

**MINUTES OF THE MEETING OF JULY 25, 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, July 25, 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 5 Councilmember Terry Prater followed by the Pledge of Allegiance led by President of Council Denczak.*

**ROLL CALL TAKEN BY CLERK VANCKUNAS:**

11 COUNCILMEMBERS PRESENT: (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 & ROSEMARY DIAMOND)

1 COUNCILMEMBER ABSENT (DONALD E. CASAR)

**AGENDA CORRECTIONS & CHANGES**

PRESIDENT DENCZAK: Thank you, Member Prater (*referring to invocation*). Agenda corrections, Members of Council. You're being asked to suspend Rule 24B to add Resolution 37, and to suspend Rule 22A to add the second reading of Ordinances 10 through and including #17. At this time, Member Carbenia, the Chair will recognize Rule 24B suspension.

MEMBER CARBENIA: Mr. President, I move Rule 24B be suspended to add Informal Resolution #79; seconded.

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

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

PRESIDENT DENCZAK: Rule 24B is suspended and Resolution #79 is a legal part of your agenda. Member Carbenia, the Chair will now recognize Rule 22A suspension.

MEMBER CARBENIA: Mr. President, I move Rule 22A be suspended to add second readings of Ordinances 10 through 17; seconded.

PRESIDENT DENCZAK: Moved and seconded to suspend Rule 22A to add the second reading of Ordinances 10 through and including #17 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 Ordinances 10 through and including #17 are a legal part of your agenda. This brings your agenda up to date, Members of Council.

**PUBLIC HEARINGS**

PRESIDENT DENCZAK: There's no public hearings at this time.

**MINUTES OF THE MEETING OF JULY 25, 2005****PUBLIC SPEAKS (ORDINANCES OR RESOLUTIONS FOR ADOPTION ONLY):**

PRESIDENT DENCZAK: No one has signed up for Public Speaks under Ordinances or Resolutions for Adoption. By the way, no one has signed up under the second portion of open business under public speaks.

**INFORMAL RESOLUTIONS**

PRESIDENT DENCZAK: Informal Resolutions, excusing members, Member Carbenia.

MEMBER CARBENIA: Mr. President, I move to excuse Member Casar from tonight's meeting; seconded.

PRESIDENT DENCZAK: Moved and seconded that Member Casar 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 Casar is excused.

***PRESIDENT DENCZAK CALLED UPON CLERK VANCKUNAS TO READ RESOLUTIONS #79 THROUGH AND INCLUDING #80 BY TITLE, AS SHOWN BELOW. THE RESOLUTIONS ARE ON FILE IN THEIR ENTIRETY IN THE COUNCIL OFFICE WITH THE AGENDA ITEMS DATED JULY 25, 2005.***

79. INTERGOVERNMENTAL & PUBLIC SERVICE COMMITTEE: OBJECTING TO THE ISSUANCE OF A NEW C1,2 LIQUOR PERMIT REQUESTED BY HALL MART, INC. dba HALL FUEL MART @ 3325 HARMONT AVE NE. - ADOPTED BY COUNCIL

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

PRESIDENT DENCZAK: Moved and seconded that you adopt Resolution #79. Are there any remarks?...

MEMBER CARBENIA: Mr. President, I have a question for the Law Director. I'm sorry, Joe (*Chuckles*). On this Resolution, is a yes vote-- what, do we vote yes is for the-- to not give them the license? A no vote is to let them have the license?

LAW DIRECTOR MARTUCCIO: Mr. President. Member Carbenia, the objection is written in the positive. It says that we wish to object and we ask for a hearing, so if you say yes, it means yes, I want the hearing, and yes, I object to the issuance.

MEMBER CARBENIA: Thank you.

PRESIDENT DENCZAK: Any other questions?... Alright, the question you're voting on now is Resolution #79. By voice vote, all those in favor, signify by saying aye. Those opposed no.

NO REMARKS

RESOLUTION #79 APPROVED BY UNANIMOUS VOICE VOTE

PRESIDENT DENCZAK: The Resolution is adopted objecting to the issuance.

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80. WEST, THOMAS, WARD 2 COUNCILMEMBER: REQUESTING THE SERVICE DIRECTOR AUTHORIZE A STREET LIGHT AT 312 13<sup>TH</sup> ST NE IN WARD 2 OF THE CITY OF CANTON. - ADOPTED BY COUNCIL

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

PRESIDENT DENCZAK: Moved and seconded that you adopt Resolution #80. Are there any remarks under this Resolution?....

MEMBER DIAMOND: Mr. President....

PRESIDENT DENCZAK: Member Zachary.

MEMBER DIAMOND: Diamond.

PRESIDENT DENCZAK: Who? I'm sorry.

MEMBER DIAMOND: Rosemary.

PRESIDENT DENCZAK: I'm disoriented, so don't... Member Diamond.

MEMBER DIAMOND: I have a question for I guess Member West, and then maybe for Bernie Hunt. Has the traffic-- it's my understanding that in order to install a new signal light that a traffic study has to be performed, and that's-- then the State issues that-- you do that based upon the volume of cars. This is a state...

PRESIDENT DENCZAK: One moment, Member Diamond. This is not for a traffic signalization. This is for a street light.

MEMBER DIAMOND: Okay. I do have another question about street lights. Thank you. I know in the past that we were authorized, each Councilmember was authorized a certain amount of street lights each year, and I guess I would direct this to the Mayor or the Service Director. Is the new policy, or has there been a change in policy, where we prepare a resolution and then it's voted upon at Council?

SERVICE DIRECTOR CONCATTO: Mr. President, I believe it's the new policy when we're dealing with single lights like this. When you're doing projects like Mr. Casar's Westpark or your couple streets that we're doing there, those are projects that are requested by Council. We do those without a resolution. I believe, and you can correct me, that the resolution issue is something new. I mean I don't have a problem with it, all you have to do is call me, but if you wish to do it through resolution so we have some paperwork to follow up on it, I personally don't have a problem with that, but it's basically more on one or two street lights.

MEMBER CARBENIA: Mr. President, I can shed a little light on that. We used to only get two, and this year Don made a decision that we should have a Park and Light Committee along with the concrete, you know, sidewalks, and that we should have resolutions and we can have more than two lights in our area. That's why.

PRESIDENT DENCZAK: Any other remarks?... If not, the question you're voting on now is Resolution #80. By voice vote, all those in favor, signify by saying aye. Those opposed no.

NO REMARKS

RESOLUTION #80 APPROVED BY UNANIMOUS VOICE VOTE

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PRESIDENT DENCZAK: The Resolution is adopted.

**COMMUNICATIONS**

PRESIDENT DENCZAK: Under Communications; all communications are received as read, filed and properly referred.

***NOTE: ALL COMMUNICATIONS WHICH FOLLOW, LISTED BY AGENDA TITLE, ARE ON FILE IN THEIR ENTIRETY IN THE COUNCIL OFFICE WITH THE AGENDA ITEMS FILE DATED JULY 25, 2005.***

379. CHIEF OF STAFF/BUDGET DIRECTOR WILLIAM ALLEN, CITY OF CANTON: REQUESTING THE ADOPTION OF THE CITY'S TAX BUDGET AS REQUIRED BY ORC SEC 5705 ON 9/12/05 & REQUESTING A PUBLIC HEARING BE SCHEDULED FOR 7:30 PM DURING THE 8/22/05 COUNCIL MEETING. - FINANCE CMTE & PRESIDENT OF COUNCIL
380. HART, RICHARD, WARD 7 COUNCILMEMBER: PROPOSING THE PARK SHELTER RENTAL FEES BE WAIVED FOR CITY RESIDENT RETIREES. - PARKS & RECREATION CMTE & MAYOR
381. HEALTH BENEFITS ADMINISTRATOR ROSE BRESSON, CITY OF CANTON: JUNE 2005 MONTHLY COMPARATIVE REPORT OF INSURANCE CLAIMS & JAN-JUNE 2005 PAID CLAIMS & COMPARATIVE REPORT. - RECEIVED & FILED
382. HEALTH BOARD, CITY OF CANTON: SUBMITTING HEALTH BOARD-APPROVED POSITION STATEMENT FOR A SMOKE FREE CANTON & REQUESTING COUNCIL CONSIDER PROHIBITING INDOOR SMOKING IN ALL PUBLIC PLACES & PLACES OF EMPLOYMENT. - JUDICIARY CMTE
383. LIQUOR CONTROL DIVISION, 6606 TUSSINGRD, PO BOX 4005, REYNOLDSBURG OHIO 43068-9005: RE: C#286 ON 5/16/05 AGENDA, CORRECTING THE STREET ADDRESS OF PROPOSED TRANSFER D5 LIQUOR LICENSE REQUESTED BY HISTORIC CITI ENTERPRISES TO 101 MARKET IN LIEU OF 101 CENTRAL PLAZA. - INTERGOVERNMENTAL & PUBLIC SERVICE CMTE
384. LIQUOR CONTROL DIVISION, 6606 TUSSINGRD, PO BOX 4005, REYNOLDSBURG OHIO 43068- CAROUSEL LOUNGE HAS REQUESTED TRANSFER OF D1, D3, D3A & D6 LIQUOR PERMIT AT 3012 ATLANTIC BLVD NE FROM JOHN & ARTHUR JOHNSON, dba CAROUSEL LOUNGE. - INTERGOVERNMENTAL & PUBLIC SERVICE CMTE
385. PLANNING COMMISSION, CITY OF CANTON, BRUCE WILLIAMS, SECRETARY: RECOMMENDING APPROVAL OF THE DEDICATION OF RIGHT OF WAY AT 4<sup>TH</sup> & FULTON NW REQUESTED BY THE CITY ENGINEER FOR TIMKEN CAMPUS WORK. - PUBLIC SAFETY & THOROUGHFARES CMTE
386. PLANNING COMMISSION, CITY OF CANTON, BRUCE WILLIAMS, SECRETARY: RECOMMENDING APPROVAL OF THE REQUEST BY LLOYD & KATHLEEN HECKERT TO REZONE 2716 MARKET AVE NORTH FOR A BED & BREAKFAST. - JUDICIARY CMTE

**PUB HRG 8/22/05 @ 7:30 PM**

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387. PLANNING COMMISSION, CITY OF CANTON, BRUCE WILLIAMS, SECRETARY: RECOMMENDING APPROVAL OF THE REQUEST BY CHRIST PRESBYTERIAN CHURCH TO VACATE WELLS AVE SW BETWEEN WEST TUSC & 2<sup>ND</sup> ST SW. - PUBLIC SAFETY & THOROUGHFARES CMTE
388. PLANNING COMMISSION, CITY OF CANTON, BRUCE WILLIAMS, SECRETARY: RECOMMENDING APPROVAL OF ANNUAL CITY-WIDE ZONING MAP CHANGES: 15<sup>TH</sup> NW (KEMPTHORN), WEST TUSC (DOWNTOWN FORD), 839 CLEVELAND NW (GANLEY L/M), 415 BELDEN SE (FIRE STA), SW CORNER 30<sup>TH</sup> & CLEVELAND, 2460 ATLANTIC BLVD NE (ATLANTIC POOLS) & SE CORNER 8<sup>TH</sup> & CORNELIA. - JUDICIARY CMTE
389. PRESIDENT OF COUNCIL RAY DENCZAK: REQUESTING THE PPCI & FINANCE COMMITTEES CONSIDER PURCHASING AN AUTOMATIC CHEST COMPRESSION KIT IN THE AMOUNT OF \$15,000 FOR EACH CITY AMBULANCE. - PUBLIC PROPERTY CAPITAL IMPROVEMENT & FINANCE CMTES
390. SAFETY DIRECTOR BERNARD L. HUNT, CITY OF CANTON: REQUEST TO DISPOSE OF OBSOLETE SECTIONS OF 3" HOSE BY SELLING TO THE BELOIT FIRE DEPT FOR \$60 AS PERMITTED BY ORC SEC. 721.15. - PUBLIC PROPERTY CAPITAL IMPROVEMENT CMTE
391. SERVICE DIRECTOR JOSEPH J. CONCATTO, CITY OF CANTON: REQUEST APPROVAL TO EXTEND A WATER MAIN ON SOUTHWAY SW IN PERRY TWP TO A 40-ACRE SITE AT SOUTHWAY & EILEEN AVE SW TO SERVE 89 NEW HOMES & APPROX. 30 OTHER PROPERTIES. - ENVIRONMENTAL & PUBLIC UTILITIES CMTE
392. STARK COUNTY TOBACCO PREVENTION COALITION, STARK CTY HEALTH DEPT, 3951 CONVENIENCE CIR NW, CANTON 44718: SUBMITTING AN INFORMATION PACKET FOR COUNCIL REVIEW RE: CLEAN INDOOR AIR LEGISLATION. - JUDICIARY CMTE

**ORDINANCES & FORMAL RESOLUTIONS FOR FIRST READING**

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

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

- #1 (1<sup>ST</sup> RDG) AN ORDINANCE AMENDING SECTION 151.07, VACATIONS, OF THE CODIFIED ORDINANCES OF THE CITY OF CANTON  
Referred to Personnel & Finance Cmtes
- #2 (1<sup>ST</sup> RDG) AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CONTRACT WITH HABITAT FOR HUMANITY OF GREATER CANTON, INC. TO PROVIDE A GRANT IN AN AMOUNT NOT TO EXCEED \$120,000.00 FOR REIMBURSEMENT OF MISCELLANEOUS INFRASTRUCTURE COSTS RELATING TO THE HOUSING PROGRAM; AND DECLARING THE SAME TO BE AN EMERGENCY  
Referred to Community Economic Development & Finance Cmtes

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- #3 (1<sup>ST</sup> RDG) A RESOLUTION DETERMINING THE NECESSITY TO PROCEED WITH THE IMPLEMENTATION OF THE PUBLIC SERVICE PLAN ADOPTED BY THE DOWNTOWN CANTON SPECIAL IMPROVEMENT DISTRICT; DECLARING THE NECESSITY TO PROCEED WITH A SPECIAL ASSESSMENT FOR THE FUNDING OF SAID PLAN FOR THE PERIOD OF FOUR YEARS; AND DECLARING THE SAME TO BE AN EMERGENCY  
Referred to Community & Economic Development Cmte
- #4 (1<sup>ST</sup> RDG) AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CONTRACTS WITH NORTHRUP GRUMMAN INFORMATION TECHNOLOGY, AMCI AND PIONEER PROGRAMMING FOR THE PURCHASE OF EQUIPMENT AND MATERIALS FOR THE CITY OF CANTON HEALTH DEPARTMENT; AND DECLARING THE SAME TO BE AN EMERGENCY  
Referred to Public Property Capital Improvement & Finance Cmtes
- #5 (1<sup>ST</sup> 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  
Referred to Finance Cmte
- #6 (1<sup>ST</sup> RDG) AN ORDINANCE AUTHORIZING A CONTRACT AMENDMENT BETWEEN THE CITY OF CANTON AND LOCAL 2937 AND OHIO COUNCIL 8, AFSCME; AND DECLARING THE SAME TO BE AN EMERGENCY  
Referred to Personnel Cmte
- #7 (1<sup>ST</sup> RDG) AN ORDINANCE AMENDING EXHIBIT A TO ORDINANCE NO. 40/2000, AS AMENDED, THE CLASSIFICATION PLAN FOR BARGAINING UNIT PERSONNEL EMPLOYED BY THE CITY OF CANTON; AND DECLARING THE SAME TO BE AN EMERGENCY  
Referred to Personnel Cmte
- #8 (1<sup>ST</sup> RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CONTRACT WITH ARCADIS FPS, INC. IN AN AMOUNT NOT TO EXCEED \$23,900.00 TO PERFORM A SEWER RATE STUDY; AMENDING APPROPRIATION ORDINANCE NO. 253/2004; AND DECLARING THE SAME TO BE AN EMERGENCY  
Referred to Environmental & Public Utilities & Finance Cmtes
- #9 (1<sup>ST</sup> RDG) AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO ACCEPT A GRANT IN THE AMOUNT OF \$13,228.00 FROM THE TIMKEN FOUNDATION TRUSTEES; AMENDING APPROPRIATION ORDINANCE NO. 253/2004, AS AMENDED, BY MAKING THE SUPPLEMENTAL APPROPRIATION HEREIN DESCRIBED; AND DECLARING THE SAME TO BE AN EMERGENCY  
Referred to Public Property Capital Improvement & Finance Cmtes

**MINUTES OF THE MEETING OF JULY 25, 2005****ORDINANCES & FORMAL RESOLUTIONS FOR SECOND READING**

PRESIDENT DENCZAK: Ordinances and Formal Resolutions for the Second Reading.

***NOTE: PRESIDENT OF COUNCIL DENCZAK CALLED UPON CLERK VANCKUNAS TO READ THE FOLLOWING ORDINANCES #10 THROUGH #17 FOR THE SECOND TIME BY TITLE, AS FOLLOWS.***

- #10 (2<sup>ND</sup> RDG) AN ORDINANCE ESTABLISHING THE FAIR MARKET VALUE OF A PARCEL OF CITY-OWNED PROPERTY; AUTHORIZING THE SALE & CONVEYANCE OF SAID PROPERTY PURSUANT TO THE CITY'S RESIDENTIAL LAND DISPOSITION PROGRAM; AND DECLARING THE SAME TO BE AN EMERGENCY (6<sup>th</sup> St NE)
- #11 (2<sup>ND</sup> RDG) AN ORDINANCE APPROVING AND ACCEPTING THE CONSOLIDATION PLAT OF VARIOUS LOTS, PART OF VACATED LESTER COURT SE AND PART OF VACATED PREYOR COURT SE; AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT DENCZAK: Time out. (*Councilmember Diamond laid a paper in front of the Clerk which spilled her water*) Typical Republican trying to break up this meeting.... Okay? ...

***CLERK PROCEEDS WITH THE FIRST READING ORDINANCES:***

- #12 (2<sup>ND</sup> RDG) AN ORDINANCE APPROVING & ACCEPTING THE REPLATTING OF OUTLOTS 1147 & 1148; AND DECLARING THE SAME TO BE AN EMERGENCY
- #13 (2<sup>ND</sup> RDG) AN ORDINANCE APPROVING & ACCEPTING THE REPLATTING OF PART OF OUTLOT 986; AND DECLARING THE SAME TO BE AN EMERGENCY
- #14 (2<sup>ND</sup> RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY TO ADVERTISE, RECEIVE BIDS & ENTER INTO CONTRACT FOR THE PURCHASE OF A DIGITAL IN-CAR CAMERA SYSTEM FOR THE POLICE DEPARTMENT; AND DECLARING THE SAME TO BE AN EMERGENCY
- #15 (2<sup>ND</sup> RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY TO ACCEPT & EXECUTE THE EMERGENCY PREPAREDNESS & RESPONSE DIRECTORATE'S FIRE PREVENTION & SAFETY GRANT PROGRAM, ASSISTANCE TO FIREFIGHTERS GRANT FOR FISCAL YEAR 2004; AMENDING APPROPRIATION ORDINANCE NO. 253/2004, AS AMENDED, BY MAKING THE SUPPLEMENTAL APPROPRIATIONS HEREIN DESCRIBED; AND DECLARING THE SAME TO BE AN EMERGENCY
- #16 (2<sup>ND</sup> RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ACCEPT A GRANT FROM THE DEPARTMENT OF NATURAL RESOURCES - CLEAN OHIO TRAILS FUND IN AN AMOUNT NOT TO EXCEED \$445,000.00; FURTHER AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO AN INTER-AGENCY AGREEMENT WITH THE STARK COUNTY PARK DISTRICT; AMENDING APPROPRIATION ORDINANCE NO. 253/2004, AS AMENDED, BY MAKING THE APPROPRIATION TRANSFER HEREIN DESCRIBED; AND DECLARING THE SAME TO BE AN EMERGENCY

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#17 (2<sup>ND</sup> RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ADVERTISE, RECEIVE BIDS & ENTER INTO CONTRACT FOR PROJECT CONSTRUCTION FOR THE 407 TUSCARAWAS STREET E. PARKING LOT PROJECT, GP 1091; 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.

***NOTE: PRESIDENT OF COUNCIL DENCZAK CALLED UPON CLERK VANCKUNAS TO READ ORDINANCES #18 THROUGH #24 FOR THEIR THIRD & FINAL TIME BY TITLE, EXCEPTING ORDINANCE #21 WHICH WAS WITHDRAWN FROM THE AGENDA, AS FOLLOWS. ALL OTHER ORDINANCES WERE ADOPTED FOLLOWING THEIR 3<sup>RD</sup> READINGS.***

#18 (3<sup>RD</sup> RDG) **ADOPTED AS ORDINANCE NO. 157/2005** AN ORDINANCE AMENDING APPROPRIATION O.253/2004 AS AMENDED, BY MAKING THE SUPPLEMENTAL APPROPRIATIONS, HEREIN DESCRIBED; AND DECLARING THE SAME TO BE AN EMERGENCY (Compensated absence fund & cashing banked vacation)

MEMBER CARBENIA: Mr. President, I move we adopt Ordinance #18; seconded.

PRESIDENT DENCZAK: Moved and seconded to adopt Ordinance #18. Are there any remarks under this Ordinance?... Very well, roll call vote please.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance #18 is adopted. **#18 ADOPTED AS ORDINANCE NO. 157/2005**

#19 (3<sup>RD</sup> RDG) **ADOPTED AS ORDINANCE NO. 158/2005** 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 IMPROVEMENT COMMUNITY CORPORATION; AND DECLARING THE SAME TO BE AN EMERGENCY (10<sup>th</sup> St)

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

PRESIDENT DENCZAK: Moved and seconded that you adopt Ordinance #19. Are there any remarks under this Ordinance?... Very well, roll call vote please.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance #19 is adopted. **#19 ADOPTED AS ORDINANCE NO. 158/2005**

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#20 (3<sup>RD</sup> RDG) **ADOPTED AS ORDINANCE NO. 159/2005** AN ORDINANCE AMENDING APPROPRIATION O.253/2004 AS AMENDED, BY MAKING THE SUPPLEMENTAL APPROPRIATION HEREIN DESCRIBED; AND DECLARING THE SAME TO BE AN EMERGENCY

MEMBER CARBENIA: Mr. President, I move we adopt Ordinance #20; seconded.

PRESIDENT DENCZAK: Moved and seconded that you adopt Ordinance #20. Are there any remarks under this Ordinance?... Very well, roll call vote please.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS,

PRESIDENT DENCZAK: Ordinance #20 is adopted. **#20 ADOPTED AS ORDINANCE NO. 159/2005**

#21 **WITHDRAWN** 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

#22 (2<sup>ND</sup> RDG) **ADOPTED AS ORDINANCE NO. 160/2005** 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

MEMBER CARBENIA: 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 CARBENIA: Mr. President, I have an amendment here that all the council persons have in front of them. Pursuant to Rule 36, I hereby amend Section 1 of Agenda Ordinance #22 by the addition of a new last sentence which would read as follows: *Said contract is to be retroactively ratified to March 1, 2005.*

PRESIDENT DENCZAK: Wait a minute. Put that in the form of a motion.....

MEMBER CARBENIA: I so move that the amendment that everybody has before them; seconded.

**AMENDMENT:** Pursuant to Rule 36, I hereby move to amend Section 1 of Agenda Ordinance No. 22 by the addition of a new last sentence which reads as follows: "Said contract is to be retroactively ratified to March 1, 2005."

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

NO REMARKS

AMENDMENT ADOPTED BY UNANIMOUS VOICE VOTE

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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 11 YEAS, 0 NAYS,

PRESIDENT DENCZAK: Ordinance #22 as amended is adopted.

**#22 ADOPTED AS AMENDED AS ORDINANCE NO. 160/2005**

#23 (3<sup>RD</sup> RDG) **ADOPTED AS ORDINANCE NO. 161/2005** 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

MEMBER CARBENIA: 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 11 YEAS, 0 NAYS,

PRESIDENT DENCZAK: Ordinance #23 is adopted.

**#23 ADOPTED AS ORDINANCE NO. 161/2005**

#24 (3<sup>RD</sup> RDG) **ADOPTED AS ORDINANCE NO. 162/2005** 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

MEMBER CARBENIA: 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 11 YEAS, 0 NAYS,

PRESIDENT DENCZAK: Ordinance #24 is adopted.

**#24 ADOPTED AS ORDINANCE NO. 162/2005**

**ANNOUNCEMENT OF COMMITTEE MEETINGS**

PRESIDENT DENCZAK: Announcement of committee meetings, please.

MEMBER ZACHARY: Mr. President, Personnel Committee will meet August 10<sup>th</sup> at 6:30 PM.

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PRESIDENT DENCZAK: Any other committees?...

MEMBER HAWK: Mr. President, Finance Committee will meet August 10<sup>th</sup> at 6:30. In addition to that, I'd like to call a Finance meeting for July 28<sup>th</sup> at 9:00 AM for budget review. We will have all the department heads helping us. Mr. Young from the Auditor's Office will be in attendance, and we'll review this year's budget to make sure we're staying on track.

PRESIDENT DENCZAK: At what location?

MEMBER HAWK: It will be in the caucus room. Thank you, sir.

MEMBER DOUGHERTY: Mr. President, Public Property Capital Improvement will also meet on the 10<sup>th</sup> at 6:30.

PRESIDENT DENCZAK: Anybody else?...

MEMBER GRIFFIN: Mr. President, Environmental will have a meeting October the 10<sup>th</sup> at 6:30.

PRESIDENT DENCZAK: When?

MEMBER GRIFFIN: August 10<sup>th</sup>.

PRESIDENT DENCZAK: I'm not the only one disoriented, I see.

MEMBER CARBENIA: Mr. President, Community & Economic Development will meet on August 10<sup>th</sup> at 6:30.

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

PRESIDENT DENCZAK: No one signed up again, as I stated before, under Public Speaks.

**MISCELLANEOUS BUSINESS**

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

SERVICE DIRECTOR CONCATTO: Mr. President, last meeting I was asked by Member Carbenia and Member Casar about Market Avenue and why we stopped at 25<sup>th</sup> Street. I can give you this answer, Member Carbenia. Mr. Casar's not here. We did not continue on the streetscaping of 25<sup>th</sup> Street, or Market Avenue, beyond due to the fact that there is additional sanitary sewer work that needs to be done on that street beyond 25<sup>th</sup> Street. Why it was not included in this, I can only think it was because of dollars. We don't have a whole lot of institutional knowledge there now, so I don't know, maybe you have found some information, but the reason that we didn't continue the streetscape is because of sanitary sewers. That project is in our next five year plan. Exactly what year I cannot tell you right at this moment because we have not priced it out.

MEMBER CARBENIA: Mr. President, five year plan?

SERVICE DIRECTOR CONCATTO: It's within the five year plan along with many other drainage that we have, drainage corrections that we need to make. I'll be glad to show you the five year plan that we have set aside. We have some major streets and drain issues, storm sewer drain issues that we have. But that has not been-- that does

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not have a date.

MEMBER CARBENIA: Well, Mr. President...

PRESIDENT DENCZAK: Go ahead.

MEMBER CARBENIA: I know that we have major problems all over the City, but I have major problems up there on 27<sup>th</sup>, 28<sup>th</sup>, Colonial Boulevard, all along there right off of Market Avenue, and some of them are-- when it rains heavy, it is sewage too, and I'm hoping that we can get that done. We done the first phase and I'm hoping that's gonna really help us, but you know they're also bringing some of that line across from across the street over by the park and the apartment house. And that's gonna come over. I hope that that's all included in the same time so we don't get it bulked up there and then run into the same problem.

SERVICE DIRECTOR CONCATTO: Mr. President. Member Carbenia, the storm sewer issue coming down Colonial Boulevard crossing the street there is another project that we have, and I'll be glad again to share that with you.

MEMBER CARBENIA: Okay. Thank you.

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

MEMBER DIAMOND: Mr. President, I have a question for the Service Director. As a member of the Planning Commission, I wanted to ask if the Glen Hollow final plat had been submitted for the August agenda.

SERVICE DIRECTOR CONCATTO: Mr. President, I have not seen it and nobody has told me that it has been submitted. Margy and Bruce have left. To my knowledge it has not been submitted. If you want to call me tomorrow I will double check that, but that is a hot item. I would think they would let me know that it has been submitted because there's many people that want to sit down and talk about it. We have discussed it among ourselves, but I don't know that the final plat has been submitted.

MEMBER DIAMOND: Mr. President, another question for the service director. What is the cut off date for submission of an agenda item for the Planning Commission's August meeting?

SERVICE DIRECTOR CONCATTO: Mr. President, I'm not sure. I didn't bring my book with me. If you give me a little heads up. I'll be glad to tell you tomorrow. The Mayor thinks it might be July 22<sup>nd</sup>. If that's the case then it's passed.

MEMBER DIAMOND: Thank you.

SERVICE DIRECTOR CONCATTO: If you call me tomorrow I'll give you both of those.

PRESIDENT DENCZAK: Mr. President, yes, just to remind all Councilmembers to mark your calendars, please. September 10<sup>th</sup>, it's a Saturday. That's the annual Feed the Needy picnic that we do downtown. So if you would mark that date down. It's-- the major sponsors are City Council, along with other departments and elected officials. More information will be coming out, but I just wanted to remind everybody. Thanks.

SERVICE DIRECTOR CONCATTO: Mr. President. Member Dougherty, just-- if you need anything, let us know for that. Give us a list.

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MEMBER DOUGHERTY: Yeah, Mr. President. I appreciate that. I'm working on that list.

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

MEMBER HART: Mr. President, just more a comment for the Service Director. I want to congratulate the City workers that were out there at 25<sup>th</sup> and Fulton cleaning up for the parade, doing a nice job. I guess if I want to be critical, could they do that possibly at midnight because they were out there at like 8:30 in through that area and they created a huge bottleneck...had that down to one lane going south on Fulton Road, and I mean, it's great, it needed cleaned up, but with everybody rushing to get to work, it-- I mean I don't even want to guess how many people were late today.

SERVICE DIRECTOR CONCATTO: Mr. President. Member Hart, probably 8:30 was the wrong time to do it, but midnight, we do not have a midnight crew and I did want to get them out there. I didn't know they went out at 8:30 which is a...

MEMBER HART: Yeah. During Hall of Fame for things like that, could there be something like could possibly be done on some of those jobs that, you know, intersections along the parade route, and you know, next year?

SERVICE DIRECTOR CONCATTO: Mr. President, we will look at that. Again, the timing was not good. That's-- to be honest with you, that's been on our agenda to do that for a long time. We are looking at maybe redoing the whole midsection there because it's in bad shape, but we will look at that.

MEMBER HART: (*INAUDIBLE*) ...critical because it needed done. It was just a, you know, I hate to nitpick, but it was just a really poor time, and I sensed some frustration of many of the people in their cars, so...

SERVICE DIRECTOR CONCATTO: We accept your nice words too.

PRESIDENT DENCZAK: Mayor, you can power broom 38<sup>th</sup> Street at 8:30 or 6:30 in the morning, I don't care. Any other miscellaneous business?...

LAW DIRECTOR MARTUCCIO: Mr. President, thank you. Many of you in this room have known and worked with Jane Carman quite often on your ordinances, our office manager in the Law Department. Her mother passed away yesterday and she will be off for a few days. Her calling hour's tomorrow night at Reed Funeral Home, and if you think of it, you may express your sympathy to Jane if you know her well. Thank you.

PRESIDENT DENCZAK: Any other miscellaneous business?...

MEMBER CARBENIA: Mr. President, before Bill Allen wants to say something, I move we adjourn to August 10<sup>th</sup> at 7:00.

PRESIDENT DENCZAK: One moment please, one moment. Mr. Allen, did you have something to say?...

MEMBER CARBENIA: 7:30.

PRESIDENT DENCZAK: I'll tell you when the meeting's adjourned. (*Chuckling*) Do you have anything to say?

CHIEF OF STAFF ALLEN: I'll reserve my right to talk for another meeting. Thanks, Joe.

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PRESIDENT DENCZAK: The Chair wishes to remind Council that at the last meeting it was a unanimous feeling I think of everyone that they didn't want to meet on August the 8<sup>th</sup> because of the national football game being on television that night, and Council decided to change the meeting date. So when Council shall meet in a regular session and not in accord with the Council rules, you must move to adjourn to a specific date and time, and so that's what I would like Council to do this evening. Member Carbenia, I think you're aware of that, so...

MEMBER CARBENIA: Yes, I thought I mentioned that. I move to adjourn to August 10<sup>th</sup> at 7:30 PM; seconded.

PRESIDENT DENCZAK: Moved and seconded that you adjourn until August the 10<sup>th</sup> at 7:30 PM. Roll call please.

NO REMARKS PERMITTED ON THE MOTION TO ADJOURN

ROLL CALL: 11 YEAS, 0 NAYS

ADJOURNMENT TIME: 8:03 PM

ATTEST:

APPROVED:

DEBRA VANCKUNAS  
CLERK OF COUNCIL

RAY DENCZAK  
PRESIDENT OF COUNCIL