMENT OF COMMITTEE MEETINGS**

PRESIDENT DENCZAK: Announcement of Committee Meetings please.

MEMBER MALLONN: Mr. President, Environmental & Public Utilities will meet October 4<sup>th</sup> at 6:15.

MEMBER BERNABEI: Mr. President, Judiciary will meet October 4<sup>th</sup> at 6:00 PM.

MEMBER HAWK: Mr. President, Finance Committee will meet October 4<sup>th</sup> at 6:00 PM

MEMBER BABCOCK: Mr. President, Public Safety & Thoroughfares will also meet 6:00, October 4<sup>th</sup>.

MEMBER CARBENIA: Mr. President, Community & Economic Development will also meet on next Monday at 6:00, 10/4/04.

MAYOR CREIGHTON: Mr. President, I'd like to call a meeting of the Jackson Pool Committee next Monday on the 8<sup>th</sup> Floor at 5:30, Monday, October 4<sup>th</sup>, 5:30, the 8<sup>th</sup> Floor. Thank you.

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

PRESIDENT DENCZAK: Public Speaks, Open Forum, we have one person signed up this evening, Ann Juenemann.

MS. JUENEMANN: My name is Anne Juenemann. I live at 2236 Washington Blvd NW here in Canton. The purpose of my speaking this evening is regarding the meeting of last week, September 20<sup>th</sup>, last Monday. I found the meeting on Monday, September 20<sup>th</sup>, to be a great disappointment and I was very troubled all week after being here. While I understand that everyone is entitled to their individual thoughts, especially being that some of you are Democrats and some of you are Republicans, that does not give any of us the right to act in an unprofessional and disrespectful fashion to one another. I felt embarrassed by the behavior that was exhibited last week. We feel that we put you in these positions expecting that you would be professional and respectful. Hoping that you would achieve great things for the City of Canton. Last week's meeting in some areas lacked both professional behavior and respect for citizens of the City, also known as the taxpayers. This is a public forum that is here to help all areas of the City no matter if the project is great or small. When taxpayers come to Council, it is usually for a reason that they feel is important to them or their neighborhood, and perhaps some of you have forgotten that we are entitled to do exactly that. Taxpayers rely on all of you to improve all areas of the City, and we are going to need all of you to be more respectful and cooperative with each other and your constituents in order to achieve a better City for all of us. The intent of my speaking tonight is to raise the level of commitment and responsibility of each of us for Canton. And I really believe that the invocation by Councilman Mallonn said it all. Thank you very much.

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PRESIDENT DENCZAK: Ma'am, just what specifically concerned you?

MS. JUENEMANN: My specific concern was in two areas. Number one, a letter had been submitted to each of you by a former city resident, Mr. John Kelleher, and the purpose of the reading of the letter was to make it a matter of public record, not-- and it wouldn't have been a matter of public record just by handing it to each of you the week before, which it was done. So, I thought the response by some of you to the reading of that letter was not very professional, and was in some ways rude, and so, is that specific enough for you?

PRESIDENT DENCZAK: Yes. Let the Chair explain something to you. If you want a matter as public record, you send it to me or to Council and it will be put on the agenda and it becomes a matter of public record. What Council was concerned with is this is probably the first time a letter was read under Miscellaneous Business by someone, that Council wasn't aware who the letter was from or who requested it. I don't think Council meant to be insubordinate in that matter, but we have to be very careful because sometimes we get mail that isn't signed. We try to ignore those, if the people don't have the-- but this letter was signed. Member Hart did read the person's name and I think somebody explained after the meeting who requested him to read the letter. Council did not mean to be rude and crude in that manner, and the Chair is sorry that you've taken that position, but we have to be very careful that if you want something a matter of public record, send it to Council, send it to my office, send it to anybody in Council, and it will be a matter of public record. I don't think Council wants to make Miscellaneous Business an avenue for letters to be read by constituents. We've never done it before. It's not a part of Council Rules, but it was no intent to be rude or crude about it. So, accept my apology and Council's apology, but that was something we've never done before, and I hope that it didn't offend you too much. We try to be professional here. We're accountable to you people, and we try to be accountable to you. We don't mean to snub anybody. I hope you don't take it that way. Thank you.

MS. JUENEMANN: Thank you.

**MISCELLANEOUS BUSINESS**

PRESIDENT DENCZAK: We are now under miscellaneous business. Is there any miscellaneous business?... Members of Council, as you know, I notified each of you that I appointed Beth to be the Clerk Pro Tem while the regular Clerk is on vacation for four days, and Beth was a little bit nervous about acting tonight, but I think you did an excellent, marvelous job.

CLERK PRO TEM: Thank you, Mr. President.

PRESIDENT DENCZAK: So, I was gonna deduct some of your pay because you missed that one ordinance, but I'll overlook that and make sure you get your full pay.

CLERK PRO TEM: I appreciate that.

PRESIDENT DENCZAK: You did a good job.

CLERK PRO TEM: Thank you.

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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: 8:12.M.

ATTEST:

APPROVED:

DEBRA VANCKUNAS  
CLERK OF COUNCIL

RAY DENCZAK  
PRESIDENT OF COUNCIL

ELIZABETH WENSEL  
CLERK PRO TEM

