

MINUTES OF THE MEETING OF MARCH 20, 2006

PRESIDENT DENCZAK: Councilmembers, please take your seats. The Chair calls this meeting of Canton City Council to order. Roll call please.

ROLL CALL TAKEN BY CLERK VANCKUNAS:

12 COUNCILMEMBERS PRESENT: (DONALD E. CASAR, JOE CARBENIA, MARY M. CIRELLI, BILL SMUCKLER, GREG HAWK, THOMAS E. WEST, JAMES GRIFFIN, KELLY ZACHARY, TERRY PRATER, DAVID R. DOUGHERTY, RICHARD D. HART, & KARL "BUTCH" KRAUS)

NO COUNCILMEMBERS ABSENT

The regular meeting of Canton City Council was held on Monday, March 20, 2006, at 7:30 P.M. in the Canton City Council Chamber. The roll call was taken (see above) by Clerk of Council Debra Vanckunas. The invocation was given by Rabbi Spitzer, followed by the Pledge of Allegiance led by President of Council Denczak.

AGENDA CORRECTIONS & CHANGES

PRESIDENT DENCZAK: Agenda corrections and changes, Members of Council, you're being asked to suspend Rule 22B to add 1st Reading 0#2. Member Casar, the Chair will recognize that motion at this time.

MEMBER CASAR: Mr. President, I move we suspend Rule 22B to add Ordinance #1 to tonight's agenda; seconded.

PRESIDENT DENCZAK: Moved and seconded that you suspend Rule 22B. Are there any remarks?...

MEMBER CASAR: Mr. President, it would be Ordinance #2; seconded.

PRESIDENT DENCZAK: Move and seconded to suspend Rule 22 to add the first reading of Ordinance #2 to the agenda. Are there any remarks?... If not, roll call vote.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

PRESIDENT DENCZAK: Rule 22B is suspended and the Ordinance #2 is a legal part of your agenda. You're also being asked to suspend Rule 22A and add Ordinances for the second reading, Ordinance #3 through and including #10. The Chair will recognize that motion, Member Casar.

MEMBER CASAR: Mr. President, I move we suspend Rule 22A and add Ordinance #3 through and including #10 to this evenings agenda, excluding #9 which will be retained in Committee; seconded.

PRESIDENT DENCZAK: #9 is going to be retained in Committee. Moved and seconded to suspend Rule 22A to add the second reading of Ordinance #3 through and including #10 with #9 remaining in Committee. Are there any remarks?... If not roll call vote please.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

PRESIDENT DENCZAK: Rule 22A is suspended and Ordinances #3 through and including #10 are a legal part of your agenda. You're also being asked to suspend Rule 24B to add Resolution #28 to the agenda; the Chair will recognize that motion, Member Casar.

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MEMBER CASAR: Mr. President, I move we suspend Rule 24B to add Resolution #28 to this evenings agenda; seconded.

PRESIDENT DENCZAK: Moved and seconded to suspend Rule 24B to add Resolution #28 to the agenda. Are there any remarks?... If not, roll call vote please.

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS, 1 ABSTENTION (HAWK)

PRESIDENT DENCZAK: Rule 24B is suspended and Resolution #28 is a legal part of your agenda. Member Hawk....?

MEMBER HAWK: Mr. President, because I'm looking at #28 and it concerns me what do we need to do, do I need to abstain from that process, I believe.

PRESIDENT DENCZAK: Yes, it would be proper. But you may need your vote.

MEMBER HAWK: I believe that, but I'll abstain anyway.

CLERK OF COUNCIL: Mr. President, that would be 11 yeas, no nays, 1 abstention.

MEMBER CASAR: Mr. President, at this time I would move that we go into Executive Session to discuss the personnel matter for Council of Clerk position that we are looking to replace. Seconded.

PRESIDENT DENCZAK: Moved and seconded that Council go into Executive Session. Member Casar, will you please state who is.....

MEMBER CASAR: Councilmembers only; seconded.

PRESIDENT DENCZAK: Move and seconded that Councilmembers only go into Executive Session to discuss the soon to be vacant position of Clerk of Council seat. Are there any remarks?... Roll call vote please.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

PRESIDENT DENCZAK: Council is recessed to go into Executive Session.

***COUNCIL ADJOURNED INTO EXECUTIVE SESSION AT 7:50 P.M. THE REGULAR MEETING WAS RECONVENED BY PRESIDENT DENCZAK AT 8:13 P.M.**

MEMBER CASAR: Mr. President, I move that, what do we go back into regular session?... Seconded.

PRESIDENT DENCZAK: Roll call vote.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

PRESIDENT DENCZAK: Council is back in session.

MINUTES OF THE MEETING OF MARCH 20, 2006**PUBLIC HEARINGS**

PRESIDENT DENCZAK: Council is reconvening after the executive session. We had no public hearings scheduled at this time.

PUBLIC SPEAKS (ORDINANCES OR RESOLUTIONS FOR ADOPTION ONLY)

PRESIDENT DENCZAK: No one signed up for Public Speaks for Ordinances, Resolutions only.

MEMBER KRAUS: Mr. President. Don is this the one we're, I need to do this one....?

MEMBER CASAR: Pardon me?... No, not yet.

INFORMAL RESOLUTIONS - POSTPONED MATTER

PRESIDENT DENCZAK: It will not be necessary to excuse members. Let the journal show that all members of Council are present.

NOTE: PRESIDENT DENCZAK CALLED UPON THE CLERK OF COUNCIL TO READ THE FOLLOWING INFORMAL RESOLUTION #14 BY AGENDA TITLE. THE INFORMAL RESOLUTION WHICH FOLLOWS WAS PREVIOUSLY POSTPONED FROM THE FEBRUARY 13, 2006 & MARCH 13, 2006 COUNCIL MEETINGS. THE RESOLUTION IS ON FILE IN ITS ENTIRETY IN THE COUNCIL OFFICE WITH THE AGENDA ITEMS FILE DATED FEBRUARY 13, 2006, MARCH 13, 2006 & MARCH 20, 2006.

14. **POSTPONED FROM 2/13/06 & 3/13/06** SUBMITTED BY COUNCIL MEMBERS SMUCKLER, HAWK, CIRELLI, WEST, DOUGHERTY, & HART: SUPPORTING A LIST OF GOALS AND OBJECTIVES FOR CANTON CITY COUNCIL, 2006 THROUGH 2007. - POSTPONED INDEFINITELY

MEMBER CASAR: Mr. President, I move we adopt Resolution #14; seconded.

PRESIDENT DENCZAK: Move and seconded that you adopt Resolution #14; are there any remarks under this resolution?

MEMBER CASAR: Mr. President, I move we postpone Resolution #14 indefinitely; seconded.

PRESIDENT DENCZAK: Moved and seconded that you postpone Resolution #14 indefinitely, which means if that passes, it's a dead issue. Are there any remarks?... If not, the question you're voting on now is postponing Resolution #14. All those in favor signify by saying aye, those opposed no.

NO REMARKS

RESOLUTION POSTPONED BY UNANIMOUS VOICE VOTE

PRESIDENT DENCZAK: Resolution #14 is postponed indefinitely.

INFORMAL RESOLUTIONS

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NOTE: PRESIDENT DENCZAK CALLED UPON THE CLERK OF COUNCIL TO READ THE FOLLOWING INFORMAL RESOLUTIONS #28-30 BY AGENDA TITLE. THE INFORMAL RESOLUTIONS WHICH FOLLOW ARE ON FILE IN THEIR ENTIRETY IN THE COUNCIL OFFICE WITH THE AGENDA ITEMS FILE DATED MARCH 20, 2006.

28. BY THE PERSONNEL COMMITTEE: CONFIRMING THE MAYOR'S APPOINTMENT OF GREG HAWK TO THE COMMUNITY REINVESTMENT AREA HOUSING COUNCIL FOR THE 3-YR TERM EFFECTIVE 3/1/06 TO 2/28/08. - ADOPTED BY COUNCIL

MEMBER CASAR: I move we adopt Resolution #28; seconded.

PRESIDENT DENCZAK: Moved and seconded that you adopt Resolution #28. 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 #28 APPROVED BY MAJORITY VOICE VOTE;
MEMBER CARBENIA VOTED NO

PRESIDENT DENCZAK: The Resolution has passed.

29. BY THOMAS WEST, WARD 2 COUNCILMEMBER: REQUEST INSTALLATION OF 2 STREET LIGHTS @ 605 13TH STREET NE. - ADOPTED BY COUNCIL, CC: SERVICE DIRECTOR

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

PRESIDENT DENCZAK: Move and seconded that you adopt Resolution #29. 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 #29 APPROVED BY UNANIMOUS VOICE VOTE

PRESIDENT DENCZAK: The resolution is adopted.

30. BY COUNCILMEMBERS SMUCKLER, HAWK, CIRELLI, WEST, DOUGHERTY, & HART, COUNCILMEMBERS: SUPPORTING A NEW AND REVISED LIST OF GOALS & OBJECTIVES FOR CANTON CITY COUNCIL, 2006-2007

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

PRESIDENT DENCZAK: Moved and seconded to adopt Resolution #30. 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 #30 APPROVED BY UNANIMOUS VOICE VOTE

PRESIDENT DENCZAK: The resolution is adopted.

MINUTES OF THE MEETING OF MARCH 20, 2006**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 MARCH 20, 2006.

153. AUDITOR MALLONN: CERTIFICATE OF THE TOTAL AMOUNT FROM ALL SOURCES FOR 2006 DATED 3/13/06. - CLERK OF COUNCIL
154. BURKHARDT CONSOLIDATED CO: REQUEST THIS LETTER BE PRESENTED DURING APRIL 3, 2006 PUBLIC HEARING IN SUPPORT OF THE ZONE CHANGE REQUESTED BY KEO LY FOR A THAI GOURMET RESTAURANT @ 3650 HARMONT NE. - RECEIVED & FILED
155. CD & PLANNING DIR. POORMAN: REQUEST TO AMEND 0.16/2004 TO STATE THAT THE PROFESSIONAL SERVICES CONTRACT BE IN AN AMOUNT NOT TO EXCEED THE AMOUNT AWARDED TO THE CITY BY THE OHIO DEPARTMENT OF DEVELOPMENT IN THE BISON ENVIRONMENTAL CLEANUP PROJECT. - COMMUNITY & ECONOMIC DEVELOPMENT & FINANCE COMMITTEES
156. CD & PLANNING DIR. POORMAN: REQUEST TO AMEND O.218/2004 TO STATE THAT THE PROFESSIONAL SERVICES CONTRACT BE IN AN AMOUNT NOT TO EXCEED THE AMOUNT AWARDED TO THE CITY BY THE OHIO DEPARTMENT OF DEVELOPMENT IN THE STEIN PROPERTY ENVIRONMENTAL CLEANUP PROJECT. - COMMUNITY & ECONOMIC DEVELOPMENT & FINANCE COMMITTEES.
157. MAYOR CREIGHTON: REQUESTING APPROVAL OF JERRY SIMPSON'S REAPPOINTMENT TO THE INCOME TAX BOARD OF REVIEW EFFECTIVE 3/1/06 THRU 2/28/10. - PERSONNEL COMMITTEE.
158. MAYOR CREIGHTON: REQUESTING APPROVAL OF SARA STRATTAN'S REAPPOINTMENT TO THE INCOME TAX BOARD OF REVIEW EFFECTIVE 3/1/06 THRU 2/28/10. - PERSONNEL COMMITTEE.
159. MAYOR CREIGHTON: REQUESTING APPROVAL OF JACK HAWK'S REAPPOINTMENT TO THE COMMUNITY REINVESTMENT AREA HOUSING COUNCIL EFFECTIVE 3/1/06 THRU 2/28/09. - PERSONNEL COMMITTEE
160. MAYOR CREIGHTON: REQUESTING APPROVAL OF LOVIE D. HAILEY'S REAPPOINTMENT TO THE FAIR EMPLOYMENT PRACTICES BOARD EFFECTIVE 3/1/06 THRU 2/28/09. - PERSONNEL COMMITTEE
161. ODAR, BETTY: LETTER OF CONCERN THAT MORE NEEDS TO BE DONE TO ENSURE THE SAFETY OF VISITORS TO DOWNTOWN CANTON. - SAFETY DIRECTOR

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162. PLANNING COMMISSION: RECOMMENDING DENIAL OF THE ZONE CHANGE REQUEST BY JOHN M. MANN, OWNER & ROBERT FIALA, AGENT FROM B-5 CENTRAL BUSINESS TO CS COMMUNITY SERVICE DISTRICT FOR A COMMUNITY SCHOOL, GRADES K THRU 5 @ 115 DEWALT NW. - JUDICIARY COMMITTEE (PUBLIC HEARING 4/24/06 @ 7:30PM)
163. PLANNING COMMISSION: RECOMMENDING APPROVAL OF THE REQUEST BY 618 HIGH AVENUE CORP TO REPLAT LOTS 3012, 42520 & 42521 LOCATED 1 LOT SOUTH OF THE NE CORNER OF ZIMMER CT & HIGH AVE NW. - PUBLIC SAFETY & THOROUGHFARE COMMITTEE.
164. PLANNING COMMISSION: RECOMMENDING APPROVAL OF THE REQUEST BY CITY OF CANTON TO REPLAT LOT 42547 IN THE 700 BLOCK OF MARKET AVE S, EAST SIDE. - PUBLIC SAFETY & THOROUGHFARE COMMITTEE.
165. PLANNING COMMISSION: RECOMMENDING APPROVAL OF THE REQUEST BY HABITAT FOR HUMANITY (COOPER & ASSOCIATES) TO REPLAT LOTS 22669-22671 @ NW CORNER OF 8TH & HENRIETTA NE. - PUBLIC SAFETY & THOROUGHFARE COMMITTEE.
166. RECOMMENDING APPROVAL OF THE REQUEST BY HABITAT FOR HUMANITY (COOPER & ASSOCIATES) TO REPLAT LOTS 6259 & 6260 ON 5TH ST NE BETWEEN JOBE CT & WOODROW. - PUBLIC SAFETY & THOROUGHFARE COMMITTEE.
167. PLANNING COMMISSION: RECOMMENDING APPROVAL OF THE REQUEST BY COMMUNITY CHURCH OF MARKET HEIGHTS TO REPLAT PARTS OF LOTS 32539-32543 IN THE 3100 BLOCK OF MARKET AVENUE N., WEST SIDE. - PUBLIC SAFETY & THOROUGHFARE COMMITTEE.
168. PLANNING COMMISSION: RECOMMENDING APPROVAL OF THE REQUEST BY COOPER & ASSOCIATES FOR PARIS & KONSTANTINA APOSTOLOU TO REPLAT LOT 38500, ALL OF OUTLOTS 858 & 859 AND PART OF 860. - PUBLIC SAFETY & THOROUGHFARE COMMITTEE.
169. PLANNING COMMISSION: RECOMMENDING APPROVAL OF THE REQUEST BY NEW DAWN DEVELOPMENT TO DEDICATE WITH A VARIANCE FOR APPROXIMATELY 1700' OF GREENTREE AVE SW ENDING IN A DEAD END. - PUBLIC SAFETY & THOROUGHFARE COMMITTEE.
170. PLANNING COMMISSION: RECOMMENDING APPROVAL OF THE FINAL APPROVAL OF WILLOW PARK PHASE I FOR TESTA ENTERPRISES LOCATED ON WILLOWROW NE, S. OF 30TH STREET. - PUBLIC SAFETY & THOROUGHFARE COMMITTEE.
171. SAFETY DIRECTOR HUNT: PURSUANT TO COMMUNICATION #116 ON 2/27/06 AGENDA, REQUESTING \$51,818.00 PAYMENT TO HOWELL RESCUE SYSTEMS INC FOR EMERGENCY REPAIR TO HYDRAULIC RESCUE TOOLS ON FIRE DEPT TOWER 8, VEHICLE 695. - FINANCE COMMITTEE.
172. SERVICE DIRECTOR CONCATTO: REQUEST TO ENTER INTO \$37,226.62 AGREEMENT W/OHIO POWER CO. TO RELOCATE POLES & DISTRIBUTION ON WELLS AVE IN CONJUNCTION WITH RELOCATING DUNLAP/CARNEY HISTORICAL HOUSES IN THE

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FEDERAL CAMPUS PROJECT. - COMMUNITY & ECONOMIC DEVELOPMENT & FINANCE COMMITTEES.

173. WEST, THOMAS, WARD 2 COUNCILMEMBER: REQUESTING LEGISLATION IN AMOUNT OF \$90,000 FOR CITY'S PARTICIPATION IN THE SMHA METROPOLITAN CENTER PROJECT FOR POTENTIAL JOBS TO THE CITY OF CANTON. - COMMUNITY & ECONOMIC DEVELOPMENT & FINANCE COMMITTEES.
174. WEST, THOMAS, WARD 2 COUNCILMEMBER: REQUEST SAFETY DIRECTOR PURCHASE & INSTALL SECURITY CAMERAS AS SOON AS POSSIBLE. - RECEIVED & FILED & SAFETY DIRECTOR

ORDINANCES & FORMAL RESOLUTIONS FOR FIRST READING

PRESIDENT DENCZAK: Ordinances & Formal Resolutions for the first reading; let the journal show that all ordinances are being given their reading as required by State law. Ordinance number 1 please...

NOTE: PRESIDENT DENCZAK CALLED UPON CLERK VANCKUNAS TO READ THE FOLLOWING ORDINANCES #1 THROUGH #2 FOR THE FIRST TIME BY TITLE & ANNOUNCED THE COMMITTEE REFERRAL, AS FOLLOWS.

- #1 (1ST RDG) AN ORDINANCE AMENDING ORDINANCE 55/77, AS AMENDED, KNOWN AS THE CITY OF CANTON ZONING ORDINANCE; AND DECLARING THE SAME TO BE AN EMERGENCY (Keo Q. Ly zone change on Harmont NE)
Referred to Judiciary COMMITTEE

RULE 22B SUSPENDED TO ADD O#2:

- #2 (1ST RDG) **ADOPTED AS ORDINANCE NO. 41/2006** AN ORDINANCE APPROVING & ACCEPTING THE REPLATTING OF ALL OF LOT 38500, ALL OF OUTLOTS 858 & 859 AND PART OF OUTLOT 860; AND DECLARING THE SAME TO BE EMERGENCY
Referred to Public Safety & Thoroughfare Committee

MEMBER KRAUS: Mr. Chairman, I would like to get this read on three readings and suspend, three readings and get this passed tonight.

PRESIDENT DENCZAK: It's up to the, you wish to this be adopted tonight?

MEMBER KRAUS: The reason for this is very simple, we've been working on this project for two years, it's a detention basin property. The owner, sellers of the property have give the builder, developer, a deadline, so everything else is a go, but we need to get this passed so he can get started on the detention basin.

PRESIDENT DENCZAK: Okay. The Chair declares a recess in house for the Committee of Public Safety and Thoroughfare to discuss Ordinance #2. You're in recess.

COUNCIL RECESSED AT 8:20 P.M. FOR A COMMITTEE MEETING ON ORDINANCE #2, WHICH WAS RETURNED TO THE AGENDA FOR ADOPTION. THE COUNCIL MEETING WAS RECONVENED BY

MINUTES OF THE MEETING OF MARCH 20, 2006**PRESIDENT DENCZAK AT 8:26 P.M.**

PRESIDENT DENCZAK: Yes. We move to place this ordinance back on the agenda.

MEMBER CASAR: Mr. President, I move we place Ordinance #2 back on the agenda, suspend Rule 22A; seconded.

PRESIDENT DENCZAK: Moved and seconded to place Ordinance #2 back on the agenda. Are there any remarks?... If not roll call vote please.

NO REMARKS

ROLL CALL VOTE: 12 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance #2 is a legal part of your agenda, Member Casar.

MEMBER CASAR: Mr. President, I move Statutory Rules be suspended on Ordinance #2; seconded.

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

NO REMARKS

ROLL CALL VOTE: 12 YEAS, 0 NAYS

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

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

PRESIDENT DENCZAK: Moved and seconded that you adopt Ordinance #2. 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 #2 is adopted.

#2 ADOPTED AS ORDINANCE NO. 41/2006

ORDINANCES & FORMAL RESOLUTIONS FOR SECOND READING

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

NOTE: PRESIDENT DENCZAK CALLED UPON CLERK VANCKUNAS TO READ THE FOLLOWING ORDINANCES #3 THROUGH & INCLUDING #10 FOR THE SECOND TIME BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS, WITH THE EXCEPTION OF ORDINANCE #9 WHICH WAS RETAINED IN COMMITTEE.

#3 (2ND RDG) AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO ACCEPT 3 PROPERTIES FROM SMHA AS PART OF HUD'S DOLLAR HOME INITIATIVE; DECLARING THE SAME TO BE AN EMERGENCY

#4 (2ND RDG) AN ORDINANCE AMENDING O. 17/89, AS AMENDED, AUTHORIZING THE

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MAYOR TO ENTER INTO AMENDED CONTRACT W/CCIC TO ADMINISTER ADDITIONAL CD BLOCK GRANT FUNDS IN AN AMOUNT NOT TO EXCEED \$350,000; AND DECLARING THE SAME TO BE AN EMERGENCY

- #5 (2ND RDG) AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CONTRACT W/SCRPC TO PROVIDE A GRANT IN AN AMOUNT NOT TO EXCEED \$54,000 FOR A COMPREHENSIVE FAIR HOUSING PROGRAM; DECLARING THE SAME TO BE AN EMERGENCY
- #6 (2ND RDG) AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CONTRACT W/DOMESTIC VIOLENCE PROJECT INC TO PROVIDE A GRANT FOR AN AMOUNT NOT TO EXCEED \$50,000 FOR MISCELLANEOUS SHORT-TERM HOUSING SERVICES; DECLARING THE SAME TO BE AN EMERGENCY
- #7 (2ND RDG) AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CONTRACT W/CANTON REGIONAL CHAMBER OF COMMERCE TO PROVIDE A GRANT IN AN AMOUNT NOT TO EXCEED \$175,000 FOR A COMPREHENSIVE ECONOMIC & DOWNTOWN DEVELOPMENT PROGRAM; DECLARING THE SAME TO BE AN EMERGENCY
- #8 (2ND RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO COMPLETE THE CONTRACTING PROCESS WHERE A CONTRACT PREVIOUSLY AUTHORIZED BUT NOT COMPLETED BY 1/1/2006; DECLARING THE SAME TO BE AN EMERGENCY
- #9 ***RETAINED IN COMMITTEE*** AN ORDINANCE AUTHORIZING THE SERVICE DIRECTOR TO ENTER INTO \$4,600 FEE MODIFICATION #1 W/ATELIER CORP OF WILSON-HAWK, DBA THE WILSON ARCHITECTURAL GROUP, FOR ADDITIONAL SERVICES RELATING TO THE RELOCATION OF THE DUNLAP/CARNEY HISTORICAL HOUSES IN THE FEDERAL CAMPUS PROJECT; DECLARING THE SAME TO BE AN EMERGENCY
- #10 (2ND RDG) AN ORDINANCE RENAMING A PORTION OF DRYDEN AVENUE NW IN THE CITY OF CANTON "HARRISON AVENUE NW"

ORDINANCES AND FORMAL RESOLUTIONS FOR THIRD & FINAL READING

PRESIDENT DENCZAK: Ordinances and Formal Resolutions for the third and final reading. Ordinance #11 please.

NOTE: PRESIDENT DENCZAK CALLED UPON CLERK VANCKUNAS TO READ THE FOLLOWING ORDINANCES #11 THROUGH & INCLUDING #16 FOR THE THIRD TIME BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS. ALL THE ORDINANCES WERE ADOPTED BY COUNCIL FOLLOWING THEIR THIRD READING.

- #11 (3RD RDG) **ADOPTED AS ORDINANCE NO. 42/2006** AN ORDINANCE AMENDING CHAPTER

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547, UNFAIR EMPLOYMENT PRACTICES OF THE CODIFIED ORDINANCES OF THE CITY OF CANTON

CASAR: Mr. President, I move we adopt Ordinance #11; seconded.

PRESIDENT DENCZAK: Moved and seconded that you adopt Ordinance #11. Are there any remarks under this ordinance?...

MEMBER HART: Mr. President, yeah, I just want to congratulate Rabbi Spitzer and the Board, the group was added to that and those are people of sexual persuasion, I guess I can paraphrase that and it's, you know, it's important is that the community that we learn to accept everyone and learn toleration of everyone, no matter what their race, color and creed is because it seems if we start stepping on one group's toes, somebody is going to end up and stepping on ours and I know you, I congratulate you.

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

NO FURTHER REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance #11 is adopted. **#11 ADOPTED AS ORDINANCE NO. 42/2006**

#12 (3RD RDG) **ADOPTED AS ORDINANCE NO. 43/2006** AN ORDINANCE AMENDING APPROPRIATION O.1/2006 AS AMENDED BY MAKING THE SUPPLEMENTAL APPROPRIATIONS, REDUCTIONS & APPROPRIATIONS AND INTER-FUND TRANSFERS HERE IN DESCRIBED; DECLARING THE SAME TO BE AN EMERGENCY

MEMBER CASAR: Mr. President, I move we adopt Ordinance #12; seconded.

PRESIDENT DENCZAK: Moved and seconded that you adopt Ordinance #12. Are there any remarks under this Ordinance?...

MEMBER CASAR: Mr. President, I move we amend Ordinance #12 per copy that all Councilpersons have in front of them; seconded.

AMENDMENT: Pursuant to Rule 36, I move to amend Agenda Item No. 12 by the substitution of the revised, attached Exhibit A for current Exhibit A.

SEE EXHIBIT A BEGINNING ON NEXT PAGE - City of Canton Supplemental Appropriations February 27, 2006

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**CITY OF CANTON
SUPPLEMENTAL APPROPRIATIONS
FEBRUARY 27, 2006**

From: Unappropriated Balance of the 4501 Capital Improvement Fund	\$2,363,638.86
To: 4501 901001 Civil Service	1,000.00
4501 501101 Human Resources	5,000.00
4501 702001 Clerk of Courts	30,000.00
4501 101001 Safety Director	30,000.00
4501 101501 Building Code	29,256.00
4501 102001 Police	100,000.00
4501 103001 Fire	250,000.00
4501 201001 Service Director	169,000.00
4501 202001 Civil Engineering	1,085,000.00
4501 202210 Street	25,000.00
4501 203001 Civic Center	22,000.00
4501 501601 Youth Development	5,718.86
4501 204010 Building Maintenance	100,000.00
4501 504010 MIS	214,272.00
4501 401001 Park	185,550.00
4501 301001 Health	25,000.00
4501 753001 Law	24,300.00
4501 701001 Judges	37,832.00
4501 852001 Income Tax	<u>16,710.00</u>
	\$2,355,638.86

From: Unappropriated Balance 4502 Vehicle Fund	\$1,673,164.83
To: 4502 101501 Building Code	106,640.15
4502 102001 Police	518,200.00
4502 103001 Fire	386,900.00
4502 202210 Street Maint.	248,900.00
4502 401001 Park	108,700.00
4502 301001 Health	54,000.00
4502 103501 Central Dispatch	203,824.68
4502 202000 Engineering	25,000.00
4502 208000 DMV	<u>21,000.00</u>
	\$1,673,164.83

Exhibit A

RECEIVED
 COUNCIL OFFICE
 06 MAR 20 PM 2: 09

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CITY OF CANTON
 SUPPLEMENTAL APPROPRIATIONS
 FEBRUARY 27, 2006

From: Unappropriated Balance of 4541 Civic Center Improvement	\$282,626.38
To: 4541 Civic Center Improvement	\$282,626.38
From: Unappropriated Balance of 1001 General Fund	\$120,000.00
To: 1001 102001 Police	\$ 20,000.00
1001 202210 Street	\$100,000.00
From: Unappropriated Balance of 1001 General Fund	\$250,000.00
To: 1001 501001 Mayor	\$250,000.00
From: Unappropriated Balance of 1150 General Economic Development	\$250,000.00
To: 1150 General Economic Development	\$250,000.00

RECEIVED
 COUNCIL OFFICE
 06 MAR 20 PM 2:09

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PRESIDENT DENCZAK: Move and seconded to amend this Ordinance per the copy before each of you; are there any remarks under the motion to amend?... The question you are voting on now is the motion to amend.

MEMBER HAWK: Mr. President, thank you. The concern here is, Mr. Martuccio can you give us a brief explanation of the best of your ability of the amendment that we're looking at?...

LAW DIRECTOR MARTUCCIO: Mr. President, Finance Chairmen Hawk. The ordinance that has come before you is the Ordinance that will make the appropriation through Capital Improvements. This past week the Chairperson and the City's Budget Director asked us to prepare an amendment which would substitute Exhibit, the revised Exhibit A for the previous Exhibit A. This amendment simply substitutes the revised Exhibit A which includes the movement of \$100,000 into other areas for the previous Exhibit. As to the specifics, I would defer to the Budget Director; but it is legal to do this Amendment.

PRESIDENT DENCZAK: Any further remarks on the Amendment?...

MEMBER HAWK: I'm sorry sir, there's one point of clarification I think we're still working on this. I would like this to all get passed tonight and I'd like to see this go through, but there is just one question of concern here and I think that I guess we need some insurance that if this is two items here for \$250,000 and I think that's the point where we need the clarification on. Exhibit A page 2-2, the last two items.

SERVICE DIRECTOR CONCATTO: Mr. President, Member Hawk. As we have talked earlier and I have tried to get ahold of Gary, obviously, I believe that is without Bill Allen being here and Gary not being here, Chip being fairly new, I believe it's moving the money from the Mayor's account then moving it over to the Economic Development fund. It was not an intent, there's \$500,000 there, it was a movement of \$250,000 and I have tried to get ahold of Gary Young to concur with that and I talked to our Law Director if it's anything other than that we could fix that, but I believe that's the way it is.

MEMBER HAWK: Thank you sir for the explanation.

PRESIDENT DENCZAK: The question you're voting on now is the Amendment. Are any further remarks on the Amendment?

SERVICE DIRECTOR CONCATTO: Mr. President, just a to verify if I may for the change in the first page was to take the \$100,000 and move it out of the Service Director's fund and into the Park Department.

MEMBER CASAR: Point of information.

PRESIDENT DENCZAK: Member Casar.

MEMBER CASAR: We don't want to do that. It was to stay in your, this fund until which time, if I may Mr. President....

PRESIDENT DENCZAK: Go ahead.

MEMBER CASAR: It was to stay in your fund as long as, until that money was turned over and that became a park. In other words, you, meaning the Service Director, you could go out and do what you have to do, do test bores and so forth, etc. before it goes to the Park department. If we give to the Park Department now you

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wouldn't have the money to do the things that you have to do. Meaning the Service Director.

SERVICE DIRECTOR CONCATTO: Mr. President, Member Casar, I believe what we did then is we did a line item under the Park department, put the \$25,000 in for the Harter Park for that park, the balance of which then we put in for the backstops.

MEMBER CASAR: Mr. President, \$25,000 into the backstops and the \$75,000 remain in the Harter Park fund.

SERVICE DIRECTOR CONCATTO: You're right. I'm sorry.

MEMBER CASAR: We're on the same page as far as that's concerned.

SERVICE DIRECTOR CONCATTO: We are and what we did was put it in the line item of the budget for the Park Department, that's how they would spend that money.

MEMBER CASAR: Being a line item in front of me---as long as this line item, that would be okay also then.

SERVICE DIRECTOR CONCATTO: Yes.

MEMBER DOUGHERTY: Mr. President....

MEMBER CASAR: Thank you.

PRESIDENT DENCZAK: Member Dougherty.

MEMBER DOUGHERTY: Yes, it is in there as a line item with that specific....? (*INAUDIBLE RESPONSE*)

PRESIDENT DENCZAK: Are there any further 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 FURTHER REMARKS

AMENDMENT APPROVED BY UNANIMOUS VOICE VOTE

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

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance #12, as amended, has been adopted. **#12 ADOPTED AS ORDINANCE NO. 43/2006**

#13 (3RD RDG) **ADOPTED AS ORDINANCE NO. 44/2006** AN ORDINANCE APPROVING & ACCEPTING THE REPLATTING OF PART OF LOT 285 AND DECLARING THE SAME TO BE AN EMERGENCY

MEMBER CASAR: Mr. President, I move we adopt Ordinance #13; seconded.

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PRESIDENT DENCZAK: Moved and seconded that you adopt Ordinance #13. Are there any remarks under this Ordinance?... Very well, roll call vote please.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance #13 is adopted. **#13 ADOPTED AS ORDINANCE NO.44/2006**

#14 (3RD RDG) **ADOPTED AS ORDINANCE NO. 45/2006** AN ORDINANCE AMENDING APPROPRIATION ORDINANCE # 1/2006 AS AMENDED BY MAKING THE SUPPLEMENTAL APPROPRIATIONS HERE IN DESCRIBED AND; DECLARING THE SAME TO BE AN EMERGENCY

MEMBER CASAR: Mr. President, I move we adopt Ordinance #14; seconded.

PRESIDENT DENCZAK: Moved and seconded that you adopt Ordinance #14. Are there any remarks under this Ordinance?... Very well, roll call vote please.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance #14 is adopted. **#14 ADOPTED AS ORDINANCE NO. 45/2006**

#15 (3RD RDG) **ADOPTED AS ORDINANCE NO. 46/2006** AN ORDINANCE AUTHORIZING THE CITY AUDITOR TO PAY A MORAL OBLIGATION IN AN AMOUNT NOT TO EXCEED \$9,656.83 TO ENVIRONMENTAL PROFESSIONALS, INC. AND DECLARING THE SAME TO BE AN EMERGENCY

MEMBER CASAR: Mr. President, I move we adopt Ordinance #15; seconded.

PRESIDENT DENCZAK: Moved and seconded that you adopt Ordinance #14. Are there any remarks under this Ordinance?... I'm sorry Ordinance #15. Are there any remarks?... If not, roll call vote please.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance # 15 has been adopted. **#15 ADOPTED AS ORDINANCE #46/2006**

#16 (3RD RDG) **ADOPTED AS ORDINANCE NO.47/2006** AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A LEASE AGREEMENT WITH THE GREATER AKRON ATHLETIC CLUB AND DECLARING THE SAME TO BE AN EMERGENCY

MEMBER CASAR: Mr. President, I move we adopt Ordinance #16; seconded.

PRESIDENT DENCZAK: Moved and seconded that you adopt Ordinance #16. Are there any remarks under this Ordinance?... Very well, roll call vote please.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

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PRESIDENT DENCZAK: Ordinance #16 is adopted.

#16 ADOPTED AS ORDINANCE #47/2006

ANNOUNCEMENT OF COMMITTEE MEETINGS

PRESIDENT DENCZAK: Announcement of Committee Meetings please.

MEMBER PRATER: Mr. President., Personnel Committee will meet on March the 27th @ 6:45pm.

MEMBER WEST: Mr. President, Judiciary Committee will meet at the same time.

MEMBER KRAUS: Mr. President, Public Safety & Thoroughfare Committee will meet next week @ 6:45pm.

MEMBER HART: Mr. President, I have a note here from Victor Dubina, who met with us from Cleveland who works with the USPS, would like to come down and address Canton City Council next Monday @ 5:30pm concerning the, you know, Cleveland Avenue Post Office and I don't know if that's a possibility to make Committee meetings earlier or at least if anybody does want to come at 5:30, you know, he will be here or asked to be here at 5:30 and meet in Council Chambers.

PRESIDENT DENCZAK: Do you want to set that up?...

MEMBER HART: Yes, I can. Yes, that's the time he requested, 5:30 next week, next Monday.

MEMBER CASAR: Mr. President, if I may, Member Hart, call him back and tell him 6:00 pm.

PUBLIC SPEAKS (OPEN FORUM--CITY BUSINESS ONLY)

PRESIDENT DENCZAK: Public Speaks Open Forum. We have two speakers signed up. The first speaker is David Rood.

DAVID ROOD: Good evening everyone. The reason I came here tonight....

PRESIDENT DENCZAK: Please state your name and address.

DAVID ROOD: My name is David Rood, I live at 2215 Tamarack Circle NE, Canton Ohio.

PRESIDENT DENCZAK: Okay.

DAVID ROOD: The reason I came here tonight, of course, it is the first day of Spring. With Spring comes summer and the skateboarders. In the recent months I've read an article in the *Canton Repository* that the City of Massillon passed an Ordinance prohibiting skateboards from being used on public property. I would like to see if Council could look into an Ordinance similar to that or one of their own to do the same thing here in Canton. I think that it is a financial liability if someone gets hurt on City property. That much of it aside, I work for the City and I see on a day to day basis the damage that is done to City property by the skateboards. The ice rink over here on Tusc., the steps all the way around that building, the edges of the concrete steps are being eaten away by the little portion underneath the skateboards called the truck and as that comes across, that steel piece

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comes across the concrete steps, it is just like striking it with a hammer. Every one of those steps looks like someone was over there with a chipping hammer breaking the edges of them off. The ball in the Central Plaza, the rotating ball that's made of granite, there are scratches and chips in the ball itself. That was a very expensive thing to put in, the seating around it, the platform that actually holds it up is also made of granite; it's like a seat all the way around and it has 90 degree edges cut on it. It was a beautifully finished piece of granite when it was put in there. The same thing is happening to it, there's marks all over it from the skateboards and they're actually breaking pieces of that granite off with skateboards also with the truck underneath. I just hate to see tax dollars wasted and with all the work that Council and the Administration is putting into revitalizing downtown Canton, I would like to see us--- maybe something could be done to stop that damage from being done. Also there is a concern of public safety for the citizens walking down the sidewalks. Last year during the summer I observed a couple of guys on skateboards flying down the sidewalk and they carelessly weave in and out of pedestrians that are walking and I'm concerned someone young or old, it doesn't matter, could very easily be hurt and the kids are quite resilient and I'm sure they would get up and run away or skate away as the case may be. I thank you very much for your time.

PRESIDENT DENCZAK: Thank you. The final speaker is Jaga Radosevic.

MAYOR CREIGHTON: Mr. Chairmen, she left. We handled her situation while they were in recess and we took care of her problem.

PRESIDENT DENCZAK: How do you pronounce her name.

MAYOR CREIGHTON: I'll defer to Debbie.

CLERK OF COUNCIL: Jaga.

PRESIDENT DENCZAK: Jaga?

CLERK OF COUNCIL: Jaga Radosevic

PRESIDENT DENCZAK: Jaga Bear.

MISCELLANEOUS BUSINESS

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

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

MEMBER HART: Mr. President....

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

(THE MOTION TO ADJOURN IS NOT DEBATABLE)

ROLL CALL: 9 YEAS, 3 NAYS
(ZACHARY, DOUGHERTY & HART VOTED NO)

PRESIDENT DENCZAK: This meeting is adjourned.

ADJOURNMENT TIME: 8:45 P.M.

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ATTEST:

APPROVED:

DEBRA VANCKUNAS
CLERK OF COUNCIL

RAY DENCZAK
PRESIDENT OF COUNCIL