

MINUTES OF THE MEETING OF JUNE 20, 2005

PRESIDENT DENCZAK: With a quorum being present, the Chair calls this meeting of Canton City Council to order. Roll call please.

The regular meeting of Canton City Council was held on Monday, June 20, 2005, at 7:30 P.M. in the Canton City Council Chamber. The roll call was taken (as follows) by Clerk of Council Debra Vanckunas. The invocation was given by Ward 3 Councilmember James E. Griffin followed by the Pledge of Allegiance led by President of Council Denczak.

ROLL CALL TAKEN BY CLERK VANCKUNAS:

11 COUNCILMEMBERS PRESENT: (DON CASAR, JOE CARBENIA, MARY M. BABCOCK, THOMAS M. BERNABEL, GREG HAWK, THOMAS E. WEST, JAMES GRIFFIN, KELLY ZACHARY, TERRY PRATER, DAVID R. DOUGHERTY & RICHARD D. HART)

1 COUNCILMEMBER ABSENT: (ROSEMARY DIAMOND)

AGENDA CORRECTIONS & CHANGES

PRESIDENT DENCZAK: Thank you, Member Griffin (*referring to invocation*). Agenda corrections and changes, Members of Council, you're being asked to suspend Rule 22A to add second reading of Ordinances 16 through and including #26. The Chair will recognize that motion, Member Casar.

MEMBER CASAR: Mr. President, I move we suspend Rule 22A and add Ordinances 12 through and including 26 on tonight's agenda for reading number two; seconded.

PRESIDENT DENCZAK: Member Casar, I believe that 12, 13, 14 and 15 are being held in committee.

MEMBER CASAR: Yes, they are -- sorry.

PRESIDENT DENCZAK: So, the Chair will recognize a motion to...

MEMBER CASAR: Mr. President, thank you. I move that Rule 22A be suspended on Ordinances 16 through and including 26; seconded.

PRESIDENT DENCZAK: Moved and seconded to suspend Rule 22A to add second reading of Ordinances 16 through and including #26. Are there any remarks?... If not, roll call vote please.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

PRESIDENT DENCZAK: Rule 22A is suspended and Ordinances 16 through and including #26 are a legal part of your agenda.

PUBLIC HEARINGS**7:30 PM PUBLIC HEARING RE: IRONWORKERS 7TH ST & WELLS NW VACATION**

PRESIDENT DENCZAK: We have two scheduled public hearings scheduled for this evening. One for 7:30. The Chair opens the public hearing in regards to this matter now—a request by Edward Overdorf to vacate parts of 7th Street and Wells Avenue NW for Ironworkers Local 550. The Planning Commission recommends approval. Is there anyone in the audience wishing to speak for or against this vacation, please come forward... Is there

MINUTES OF THE MEETING OF JUNE 20, 2005

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 matter now rests in the hands of Council. The Ordinance will follow later this evening.

7:31 PM PUBLIC HEARING RE: CANTON CITY SCHOOLS MILTON CT VACATION, REPLAT, & CROWN PL NW DEDICATION

PRESIDENT DENCZAK: We had a scheduled public hearing for 7:31 PM. The Chair now declares the public hearing open in regards to this matter. It's a request by Canton City Schools to vacate part of Milton Court NW, the replat of various lots and vacated Milton Court NW and private alleys, and the dedication of part of Crown Place NW for development of the new Clarendon Elementary School. The Planning Commission recommends approval. 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 with regards to this matter. The matter now rests in the hands of Council. The Ordinance will follow later this evening.

PUBLIC SPEAKS (ORDINANCES OR RESOLUTIONS FOR ADOPTION ONLY):

PRESIDENT DENCZAK: Public speaks under Ordinances or Resolutions for Adoption. No one has signed up for that portion.

INFORMAL RESOLUTIONS

PRESIDENT DENCZAK: Informal Resolutions excusing members, Member Casar.

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

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

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

PRESIDENT DENCZAK: Let the Journal show that Member Diamond has been excused.

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 JUNE 20, 2005.

339. COMMUNITY DEVELOPMENT & PLANNING DIRECTOR MARGY POORMAN, CITY OF CANTON: REQUEST LEGISLATION AUTHORIZING THE CONVEYANCE OF CITY OWNED PROPERTY LOCATED ON 6TH ST NE TO HABITAT FOR HUMANITY OF GREATER CANTON

MINUTES OF THE MEETING OF JUNE 20, 2005

- INC. TO CONSTRUCT A NEW HOME FOR LOW & MODERATE INCOME. - C&E DEVELOPMENT CMTE
340. DIAMOND, ROSEMARY, WARD 8 COUNCILMEMBER: URGING PLANNING COMMISSION TO DENY THE PRELIMINARY PLAT FOR GLEN HOLLOW SUBDIVISION DUE TO SERIOUS DRAINAGE PROBLEMS CURRENTLY AFFECTING RESIDENTS IN THE AREA. - RECEIVED & FILED
341. DIAMOND, ROSEMARY, WARD 8 COUNCILMEMBER: DUE TO PLANNING COMMISSION'S APPROVAL OF THE PRELIMINARY PLAT FOR GLEN HOLLOW SUBDIVISION, REQUEST COPIES OF ALL WRITTEN AGREEMENTS, COST, MAINTENANCE, LOCATION & CONSTRUCTION TIME RE: PROPOSED NEW DETENTION BASINS, WRITTEN REQUIREMENTS FOR CONSTRUCTION OF SAID BASINS & TIME LINE FOR ACQUISITION OF PURCHASED PROPERTIES; REQUESTING THE FUNDING FOR DETENTION BASINS FROM 2006 CAPITAL IMPROVEMENT BUDGET. - RECEIVED & FILED
342. HEALTH BENEFITS ADMINISTRATOR ROSE BRESSON, CITY OF CANTON: MAY 2005 MONTHLY COMPARATIVE REPORT OF INSURANCE CLAIMS, & JAN.-MAY 2005 PAID CLAIMS & COMPARATIVE REPORT. - RECEIVED & FILED
343. LIQUOR CONTROL DIVISION, 6606 TUSSING RD, PO BOX 4005, REYNOLDSBURG, OHIO 43068: VMB EVENTS INC., dba ARCADIA ROOM @ 437 MARKET N (REAR) HAS REQUESTED A NEW D1 LIQUOR PERMIT - INTERGOVERNMENTAL & PUBLIC SERVICE CMTE
344. PLANNING COMMISSION, CITY OF CANTON, BRUCE WILLIAMS, SECRETARY: RECOMMENDING APPROVAL OF THE PROPOSED CONSOLIDATION REPLAT OF PROPERTIES COMPRISING DIEBOLD INC. MULBERRY RD SE SITE TO PLACE NUMEROUS PARCELS INTO ONE LEGAL DESCRIPTION. - PUBLIC SAFETY & THOROUGHFARES CMTE
345. PLANNING COMMISSION, CITY OF CANTON, BRUCE WILLIAMS, SECRETARY: RECOMMENDING APPROVAL OF A REQUEST BY WALMART TO REPLAT OUTLOTS 1147 & 1148 ON W TUSC & DEDICATE PART OF SKOTNICKY SW. - PUBLIC SAFETY & THOROUGHFARES CMTE
346. PLANNING COMMISSION, CITY OF CANTON, BRUCE WILLIAMS, SECRETARY: RECOMMENDING APPROVAL OF A REQUEST BY T CORP. LLC TO REPLAT OUTLOT 986 @ 3713 PROGRESS ST NE. - PUBLIC SAFETY & THOROUGHFARES CMTE
347. PRESIDENT OF COUNCIL RAY DENCZAK: URGING MAYOR TO CONSIDER RE-ESTABLISHING DOWNTOWN CANTON ROADWAYS TO TWO-WAY TRAFFIC PATTERNS. - RECEIVED & FILED
348. SAFETY DIRECTOR BERNARD L. HUNT, CITY OF CANTON: REQUEST AUTHORIZATION TO ADVERTISE, RECEIVE BIDS & ENTER INTO \$320,000 CONTRACT TO PURCHASE A DIGITAL IN-CAR CAMERA SYSTEM TO BE USED BY CANTON POLICE DEPT PATROL DIVISION; REQUESTING THIS ACTION AS AN EMERGENCY. - PUBLIC PROPERTY CAPITAL IMPROVEMENT & FINANCE CMTE

MINUTES OF THE MEETING OF JUNE 20, 2005

349. SAFETY DIRECTOR BERNARD L. HUNT, CITY OF CANTON: REQUESTING AUTHORIZATION TO ACCEPT A \$38,203 ASSISTANCE TO FIREFIGHTERS GRANT FOR FISCAL YEAR 2004 FOR THE CANTON FIRE DEPT; REQUEST \$38,203 SUPPLEMENTAL APPROPRIATION FROM 2813 FIREFIGHTERS ASSISTANCE GRANT FUND & \$11,461 SUPPLEMENTAL APPROPRIATION FROM 4501 CAPITAL IMPROVEMENT FUND. - MARKETING & DEVELOPMENT GRANT & FINANCE CMTES
350. SERVICE DIRECTOR JOSEPH J. CONCATTO, CITY OF CANTON: REQUEST TO ACCEPT \$445,000 GRANT FROM DEPARTMENT OF NATURAL RESOURCES-CLEAN OHIO TRAILS FUND TO CONSTRUCT A 5-MILE TRAIL FROM 9TH & SCHROYER SW TO COVERED BRIDGE PARK IN COOPERATION WITH STARK COUNTY PARK DISTRICT; REQUESTING SEPARATE ORGANIZATION NUMBER IN CAPITAL FUND TO ASSIGN GRANT FUNDS; REQUESTING \$30,000 TRANSFER FROM 4501 20-10-01 TO 4501 20-10-40 SERVICE DIRECTOR FUND. - PARK & RECREATION & FINANCE CMTES
351. SERVICE DIRECTOR JOSEPH J. CONCATTO, CITY OF CANTON: REQUEST TO ADVERTISE, RECEIVE BIDS & ENTER INTO \$150,361.20 CONTRACT FOR THE 407 TUSCARAWAS STREET EAST PARKING LOT PROJECT, GP 1091; REQUEST \$175,000 SUPPLEMENTAL APPROPRIATION FROM THE 2155 CITY PARKING DECK/LOT FUND. - PUBLIC PROPERTY CAPITAL IMPROVEMENT & FINANCE CMTES
352. TREASURER ROBERT C. SCHIRACK, CITY OF CANTON: INFORMING COUNCIL OF \$20,730.98 REVENUE COLLECTED FOR THE TRANSIENT LODGING TAX. - RECEIVED & FILED
353. TREASURER ROBERT C. SCHIRACK, CITY OF CANTON: COMPARATIVE REPORT OF INCOME TAX CASH RECEIPTS AS OF 5/31/05. - RECEIVED & FILED
354. TREASURER ROBERT C. SCHIRACK, CITY OF CANTON: REPORT OF TREASURER'S OFFICE BANK RECONCILIATIONS & CITY'S OUTSTANDING INVESTMENTS AS OF MAY 31, 2005. - RECEIVED & FILED

ORDINANCES & FORMAL RESOLUTIONS FOR FIRST READING

PRESIDENT DENCZAK: We're now under ordinances 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 OF COUNCIL DENCZAK CALLED UPON CLERK VANCKUNAS TO READ THE FOLLOWING ORDINANCES #1 THROUGH AND INCLUDING #11 FOR THE FIRST TIME BY TITLE & ANNOUNCED THE COMMITTEE REFERRAL, AS FOLLOWS.

- #1 (1ST RDG) AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CONTRACT WITH QUEST RECOVERY AND PREVENTION SERVICES, INC. TO PROVIDE A GRANT IN AN AMOUNT NOT TO EXCEED \$217,624 FOR 12 UNITS OF AFFORDABLE HOUSING; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Community & Economic Development and Finance Committees

MINUTES OF THE MEETING OF JUNE 20, 2005

- #2 (1ST RDG) **ADOPTED AS ORDINANCE NO. 124/2005** AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CONTRACT WITH BROWNFIELD RESTORATION GROUP IN AN AMOUNT NOT TO EXCEED \$100,000; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Community & Economic Development and Finance Committees
- #3 (1ST RDG) **ADOPTED AS ORDINANCE NO. 125/2005** AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CONTRACT WITH HZW ENVIRONMENTAL IN AN AMOUNT NOT TO EXCEED \$90,000; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Community & Economic Development and Finance Committees
- #4 (1ST RDG) AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO CONVEY CITY-OWNED REAL PROPERTY, NO LONGER NEEDED FOR MUNICIPAL PURPOSES, TO THE CANTON COMMUNITY IMPROVEMENT CORPORATION; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Community & Economic Development Committee
- #5 (1ST RDG) **ADOPTED AS ORDINANCE NO. 126/2005** AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CONTRACT WITH THE NATIONAL STEELWORKERS OLDTIMERS FOUNDATION TO PROVIDE A GRANT IN AN AMOUNT NOT TO EXCEED \$100,000 FOR REIMBURSEMENT COSTS; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Community & Economic Development and Finance Committees
- #6 (1ST RDG) AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 253/2004, AS AMENDED, BY MAKING THE SUPPLEMENTAL APPROPRIATION HEREIN DESCRIBED; AND DECLARING THE SAME TO BE AN EMERGENCY (\$48,000 for Health Dept)
Referred to Finance Committee
- #7 (1ST RDG) AN ORDINANCE AUTHORIZING THE CITY AUDITOR TO PAY A MORAL OBLIGATION IN AN AMOUNT NOT TO EXCEED \$33,000 TO GAETANO CONTRACTORS; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Finance Committee
- #8 (1ST RDG) AN ORDINANCE AMENDING SECTION 509.15, PROHIBITIONS ON COMMERCIAL SALES ON PROFESSIONAL FOOTBALL HALL OF FAME PARADE ROUTE, OF THE CODIFIED ORDINANCES OF THE CITY OF CANTON; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to the Judiciary Committee
- #9 (1ST RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CONTRACT WITH THE CANTON JOINT RECREATION DISTRICT FOR FIELD MAINTENANCE AT THURMAN MUNSON MEMORIAL STADIUM; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Parks & Recreation and Finance Committees

MINUTES OF THE MEETING OF JUNE 20, 2005

#10 (1ST RDG) AN ORDINANCE ESTABLISHING THE FAIR MARKET VALUE OF REAL PROPERTY IN CONJUNCTION WITH THE FEDERAL CAMPUS PROJECT; AUTHORIZING THE SALE AND CONVEYANCE OF SAID PROPERTY; AND DECLARING THE SAME TO BE AN EMERGENCY

Referred to Community & Economic Development Committee

#11 (1ST RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE AND/OR DIRECTOR OF PUBLIC SAFETY TO ADVERTISE, RECEIVE BIDS AND ENTER INTO CONTRACT(S) FOR THE PURCHASE OF VARIOUS MOTOR VEHICLES AND OTHER ITEMS OF RELATED EQUIPMENT FOR VARIOUS CITY DEPARTMENTS; AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE AND/OR DIRECTOR OF PUBLIC SAFETY TO ALTERNATIVELY PURCHASE SAID VEHICLES AND EQUIPMENT PURSUANT TO REVISED CODE SECTIONS 125.04 AND 5513.01; AND DECLARING THE SAME TO BE AN EMERGENCY

Referred to Public Property Capital Improvement & Finance Committees

PRESIDENT DENCZAK: The Chair is gonna declare an in-house recess now for Council to act on ordinances under first reading, Ordinance #2, 3 and 5. You're now in recess.

COUNCIL RECESSED FOR COMMUNITY & ECONOMIC DEVELOPMENT & FINANCE COMMITTEES TO MEET ON THE MATTER OF ORDINANCES #2, 3 AND 5 AT 7:44 PM. THE MEETING WAS RECONVENED BY PRESIDENT DENCZAK AT 7:49 PM.

PRESIDENT DENCZAK: Council is reconvening after the recess for the committee meeting. Member Casar, there's three ordinances to be returned to the agenda. If you'll recognize those motions at this time.

MEMBER CASAR: Mr. President, I move that Rule 22A be suspended and we place Ordinances 2, 3 and 5 back on this evening's agenda; seconded.

PRESIDENT DENCZAK: Moved and seconded to suspend Rule 22A to add Ordinances 2, 3 and 5 back to the agenda. Are there any remarks?... If not, roll call vote please.

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

PRESIDENT DENCZAK: Rule 22A is suspended and the ordinances are a legal part of your agenda, Member Casar.

MEMBER CASAR: Mr. President, I move the statutory rules be suspended on Ordinance #2; seconded.

PRESIDENT DENCZAK: There's a move to dispense with the three readings of Ordinance #2. Are there any remarks?... If not, roll call vote please.

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

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

MEMBER CASAR: Mr. President, I move we adopt Ordinance #2; seconded.

MINUTES OF THE MEETING OF JUNE 20, 2005

PRESIDENT DENCZAK: Moved and seconded that you adopt Ordinance #2. Are there any remarks under this ordinance?... Very well, roll call vote please.

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance #2 is adopted. Ordinance #3, Member Casar.

#2 ADOPTED AS ORDINANCE NO. 124/2005

MEMBER CASAR: Mr. President, I move we suspend the statutory rules on Ordinance #3; seconded.

PRESIDENT DENCZAK: There's a move to dispense with the three readings of Ordinance #3. Are there any remarks?... If not, roll call vote please.

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

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

MEMBER CASAR: Mr. President, I move we adopt Ordinance #3; seconded.

PRESIDENT DENCZAK: Moved and seconded that you adopt Ordinance #3. Are there any remarks under this ordinance?... Very well, roll call vote please.

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance #3 is adopted. #5, Member Casar.

#3 ADOPTED AS ORDINANCE NO. 125/2005

MEMBER CASAR: Mr. President, I move we suspend the statutory rules on Ordinance #5; seconded.

PRESIDENT DENCZAK: There's a move to dispense with the three readings of Ordinance #5. Are there any remarks?... If not, roll call vote please.

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

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

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

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

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance #5 is adopted.

#5 ADOPTED AS ORDINANCE NO. 126/2005

ORDINANCES & FORMAL RESOLUTIONS FOR SECOND READING

PRESIDENT DENCZAK: Ordinances and Formal Resolutions for the Second Reading. Ordinance #16 please.

MINUTES OF THE MEETING OF JUNE 20, 2005

Ordinances 12, 13, 14 and 15 are retained in committee.

NOTE: PRESIDENT OF COUNCIL DENCZAK CALLED UPON CLERK VANCKUNAS TO READ THE FOLLOWING ORDINANCES #16 THROUGH #26 FOR THE SECOND TIME BY TITLE, AS FOLLOWS.

- #12 **RETAINED IN COMMITTEE** AN ORDINANCE AMENDING EXHIBIT A TO ORDINANCE NO. 164/2001, AS AMENDED, THE CLASSIFICATION PLAN AND SALARIES FOR ALL MANAGEMENT AND NON-BARGAINING UNIT EMPLOYEES OF THE CITY OF CANTON; AND DECLARING THE SAME TO BE AN EMERGENCY (Auditor's Office)
- #13 **RETAINED IN COMMITTEE** AN ORDINANCE AMENDING EXHIBIT A TO ORDINANCE NO 164/2001, AS AMENDED, THE CLASSIFICATION P LAN AND SALARIES FOR ALL MANAGEMENT AND NON-BARGAINING UNIT EMPLOYEES OF THE CITY OF CANTON; AND DECLARING THE SAME TO BE AN EMERGENCY (Law Dept)
- #14 **RETAINED IN COMMITTEE** AN ORDINANCE AMENDING EXHIBIT B TO ORDINANCE NO 164/2001, THE CLASSIFICATION PLAN AND GENERAL SALARIES FOR ALL MANAGEMENT AND NON-BARGAINING UNIT EMPLOYEES OF THE CITY OF CANTON; AND DECLARING THE SAME TO BE AN EMERGENCY (Step Increases)
- #15 **RETAINED IN COMMITTEE** AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 253/2004, AS AMENDED, BY MAKING THE SUPPLEMENTAL APPROPRIATION HEREIN DESCRIBED; AND DECLARING THE SAME TO BE AN EMERGENCY (\$125,584.58 Gen Fund...)
- #16 (2ND RDG) AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CONTRACT WITH PRIME TIME BASKETBALL, INC. TO PROVIDE A GRANT IN AN AMOUNT NOT TO EXCEED \$20,000.00 FOR THE PRIME TIME BASKETBALL PROGRAM; AND DECLARING THE SAME TO BE AN EMERGENCY
- #17 (2ND RDG) AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CONTRACT WITH THE YWCA OF CANTON, INC. TO PROVIDE A GRANT IN AN AMOUNT NOT TO EXCEED \$20,000.00 FOR MISCELLANEOUS OPERATING COSTS FOR THE TRANSITIONAL HOUSING PROGRAM KNOWN AS NEW BEGINNINGS; AND DECLARING THE SAME TO BE AN EMERGENCY
- #18 (2ND RDG) AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CONTRACT WITH FAMILIES FIRST OF STARK COUNTY TO PROVIDE A GRANT IN AN AMOUNT NOT TO EXCEED \$15,000.00 FOR MISCELLANEOUS DIRECT PROGRAM COSTS; AND DECLARING THE SAME TO BE AN EMERGENCY
- #19 (2ND RDG) AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CONTRACT WITH COMMUNITY SERVICES, INC. OF STARK COUNTY TO PROVIDE A GRANT IN AN AMOUNT NOT TO EXCEED \$100,000.00 FOR CONSTRUCTION OF A BUILDING ADDITION; AND DECLARING THE SAME TO BE AN EMERGENCY

MINUTES OF THE MEETING OF JUNE 20, 2005

- #20 (2ND RDG) AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CONTRACT WITH ELSASS TEAM CENTER TO PROVIDE A GRANT IN AN AMOUNT NOT TO EXCEED \$20,000.00 FOR ADMINISTRATION/STAFF COSTS; AND DECLARING THE SAME TO BE AN EMERGENCY
- #21 (2ND RDG) AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CONTRACT WITH ICAN, INC. TO PROVIDE A GRANT IN AN AMOUNT NOT TO EXCEED \$38,500.00 FOR MISCELLANEOUS REPAIR/RENOVATION COSTS; AND DECLARING THE SAME TO BE AN EMERGENCY
- #22 (2ND RDG) AN ORDINANCE AUTHORIZING THE MAYOR TO SUBMIT THE 2006 RECYCLE, OHIO! GRANT APPLICATION TO THE OHIO DEPARTMENT OF NATURAL RESOURCES AND TO ACCEPT AND EXECUTE THE GRANT; AUTHORIZING A VARIABLE CASH MATCH FROM COMMUNITY DEVELOPMENT FUNDS; AUTHORIZING THE MAYOR TO ENTER INTO CONTRACT WITH THE GREATER CANTON CHAMBER OF COMMERCE; AND DECLARING THE SAME TO BE AN EMERGENCY
- #23 (2ND RDG) AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN ENTERPRISE ZONE AGREEMENT WITH SONOCO PHOENIX PACKAGING CORPORATION TO PROVIDE PERSONAL PROPERTY TAX EXEMPTIONS; AUTHORIZING THE AUDITOR TO MAKE PAYMENTS TO THE CANTON LOCAL 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
- #24 (2ND RDG) AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AGREEMENT WITH THE STATE OF OHIO, DEPARTMENT OF REHABILITATION & CORRECTION FOR RECEIPT OF THE FY 2006 COMMUNITY CORRECTIONS ACT GRANT IN AN AMOUNT NOT TO EXCEED \$74,261.00; AND DECLARING THE SAME TO BE AN EMERGENCY
- #25 (2ND RDG) AN ORDINANCE APPROVING AND ACCEPTING THE REPLATTING OF LOTS 23637, 23638 AND 23639; AND DECLARING THE SAME TO BE AN EMERGENCY
- #26 (2ND RDG) AN ORDINANCE AUTHORIZING THE CITY AUDITOR TO PAY A MORAL OBLIGATION IN THE AMOUNT OF \$16,965.00 TO 3-D SERVICE; AMENDING APPROPRIATION ORDINANCE NO. 253/2004, AS AMENDED, BY MAKING THE SUPPLEMENTAL APPROPRIATION HEREIN DESCRIBED; 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 #27 please.

MINUTES OF THE MEETING OF JUNE 20, 2005

NOTE: PRESIDENT OF COUNCIL DENCZAK CALLED UPON CLERK VANCKUNAS TO READ ORDINANCES #27 THROUGH #41 FOR THEIR THIRD & FINAL TIME BY TITLE, AS FOLLOWS. ALL ORDINANCES WERE ADOPTED FOLLOWING THEIR 3RD READINGS.

#27 (3RD RDG) **ADOPTED AS ORDINANCE NO. 127/2005** AN ORDINANCE APPROVING AND ACCEPTING THE REPLATTING OF ALL OF LOTS 41649 THROUGH 41653 AND ALL OF OUTLOTS 968, 970 AND 971; AND DECLARING THE SAME TO BE AN EMERGENCY

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

VICE PRESIDENT CASAR: Moved and seconded to adopt Ordinance #27. Are there any remarks under this Ordinance?... Very well, roll call vote please.

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance #27 is adopted. **#27 ADOPTED AS ORDINANCE NO. 127/2005**

#28 (3RD RDG) **ADOPTED AS ORDINANCE NO. 128/2005** AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CONTRACT WITH THE CANTON CITY SCHOOL DISTRICT TO PROVIDE A GRANT IN AN AMOUNT NOT TO EXCEED \$25,000.00 FOR THE EARLY CHILDHOOD EDUCATION 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 to adopt Ordinance #28. Are there any remarks under this Ordinance?... Very well, roll call vote please.

NO REMARKS

ROLL CALL 10 YEAS, 0 NAYS, 1 ABSTENTION (HART)

PRESIDENT DENCZAK: Ordinance #28 is adopted. **#28 ADOPTED AS ORDINANCE NO. 128/2005**

#29 (3RD RDG) **ADOPTED AS ORDINANCE NO. 129/2005** AN ORDINANCE AMENDING ORDINANCE NO. 122/92, AS AMENDED, AUTHORIZING THE MAYOR TO ENTER INTO AN AMENDED AGREEMENT WITH STARK COUNTY OUT OF POVERTY PARTNERSHIP, INC. TO PROVIDE ADDITIONAL FUNDING; AND DECLARING THE SAME TO BE AN EMERGENCY

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

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

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

MINUTES OF THE MEETING OF JUNE 20, 2005

PRESIDENT DENCZAK: Ordinance #29 is adopted. **#29 ADOPTED AS ORDINANCE NO. 129/2005**

#30 (3RD RDG) **ADOPTED AS ORDINANCE NO. 130/2005** AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CONTRACT WITH STARK PRESCRIPTION ASSISTANCE NETWORK, INC. TO PROVIDE A GRANT IN AN AMOUNT NOT TO EXCEED \$15,000.00 FOR MISCELLANEOUS MEDICAL PRESCRIPTION COSTS; AND DECLARING THE SAME TO BE AN EMERGENCY

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

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

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance #30 is adopted. **#30 ADOPTED AS ORDINANCE NO. 130/2005**

#31 (3RD RDG) **ADOPTED AS ORDINANCE NO. 131/2005** AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CONTRACT WITH THE CANTON COMMUNITY CLINIC, INC. TO PROVIDE A GRANT IN AN AMOUNT NOT TO EXCEED \$175,000.00 FOR OPERATIONAL EXPENSES; 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?... Very well, roll call vote please.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance #31 is adopted. **#31 ADOPTED AS ORDINANCE NO. 131/2005**

#32 (3RD RDG) **ADOPTED AS ORDINANCE NO. 132/2005** AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CONTRACT WITH THE CANTON REGIONAL CHAMBER OF COMMERCE TO PROVIDE A GRANT IN AN AMOUNT NOT TO EXCEED \$175,000.00 FOR A COMPREHENSIVE ECONOMIC AND DOWNTOWN DEVELOPMENT PROGRAM; 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 11 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance #32 is adopted. **#32 ADOPTED AS ORDINANCE NO. 132/2005**

MINUTES OF THE MEETING OF JUNE 20, 2005

#33 (3RD RDG) **ADOPTED AS ORDINANCE NO. 133/2005** AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 253/2004, AS AMENDED, IS AMENDED BY MAKING THE SUPPLEMENTAL APPROPRIATIONS HEREIN DESCRIBED; AND DECLARING THE SAME TO BE AN EMERGENCY (\$16,509.45 fr swimming pool fund)

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 11 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance #33 is adopted. **#33 ADOPTED AS ORDINANCE NO. 133/2005**

#34 (3RD RDG) **ADOPTED AS ORDINANCE NO. 134/2005** AN ORDINANCE VACATING PORTIONS OF 7TH STREET NW AND WELLS AVENUE NW; 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?... Very well, roll call vote please.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance #34 is adopted. **#34 ADOPTED AS ORDINANCE NO. 134/2005**

#35 (3RD RDG) **ADOPTED AS ORDINANCE NO. 135/2005** AN ORDINANCE APPROVING AND ACCEPTING THE REPLATTING OF PARTS OF OUTLOTS 488 THROUGH 491, 493 AND PARTS OF LOTS 3297 AND 3301; AND DECLARING THE SAME TO BE AN EMERGENCY

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

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

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance #35 is adopted. **#35 ADOPTED AS ORDINANCE NO. 135/2005**

#36 (3RD RDG) **ADOPTED AS ORDINANCE NO. 136/2005** AN ORDINANCE VACATING A PORTION OF MILTON COURT NW; APPROVING AND ACCEPTING THE REPLATTING OF ALL OF LOTS 13080, 14228 THROUGH 14242, 14254 THROUGH 14262, 34880, 34881, 34883, 37085, 37086 AND 38546 AND PARTS OF LOTS 14243 AND 14244, VACATED MILTON COURT NW AND PRIVATE ALLEYS; APPROVING AND ACCEPTING THE DEDICATION OF PART OF CROWN PLACE NW; AND DECLARING THE SAME TO BE AN EMERGENCY

MINUTES OF THE MEETING OF JUNE 20, 2005

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

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

NO REMARKS

ROLL CALL 10 YEAS, 0 NAYS, 1 ABSTENTION (HART)

PRESIDENT DENCZAK: Ordinance #36 is adopted. **#36 ADOPTED AS ORDINANCE NO. 136/2005**

#37 (3RD RDG) **ADOPTED AS ORDINANCE NO. 137/2005** AN ORDINANCE AUTHORIZING THE CITY AUDITOR TO PAY A MORAL OBLIGATION IN THE AMOUNT OF \$15,575.00 TO PATH MASTER, INC; AMENDING APPROPRIATION ORDINANCE NO. 253/2004; AND DECLARING THE SAME TO BE AN EMERGENCY

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

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

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance #37 is adopted. **#37 ADOPTED AS ORDINANCE NO. 137/2005**

#38 (3RD RDG) **ADOPTED AS ORDINANCE NO. 138/2005** AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY TO MAKE APPLICATION FOR AND ACCEPT A GRANT IN AN AMOUNT NOT TO EXCEED \$33,994.00 FROM THE STATE FOR A SELECTIVE TRAFFIC ENFORCEMENT PROGRAM; AND DECLARING THE SAME TO BE AN EMERGENCY

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

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

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance #38 is adopted. **#38 ADOPTED AS ORDINANCE NO. 138/2005**

#39 (3RD RDG) **ADOPTED AS ORDINANCE NO. 139/2005** AN ORDINANCE AUTHORIZING THE CITY AUDITOR TO PAY A MORAL OBLIGATION IN THE AMOUNT OF \$13,505.64 TO SOUTHEASTERN EQUIPMENT COMPANY; AND DECLARING THE SAME TO BE AN EMERGENCY

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

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

MINUTES OF THE MEETING OF JUNE 20, 2005

MEMBER CASAR: Mr. President, for the record, we discussed this in the committee meetings a couple weeks ago in regards to moral obligations, and we're having quite a few moral obligations in the past four, five, six months, and I think the Administration along with certain Members of Council should sit down and review the policy of moral obligations. How they, you know, come forth and why there are so many and possibly look at new ways of possibly implementing to pay these or getting contracts on these particular things that need repaired, and also I see one coming on next week for a fire station which has to be a moral obligation. I can't see why that would have to be, why it couldn't have gone out for bid. I think we have to review the policies on moral obligations and how we got there in the first place.

SERVICE DIRECTOR CONCATTO: Mr. President, last meeting when they had this up for committee meeting, there was two questions asked. Mr. Bernabei, you asked the question about the policy for heavy duty trucks. Our policy in the Street Department, our city policy is we use the ODOT standard, and that's heavy duty trucks can ride on streets, our streets, state streets, city streets, as long as they have the triangle and the word "slow" on the back of the vehicle. This particular vehicle did have that. But that is our policy for heavy duty vehicles non-licensed for streets. And Mr. Casar, you asked about if there was other backhoes. There are other backhoes in the Street Department, but obviously this is a prime time to get work done and there was not a backhoe available here. Again, as I stated in the committee meeting, I believe that they thought that this was gonna be paid out of the insurance fund, went ahead and did the work. Thirdly, I would like to say I agree with you and would be glad to be a part of that discussion. We have a department head meeting, and we'll talk to our department heads and if Council would want to be a part of that to discuss moral obs. We have a huge operation in the City and sometimes moral obs are needed, but I would agree that sometimes we may take advantage of that and we don't want to do that, and I would be glad to set that up and discuss that. Thank you.

PRESIDENT DENCZAK: Any other comments?... Roll call vote please.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance #39 is adopted. **#39 ADOPTED AS ORDINANCE NO. 139/2005**

#40 (3RD RDG) **ADOPTED AS ORDINANCE NO. 140/2005** A RESOLUTION DESIGNATING PUBLIC MONEYS AVAILABLE FOR ACTIVE AND INTERIM DEPOSITS AND DESIGNATING DEPOSITORY BANKS FOR SAID DEPOSITS

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

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

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance #40 is adopted. **#40 ADOPTED AS ORDINANCE NO. 140/2005**

#41 (3RD RDG) **ADOPTED AS ORDINANCE NO. 141/2005** AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CHANGE ORDERS #3 AND #4 WITH ESLICH WRECKING COMPANY IN A TOTAL AMOUNT NOT TO EXCEED \$69,100.00 FOR ADDITIONAL DEMOLITION AND SITE RESTORATION WORK AT THE "KRESGE BLOCK"; AND DECLARING THE SAME TO BE AN EMERGENCY

MINUTES OF THE MEETING OF JUNE 20, 2005

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

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

MEMBER CASAR: Mr. President, pursuant to Rule #36, I hereby move to amend agenda Ordinance #41 as per the attached substituted ordinance which converts Change Order #4 to a moral obligation and everyone received attachment from the Law Director which we discussed in committee this evening. I so move; seconded.

AMENDMENT: Attached Substituted Ordinance:

ORDINANCE NO.

AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CHANGE ORDER #3 WITH, AND THE AUDITOR TO PAY A MORAL OBLIGATION TO, ESLICH WRECKING COMPANY IN A TOTAL AMOUNT NOT TO EXCEED \$69,100.00 FOR ADDITIONAL DEMOLITION AND SITE RESTORATION AND PREPARATION WORK AT THE "KRESGE BLOCK"; 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 Service, on behalf of the City of Canton, is authorized to enter into Change Order #3 in a total amount not to exceed \$45,744.00 for additional demolition and site restoration work at the "Kresge Block".

Section 2. The Auditor is authorized and directed to pay a moral obligation to Eslich Wrecking Co. in an amount not to exceed \$23,356.00 for parking lot and meter post site preparation and construction.

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 unnecessary delay in entering into Change Order #3 for additional demolition and site restoration work at the "Kresge Block" and the payment of a moral obligation to maintain the good credit of the City. 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

MINUTES OF THE MEETING OF JUNE 20, 2005

PRESIDENT DENCZAK: Moved and seconded to amend this 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 APPROVED BY UNANIMOUS VOICE VOTE

PRESIDENT DENCZAK: The amendment has passed. The question before you now is the Ordinance as amended.

MEMBER CASAR: Mr. President, I'd like to ask the Service Director a question if I may, please.

PRESIDENT DENCZAK: You may.

MEMBER CASAR: Service Director Concatto, for the record, this came through to Council as a change order, and with the amendment we just adopted it will now be a moral obligation #4 part of this ordinance. And for the record, again, how did we get to this point that we even have to go to extremes for another moral obligation?

SERVICE DIRECTOR CONCATTO: Mr. President, this work was scheduled to be done and was done in November. It was an effort to do something with the Kresge lot, provide some parking for the businesses across the street on Court. We did think that it could be-- was a legitimate change order. As we found out, it is not. The effort was made in good faith to redo that for a parking lot. We were coming up against a very close date where they were gonna stop making blacktop, and we knew we needed to get the job done as quick as we could.

MEMBER BERNABEI: Mr. President, a question for the law Director. Do we have in our City Code an ordinance that deals with this particular kind of situation?

LAW DIRECTOR MARTUCCIO: Mr. President. Member Bernabei, yes we do. It's contained in the Codified Ordinances of the City of Canton under the Chapter that governs contracts, and it is Ordinance Section 105.14 entitled Change Orders to Contracts. It explains that change orders are amendments to contracts that provide for alterations and modifications of the scope and/or cost of the original contract. Proposed amendment to a contract which is outside the general scope of the original contract does not constitute a change order, but is rather a proposal for a new and separate contract which requires independent contractual authority and bidding, if applicable.

MEMBER BERNABEI: Mr. President, and for the Law Director, did you determine then that this particular aspect of this contract should have been competitively bid as opposed to treated as an extension of the existing contract?

LAW DIRECTOR MARTUCCIO: Mr. President. Member Bernabei, yes. I met with various departments who were involved in the decision making. I believe they acted in good faith, however it was an invalid change order, and ordinarily something like this should have been bid. Ironically, in this particular case, it was found that these processes, preparations, paving, could have been done through existing programs, but in reliance on the consultant, the City Administration believed it to be a change order. I appreciate your bringing it to my attention. It is more appropriate to convert it to a moral obligation and pay it in that fashion less we risk a lawsuit by a contractor who feels as though he relied in good faith on promises made by city agents, and makes other claims that we might have been unjustly enriched by building a parking lot. So to avoid a lawsuit, I believe a moral obligation and the conversion to a moral obligation of Change Order #4 will affect payment in a valid way. Thank you.

MINUTES OF THE MEETING OF JUNE 20, 2005

PRESIDENT DENCZAK: The question you're voting on now is the Ordinance #41 as amended. Are there any further remarks?... If not, roll call vote please.

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance 41 as amended has been adopted.

#41 AS AMENDED ADOPTED AS ORDINANCE NO. 141/2005

ANNOUNCEMENT OF COMMITTEE MEETINGS

PRESIDENT DENCZAK: Announcement of committee meetings.

MEMBER CARBENIA: Mr. President, Community & Economic Development Committee will meet July 11 at 6:00 PM.

MEMBER CASAR: Mr. President, Parks & Recreation Committee will also meet July 11 at 6:00 PM.

MEMBER BABCOCK: Mr. President, Public Safety & Thoroughfares will also meet July 11.

MEMBER BERNABEI: Mr. President, Judiciary will meet July 11, 6:00 PM

MEMBER HAWK: Mr. President, Finance Committee will meet July 11 at 6:00 PM. In addition to that there will be a Finance Committee meeting at 9:00 AM Thursday, June 23. We will have an ongoing discussion of the budget. Thank you very much.

MEMBER DOUGHERTY: Mr. President, Public Property Capital Improvement will also meet that evening at 6:00 PM.

PRESIDENT DENCZAK: Member Zachary, are you gonna have a meeting?

MEMBER ZACHARY: This ordinance that-- excuse me, the ordinances that were held in committee, we will meet on them on July 11 at 6:00 PM. Sorry about that.

MEMBER HAWK: Mr. President, that 9:00 AM Finance Committee meeting will be in the caucus room.

PUBLIC SPEAKS (OPEN FORUM--CITY BUSINESS ONLY)

PRESIDENT DENCZAK: Public Speaks, Open Forum - City Business Only. We have two people signed up this evening. First speaker is Jeffrey Bullock.

MR. BULLOCK: I'm Jeff Bullock. I live at 155 Montrose NW in Canton. I've lived there for 15 years. On Tuesday morning, the 3rd day of May, I arrived home around 10:00 to find a skunk in the middle of the street on 2nd Street. The animal as apparently sick, foaming at the mouth, having seizures, bouncing off cars. It was sick. I wasn't sure how to proceed. I called the Health Department, environmental area, they informed me that until it bit someone they could not get involved. I then proceeded to call the police department and ask if they could send someone out to perhaps shoot the animal and I would dispose of it after it was dead. They informed me they could not shoot it. I said could you send someone out and supervise me shooting it, and they said they could not

MINUTES OF THE MEETING OF JUNE 20, 2005

do that either. I said what do I do? And they proceeded to give me some names of private individuals, and I felt that I should call someone. You have used the term emergency several times here tonight. I declared an emergency on 2nd Street between Montrose and Raff Road. We have many children playing in that area, people walking, people walking their pets. It was not just my problem. It was a community problem. I called Mr. Gary Beck at Beck Nuisance and paid him \$50.00 to come catch the animal and dispose of it. He informed me a week or so later that he had approached the Health Department, the City Health Department, asking for them to test the animal because of its behavior and he was informed that at that time they were only testing racoons, not skunks. I have had discussions with Mr. Concatto and Mr. Griffin about this situation, and I think I'll stop at that point. Just not happy that there's not some process when there is an emergency, not just a skunk under my deck. This was an emergency.

PRESIDENT DENCZAK: Sir, somebody from the Health Department told you that they can't do anything until it bites somebody?

MR. BULLOCK: That's correct.

PRESIDENT DENCZAK: Do you have that person's name?

MR. BULLOCK: It was whoever answered the phone in the environmental area.

PRESIDENT DENCZAK: And they also have periods of hunting only one type of animal at times and not any animal?

MR. BULLOCK: That's what I was informed.

PRESIDENT DENCZAK: Maybe we need a new Health Department. That's ridiculous.

SERVICE DIRECTOR CONCATTO: Mr. President, since Chaplain Bullock's call, and since I hope he's still praying for me once a week as a chaplain for the fire department, we have re-established a purchase order for a trapper in these type of situations. We did not at that time have that purchase order available when you did that. I appreciate your efforts and what you did, and we'll talk later about what you did. We do have one now. If somebody would call, we have that available. And we did let the police department know that.

MEMBER GRIFFIN: Mr. President, I'd like to thank Mr. Bullock for taking the action he did and stepping forward, and I'd also like to see -- we're only asking for \$50.00 and I think that we should have appropriations there to handle this.

PRESIDENT DENCZAK: I just talked to the Law Director and he's gonna look into it.

MEMBER GRIFFIN: On behalf of Ward 3, I'd like to thank him.

PRESIDENT DENCZAK: Okay. Thank you, sir.

MR. BULLOCK: Will that be covered under moral obligations? (LAUGHTER)

PRESIDENT DENCZAK: Sir, that was a cheap shot.

MR. BULLOCK: I was right though.

MINUTES OF THE MEETING OF JUNE 20, 2005

PRESIDENT DENCZAK: But you were right. (*CONTINUED LAUGHTER*) I'm still upset about the Health Department.

MEMBER WEST: Mr. President, for clarity, and so there's a program now that will take care of these type of nuisances?

SERVICE DIRECTOR CONCATTO: Mr. President, in the past we used to have a cat trapper. We still do not have a cat trapper, but we have initiated a policy for an animal or a situation like Reverend Bullock got involved in where if you have a wild animal, you have something specifically to his situation, we've let dispatch know that and who to contact, the trapper to do that. But we still do not have the cat issue. That was a costly issue and we stopped it.

MEMBER CASAR: Mr. President, I know this is public speaks, but you know, you said just for wild animals, but I think you have to take a little look at that. It could be a sick cat or dog also that should be taken care of.

SERVICE DIRECTOR CONCATTO: That's correct.

MEMBER WEST: Mr. President, one more point of order. So then who do we call if we get calls on a situation like that?

SERVICE DIRECTOR CONCATTO: Mr. President, dispatch should know that. If you call the police, they should be able to contact dispatch to contact a trapper. So our dispatch center would be 9-1-1 although we don't necessarily want to use it for that, but that would be an emergency such as what Reverend Bullock got into.

PRESIDENT DENCZAK: The next speaker is Ruth Johnson.

MS. JOHNSON: I'm Ruth Johnson. I live at 2000 3rd Street SE, Canton. And there's a house in back of me, 2012 Harvey Place SE, that you need to look into. It's a mess back there. And an empty lot, Hammerly Court and Harvey Place SE, people just throw garbage, trash. It's a mess too, and all kinds of illegal activity goes on there. I can't sit on my back porch cause I'm tired of looking at it. And someone need to come down there and clean it up and do something about it. Cause it's just a mess. I thank you.

PRESIDENT DENCZAK: You have that address?... Ma'am, would you repeat the address please?

MS. JOHNSON: The address is 2012 Harvey Place SE and right across the alley from that, that garage doesn't have an address on it, it's a mess. There's an old car in there, trash, garbage, and everybody goes in there and it's just a mess. Just need somebody to come out there and clean it all up.

PRESIDENT DENCZAK: Member Zachary, is that in your ward?

MEMBER ZACHARY: Mr. President, I actually met with Mr. Foster who lives on 3rd Street Friday, and he pointed the lot out to me which I did report today. It is a mess. He does take care of the surrounding vacants around him. He doesn't have to, but I thanked him immensely because I would be getting calls about those lots, but this lot is just a little further away from where he is, so he doesn't drag his mower down there to cut it, but it does need to be taken care of.

PRESIDENT DENCZAK: Okay. They got the address?... (*NO AUDIBLE RESPONSE*)

MINUTES OF THE MEETING OF JUNE 20, 2005**MISCELLANEOUS BUSINESS**

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

MEMBER CASAR: Mr. President, I'd like to ask the Service Director a question if I may.

PRESIDENT DENCZAK: You may.

MEMBER CASAR: Service Director Concatto, on June 6th, President Denczak thanked you in regards the traffic signal that was removed from 11th and Market Avenue and what was going to be done with the deposition of that, and I asked you if it could be considered that you'd place that on 11th Street by the senior citizens building and you said you was checking into that. Now, have you been able to verify one way or another if we're gonna have a light put there soon for the safety of the citizens that have to cross to go over to the new WalMart? It's very dangerous with the hill there. And I spoke with Councilman Griffin and he is 100% in favor also having that light installed there. Is there any answer you can give us one way or another on that?

SERVICE DIRECTOR CONCATTO: Mr. President, I have given that to Dan Moeglin, our Traffic Engineer--City Engineer. He has not gotten back with me yet, but I will call him this week and get back with you this week with the answer.

MEMBER CASAR: Thank you.

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

MEMBER ZACHARY: Mr. President, I would just like to extend an invitation again since we haven't met for two weeks, or it seems. This Saturday, June 25th, from 10:00 AM until 2:00 PM, Building Healthy Communities is having a community clean-up in the southeast quadrant of the ward. I'm inviting members of the audience to come down and help clean up too if you'd like. There will also be a community picnic afterwards at 2:00, so I'm encouraging people to participate.

PRESIDENT DENCZAK: You mean there's gonna be food?

MEMBER ZACHARY: There will be food. (LAUGHTER)

MAYOR CREIGHTON: Mr. President, that means you have to help clean up though first.

PRESIDENT DENCZAK: Mwa?

MAYOR CREIGHTON: Mwa. I would just like to, if I may, last Friday members of the Administration and city departments did a city wide-- did another keep Canton clean. And we cleaned the southeast end, and I must say I was impressed with the cleanliness and the care that I witnessed in the quadrant that we cleaned. And I just-- I want you to know that we're continuing to do that every month. We are putting out notices to the department heads and all city employees and asking those that would like to help us to join in. So there is an ongoing effort every month indeed to keep the city clean.

MEMBER CASAR: Mr. President, I'd like to just add to that. You know, I can attest to that because I saw Chief of Staff Bill Allen pulling weeds in front of the Civic Center last week. (LAUGHTER)

MINUTES OF THE MEETING OF JUNE 20, 2005

MAYOR CREIGHTON: Mr. President, it's everyone's job to keep the city clean.

MEMBER CASAR: At \$60,000 a year, I think you're right.

MEMBER WEST: Mr. President, just real quick. The city sidewalks that have the grass that's growing between the cement, how do we handle that? Service Director, somebody?... Since we're talking about cleaning up the city, I'm wondering how is it that we take care of that situation.

SERVICE DIRECTOR CONCATTO: Mr. President, are you saying that the grass is growing up through the cracks of the sidewalk?

MEMBER WEST: Exactly.

SERVICE DIRECTOR CONCATTO: I'm gonna give you an uneducated guess that that's the responsibility of the owner, but I can get back with you as to whether that's firm or not.

MEMBER WEST: No, I mean on city property, like the parks, like in front of Nimisilla Park there's a lot of brick--there's brick sidewalk-- and there's grass that's growing up through it, and as people are walking through there, there's high grass on the sidewalk. How do we handle that situation?

SERVICE DIRECTOR CONCATTO: Well, city property, that would be our responsibility. I would give it to the Park Department. Is that what you're--specifically Nimisilla Park?

MEMBER WEST: Yes.

PRESIDENT DENCZAK: Any other miscellaneous business?...

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

PRESIDENT DENCZAK: Moved and seconded to adjourn. Roll call please.

NO REMARKS PERMITTED ON THE MOTION TO ADJOURN

ROLL CALL: 11 YEAS, 0 NAYS

ADJOURNMENT TIME: 8:30 PM

ATTEST:

APPROVED:

DEBRA VANCKUNAS
CLERK OF COUNCIL

RAY DENCZAK
PRESIDENT OF COUNCIL

