

MINUTES OF THE MEETING OF SEPTEMBER 11, 2006

PRESIDENT PRO TEM CASAR: Ladies and Gentleman, I'd like to call the Canton City Council meeting to order. I would like to say as Vice President of Council I will be chairing the meeting from my normal position at the Council's Level out of respect for our fallen leader, Raymond Denczak and for his family. I think it's appropriate to do this and ah, I hope that ah, everybody agrees with it. Roll call please.

ROLL CALL TAKEN BY CLERK TIMBERLAKE:

12 COUNCILMEMBERS PRESENT: (DON 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)

ALL PRESENT

PRESIDENT PRO TEM CASAR: We will have the invocation given by councilmember Carbenia, Assistant Majority Leader and Ward 9 Councilperson. Please stand.

MEMBER CARBENIA: First off I would like to ask for a moment of silence please for brother Ray Denczak. (*A moment of silence was taken in memory of the passing of Raymond Denczak*) Thank you. Heavenly Father, we come to you today with heavy hearts from the passing of our leader and brother Ray Denczak. We ask you know Father to comfort Ray's family and friends in these trying times. We ask you Father to keep our brother close to you in your Kingdom. Father, we also come to you today and remembrance of those who were taken from the world on September 11, 2001. We ask that you continue to watch over their families. We also ask Father that you continue to watch over all of the women and men who protect the, protect and serve our citizens. We ask Father that you watch over all the women and men in our armed serves around the world. Please Father, keep them safe and return them home to their families. We ask that you continue to bless our city, it's citizen and guide us in work, in the work we do as leaders. In God's name. Amen.

The regular meeting of Canton City Council was held on Monday, September 11, 2006, at 7:30 P.M. in the Canton City Council Chamber. The roll call was taken (see above) by Clerk of Council Cynthia Timberlake. The invocation was given by Assistant Majority Leader, Joe Carbenia followed by the Pledge of Allegiance led by President Pro Tem Casar.

AGENDA CORRECTIONS & CHANGES

PRESIDENT PRO TEM CASAR: We are now under Agenda for corrections and changes in tonight's Agenda. Uh we were asked to suspend Rule 22A to add Ordinances #14 and including #18 to this evenings Agenda. I will entertain a motion.

MEMBER CARBENIA: Mr. President. I move rule 22A be suspended to add 2nd readings ordinances 13, or #14 through and including 18; seconded.

PRESIDENT PRO TEM CASAR: The Chair will, you heard the Motion, is there anyone, any comments? If not, roll call please.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

MINUTES OF THE MEETING OF SEPTEMBER 11, 2006**PUBLIC HEARING**

PRESIDENT PRO TEM CASAR: We have a public hearing scheduled for 7:30 in regards to An Ordinance vacating part of a 15' Unnamed Alley from the east line of Derby Court to the Westerly line of Lot 33355; Approving & Accepting the replatting of the vacation portion of the 15' unnamed alley and all of Lots 3134, 3135, 3417 thru 3419, 6607 thru 6627, 19193, 19194, 20385, 20383, 20384, 33355, 37088, 39151, 39934, 39935, part of lots #60 thru 63, 176, 332 & Part of lots 6475, 6628 & 6494 (North American Galvanizing); and declaring the same to be an emergency (Planning Commission Recommends Approval) Is there anyone in the audience who wishes to speak for or against this replatting and vacation? Is there anyone in the audience who wishes to speak for or against this replatting and vacation? Is there anyone in the audience who wishes to speak for or against? If not, this, I declare, this ah portion is closed, ah public hearing and we will deal with this under Ordinances.

INFORMAL RESOLUTIONS

PRESIDENT PRO TEM CASAR: No need for Informal Resolutions excusing members. All members are present.

PUBLIC SPEAKS

PRESIDENT PRO TEM CASAR: We are now under Public Speaks for matter pertaining to tonight's Agenda. Nobody has signed up for that.

INFORMAL RESOLUTIONS

PRESIDENT PRO TEM CASAR: We are now under Resolutions. I would, there was a Motion, there was a Motion, excuse me, uh, Madam Clerk would you please read Resolution #70 through and #57, #70 and #71 for adoption this evening.

NOTE: PRESIDENT PRO TEM CASAR CALLED UPON THE CLERK OF COUNCIL TO READ THE FOLLOWING INFORMAL RESOLUTIONS #70 AND #71 BY AGENDA TITLE. ALL INFORMAL RESOLUTIONS WHICH FOLLOW, LISTED BY AGENDA TITLE, ARE ON FILE IN THEIR ENTIRETY IN THE COUNCIL OFFICE WITH THE AGENDA ITEMS FILE DATED SEPTEMBER 11, 2006.

#70. PERSONNEL COMMITTEE: REQUEST CONFIRMATION OF APPOINTMENT OF ED RUTH TO THE CANTON BOARD OF BUILDING APPEALS EFFECTIVE RETROACTIVELY FROM 1/1/06 - 12/31/08. - ADOPTED

MEMBER CARBENIA: Mr. President, I move to, ah, I move we adopt Resolution 70; seconded.

PRESIDENT PRO TEM CASAR: There is a Movement to adopt Resolution #70. Are there any remarks? If not, all those in favor signify by saying aye; those opposed no.

NO REMARKS

RESOLUTION #70 IS ADOPTED BY UNANIMOUS VOICE VOTE

PRESIDENT PRO TEM CASAR: The Resolution has been adopted.

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#71. HART, WARD 7 COUNCILMEMBER: REQUEST TO NAME ALLEY BEGINNING AT SHORB NW & DEAD-ENDING 2 BLOCKS OFF MYRTLE NW, INTERSECTED BY MYRTLE AVE & WALDEN TO DURBIN PLACE NW. - ADOPTED

MEMBER CARBENIA: Mr. President, I move we adopt, ah, Resolution 71; seconded.

PRESIDENT PRO TEM CASAR: There is a Motion and seconded to adopt Resolution #71. Are there any remarks? If not, all those in favor signify by saying aye; those opposed no.

NO REMARKS

RESOLUTION #71 IS ADOPTED BY UNANIMOUS VOICE VOTE

PRESIDENT PRO TEM CASAR: Resolution #70 has been adopted.

COMMUNICATIONS

PRESIDENT PRO TEM CASAR: We are now under communications. Let the Journal show that all communications are received as read.

- #397. AUDITOR, MALLONN (CITY): CERTIFICATE OF TOTAL AMOUNT FROM ALL SOURCES FOR 2006. - RECEIVED & FILED
- #398. CD & PLNG. DIR. POORMAN: REQUESTING LEGISLATION TO ESTABLISH THE FAIR REUSE VALUE OF A PARCEL 02-36329 FOR \$600.00 LOCATED ON 2ND ST. SE & DISPOSITION OF SAME TO WANETTA BOLDEN, 1215 3RD ST SE - COMMUNITY & ECONOMIC DEVELOPMENT CMTE
- #399. CD & PLNG. DIR. POORMAN: REQUEST MAYOR OR SERVICE DIR TO ENTER INTO AGREEMENT W/HYDRODEC GROUP PLC, PURSUANT TO O#2/2006, FOR NEW ECONOMIC GROWTH INITIATIVE CREATING FULL TIME JOBS WITHIN THE CITY OF CANTON. - COMMUNITY & ECONOMIC DEVELOPMENT CMTE
- #401. CD & PLNG. DIR. POORMAN: REQUEST TO ENTER INTO ENTERPRISE ZONE AGREEMENT W/HYDRODEC GROUP PLC TO CONSTRUCT A 5,600 SQ. FT NEW FACILITY @ STEIN INDUSTRIAL PARK OFF BELDEN AVE SE, CREATE 65 NEW JOBS, INSTALL 11 STORAGE TANKS & PURCHASE NEW EQUIPMENT; AGREEMENT TO PROVIDE 75% PROPERTY TAX EXEMPTION FOR 10 YRS. - COMMUNITY & ECONOMIC DEVELOPMENT CMTE
- #402. DESELMS, J, PRES. LAND USE INC. REQUEST TO VACATE PORTION OF MARYLAND, ROSLYN & BELLFLOWER FR: THE N. ROW OF 21ST ST TO 19TH ST SW; 21ST ST SW, FR: LINWOOD E TO END OF 21ST . - PLANNING COMMISSION
- #403. HART, RICHARD, WARD 7 CNCLMBR: REQUESTING GRANT TO BE USED SPECIFICALLY TO EDUCATE RESIDENTS SERVING ON CHARTER COMMISSION, PAY FOR LOCATION TO REVIEW CHARTER MATERIALS FR: OTHER CITIES, THE PRINTING & OTHER ASSOCIATED COSTS. - RECEIVED & FILED

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- #404. LIQUOR CONTROL DIVISION (OHIO):REQUEST TRANSFER OF OWNERSHIP OF D5 LIQUOR PERMIT FR: MARJORIE O FOX TO MARK A & FRANCES D MILLS dba FRIENDLY KORNER TAVERN @ 1503 HARRISON AVE SW, 1ST FL & BSMT. - INTERGOVERNMENTAL & PUBLIC SERVICE COMMISSION
- #405. LIQUOR CONTROL DIVISION (OHIO):REQUEST NEW D1, D3, D3A FOR FRATERNAL ORDER ORIOLES, CANTON NEST 315 INC. @ 3151 MAHONING RD NE. - INTERGOVERNMENTAL & PUBLIC SERVICE COMMISSION
- #406. MAYOR CREIGHTON: REQUEST FOR RE-APPOINTMENT OF JAMES "JEFF" SMITH TO CANTON CONSTRUCTION BOARD AS ELECTRICAL JOURNEYMAN RETROACTIVE TO 3/1/06 TO 2/28/09. - PERSONNEL CMTE
- #407. MAYOR CREIGHTON: REQUEST FOR RE-APPOINTMENT OF DR. PETER YACOBUCCI TO STARK REGIONAL PLANNING COMMISSION EFF: 8/1/06 TO 7/31/09. - PERSONNEL CMTE
- #408. McLEAN, BRAD: APPLICATION FOR ZONE CHANGE FR: B-3 & R-1A TO PB-3 ON THE WEST SIDE OF CLEVELAND AVE., OL #483 & #484 FOR CONSTRUCTION OF 7,000 SQ. FT. ADVANCE AUTO PARTS STORE. - PLANNING COMMISSION
- #409. ROACH, JIM FAMILY: THANKING COUNCIL FOR THEIR THOUGHTFULNESS ON THE PASSING OF HAROLD 'JIM' ROACH - RECEIVED & FILED
- #410. SAFETY DIRECTOR HUNT: REQUEST DIR OF PUBLIC SAFETY TO DONATE UNUSABLE FIRE EQUIPMENT TO STARK STATE COLLEGE OF TECHNOLOGY, FIRE SCIENCE DEPT. FOR EDUCATIONAL PURPOSES. - PUBLIC PROPERTY CAPITAL IMPROVEMENT CMTE
- #411. SAFETY DIRECTOR HUNT: REQUEST TO ESTABLISH PETTY CASH & CHANGE DRAWERS FOR CORNERSTONE PARKING DECK IN AMT OF \$200.00 & MILLENNIUM PARKING DECK IN AMT OF \$200.00. - FINANCE CMTE
- #412. SAFETY DIRECTOR HUNT: REQUEST SAFETY DIRECTOR TO ENTER INTO CONTRACT W/ANGELA JACOBY CAVENAUGH TO EXAM DUTIES OF CITY OF CANTON BLDG DEPT INCLUDING CONFORMITY W/STATE & LOCAL ELECTRICAL CODE, & OTHER SPECIFIC CODES (***NOTE: NO CONTRACT TIME FRAME GIVEN; NO DOLLAR AMOUNT SPECIFIED**). - FINANCE CMTE
- #413. SAFETY DIRECTOR HUNT: REQUEST \$5,554.00 SUPPLEMENTAL APPROPRIATION FR: UNAPP BAL OF 2111 STREET MAINT ACCT (\$4,213 TO 2111 10-40-20 & \$1,341 TO 2111 10-40-10) FOR ADDITIONAL LED'S & SIGN MAKING SUPPLIES. - FINANCE CMTE
- #414. SCHIRACK, TREASURER: COMPARATIVE REPORT OF AMBULANCE LOCK BOX FOR AUG. 2006. - RECEIVED & FILED
- #415. SCHIRACK, TREASURER: COMPARATIVE REPORT OF PARKING METER REVENUE FOR MONTH OF AUG. 2006. - RECEIVED & FILED

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- #416. SCHIRACK, TREASURER: COMPARATIVE REPORT OF INCOME TAX CASH RECEIPTS AS OF 8/31/06. - RECEIVED & FILED
- #417. SERVICE DIRECTOR CONCATTO: REQUEST \$8,014 CH. OR. & SUPPLEMENTAL APPROPRIATION FR: UNAPP. BAL OF 5410 FUND TO 5410 20-60-39 TITLE v PERMIT PROJECT, PURSUANT TO O#116/2004, FOR FLOYD BROWNE GROUP. - FINANCE CMTE
- #418. SERVICE DIRECTOR CONCATTO: SUBMITTING STATISTICAL INFORMATION RE: OUTSIDE WATER LINE EXTENSIONS GENERATING AN ANNUAL INCOME OF \$897,055.34 FOR THE CITY OF CANTON. - RECEIVED & FILED
- #419. SERVICE DIRECTOR CONCATTO: REQUEST \$335,400.00 SUPPLEMENTAL APPROPRIATION FR: UNAPP. BAL OF 5201 FUND TO VARIOUS ACCOUNTS FOR INCREASED COSTS, NEW TELEPHONE SYSTEM & CREW TRUCK, ETC., IN WATER DEPT; REQUEST \$9,300.00 SUPPLEMENTAL APPROPRIATION FR: UNAPP BAL OF 5410 TO 5410 20-70-03 SEWER BILLING FOR POSTAGE, ETC., - FINANCE CMTE
- #420. SERVICE DIRECTOR CONCATTO: SUBMITTING A LIST OF DELINQUENT WATER & SEWER CHARGES FOR CERTIFICATION TO THE COUNTY AUDITOR FOR COLLECTION UPON THE PROPERTY TAX ASSESSMENTS; REQUEST PASSAGE AS AN EMERGENCY. - FINANCE CMTE
- #421. STARK COUNTY COMMISSIONERS: RESOLUTION GRANTING ANNEXATION OF 51.228 ACRES IN PLAIN TOWNSHIP TO THE CITY OF CANTON KNOWN AS THE DIANO ANNEXATION. - RECEIVED & FILED
- #422. WEST, THOMAS, WARD 2 CNCLMBR: REQUEST TO LAW DEPT. TO RESEARCH & DRAFT LEGISLATION TO ESTABLISH A 'CHUCK ELLIS REGISTRY' FOR LIQUOR ESTABLISHMENTS TO HELP COMBAT CRIME. - RECEIVED & FILED

ORDINANCES & FORMAL RESOLUTIONS FOR FIRST READING

PRESIDENT PRO TEM CASAR: First Reading of Ordinances, We're now under Ordinances and Formal Resolutions for First Reading. Let the journal show that all ordinances are being given their reading as required by State Law. Madame Clerk, please read the 1st Reading of Ordinances by title.

NOTE: PRESIDENT PRO TEM CASAR CALLED UPON CLERK TIMBERLAKE TO READ THE ORDINANCES #1 THROUGH #13 FOR THE FIRST TIME BY TITLE & ANNOUNCED THE COMMITTEE REFERRAL, AS FOLLOWS.

- #1. (1ST RDG) AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO ENTERPRISE ZONE AGREEMENT WITH UNION METAL CORPORATION TO PROVIDE A REAL PROPERTY TAX EXEMPTION; AUTHORIZING AUDITOR TO MAKE PAYMENTS TO CANTON CITY BOARD OF EDUCATION AS REQUIRED TO BE PAID PURSUANT TO SECTIONS 5709.82 (C) & (D) OF THE REVISED CODE; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Community & Economic Development Committee
- #2. (1ST RDG) AN ORDINANCE ESTABLISHING THE FAIR REUSE VALUE OF 5 PARCELS OF

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CITY-OWNED PROPERTY; AUTHORIZING SALE & CONVEYANCE OF SAID PROPERTIES PURSUANT TO THE CITY'S RESIDENTIAL LAND DISPOSITION PROGRAM; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Community & Economic Development Committee

- #3. (1ST RDG) AN ORDINANCE ESTABLISHING THE FAIR REUSE AND/OR FAIR MARKET VALUES OF 7 PARCELS CITY OWNED PROPERTY; AUTHORIZING THE SALE & CONVEYANCE OF SAID PROPERTIES PURSUANT TO THE CITY'S RESIDENTIAL LAND DISPOSITION PROGRAM; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Community & Economic Development & Finance Committees
- # 4. (1ST RDG) A RESOLUTION TO WITHDRAWING THE CITY OF CANTON'S OBJECTION TO THE RENEWAL OF A LIQUOR PERMIT LOCATED WITHIN THE CITY OF CANTON; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Intergovernmental & Public Service Committee
- #5. (1ST RDG) A RESOLUTION TO AUTHORIZING THE LAW DIRECTOR TO DISTRIBUTE FREE OF CHARGE TO THE PUBLIC OFFICIALS & PUBLIC INSTITUTIONS COPIES OF 2006 SUPPLEMENT TO CANTON CODIFIED ORDINANCES; TO AFFIX PRICE FOR SALE OF SAME; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Judiciary Committee
- #6. (1ST RDG) AN ORDINANCE AUTHORIZING THE EDITING & INCLUSION OF CERTAIN ORDINANCES AS PARTS OF THE VARIOUS COMPONENT CODES OF THE CODIFIED ORDINANCES OF CANTON OHIO; AND DECLARING THE SAME TO BE EMERGENCY
Referred to Judiciary Committee
- #7. (1ST RDG) AN ORDINANCE AUTHORIZING REQUEST TO THE OHIO BOARD OF BUILDING STANDARDS TO CERTIFYING THE CITY OF CANTON FOR ENFORCEMENT OF THE RESIDENTIAL CODE OF OHIO TO EXERCISE ENFORCEMENT AUTHORITY AND ACCEPT & APPROVE PLANS & SPECIFICATIONS TO MAKE INSPECTIONS; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Judiciary Committee
- #8. (1ST RDG) AN ORDINANCE AMENDING CHAPTER 1317, HEATING, VENTILATING & AIR CONDITIONING CODE, CHAPTER 1333 RESIDENTIAL BUILDING CODE AND CHAPTER 1351; PURPOSE & SCOPE OF CODIFIED ORDINANCES OF THE CITY OF CANTON; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Judiciary Committee
- #9. (1ST RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ACCEPT A GRANT FROM THE CANTON REGIONAL CHAMBER OF COMMERCE IN THE AMOUNT OF \$50,000.00 FOR CANTON CIVIC CENTER RESTROOM RENOVATION PROJECT; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Finance Committee

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- #10. (1ST RDG) AN ORDINANCE APPROVING & ACCEPTING REPLATTING OF OUTLOT #1123 & THE DEDICATION OF PART OF GEORGETOWN STREET NE; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Public Safety & Thoroughfares Committee
- #11. (1ST RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY TO ENTER INTO AN AGREEMENT WITH CANTON CITY SCHOOL DISTRICT BOARD OF EDUCATION TO PROVIDE 2 POLICE OFFICER; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Finance Committee
- #12. (1ST RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ADVERTISE, RECEIVE BIDS & ENTER INTO CONTRACT TO REMODEL SINK AREAS IN CONCESSION STANDS LOCATED AT THE CANTON CIVIC CENTER; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Public Property Capital Improvement & Finance Committees
- #13. (1ST RDG) **ADOPTED AS ORDINANCE NO. 146/2006** AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A PROFESSIONAL SERVICE AGREEMENT WITH GT ENVIRONMENTAL INCORPORATION IN AN AMOUNT NOT TO EXCEED \$24,500.00 FOR CONSULTING SERVICES TO IMPLEMENT A CITY-WIDE CURBSIDE RECYCLING PROGRAM; TO ACCEPT A GRANT FROM STARK-TUSCARAWAS WAYNE JOINT SOLID WASTE MANAGEMENT DISTRICT TO PAY FOR PROGRAM; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Finance Committee

PRESIDENT PRO TEM CASAR: At this time we, ah, we ask Finance Committee to have an in house ah, committee meeting, a recess.

SERVICE DIRECTOR CONCATTO: Yes, Mr. Chairman, ah this is a consultant to put together the best possible curb-side recycling program for the City of Canton. Once this consultant completes his project and talks to us about it and we finalize a plan, that plan will be submitted to the EPA. The EPA will then incorporate that plan into their larger plan that will go to the Tri-County Solid Waste District and that would include curb-side recycling for the City of Canton in future years. That funding would also come through the plan, through EPA, through Tri-County Solid Waste District. The funding for this ah, this consultant's fee of not to exceed \$24,500.00 is part of a grant that would be given to us by the Stark Tuscarawas Wayne Joint Solid Waste District. I appreciate Council looking at this in 3 readings, ah EPA would like to get this out by the end of the year and this, this consultant project is gonna take us at least 6 weeks, ah that's the reason we wanted to get it so soon. Thank you.

PRESIDENT PRO TEM CASAR: We can reconvene our Council Meeting. Member Carbenia?

MEMBER CARBENIA: Mr. President, I move that we suspend Rule 22A to place Ordinance #13 back on the Agenda; seconded.

PRESIDENT PRO TEM CASAR: It's been moved and seconded to suspend rule 22A. Are there any remarks? If not, all those in favor, signify by saying a aye; those opposed no.

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NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

MEMBER CARBENIA: Mr. President?

PRESIDENT PRO TEM CASAR: Member Carbenia?

MEMBER CARBENIA: I move that we suspend the statutory 3 readings of Ordinance 13; seconded.

PRESIDENT PRO TEM CASAR: It's been moved and seconded to dispense of the 3 readings for Ordinance 13, are there any remarks? If not by roll call please.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

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

PRESIDENT PRO TEM CASAR: You've heard the 3 readings of Ordinance #13. Is there a motion to adopt? You already said that. Any remarks? If not, by roll call please.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

PRESIDENT PRO TEM CASAR: #13, Ordinance #13 is adopted..

#13 ADOPTED AS ORDINANCE # 146/2006**ORDINANCES & FORMAL RESOLUTIONS FOR SECOND READING**

PRESIDENT PRO TEM CASAR: We are now under Ordinances for the Third and Final Reading.

CLERK TIMBERLAKE: Second.

PRESIDENT PRO TEM CASAR: I'm sorry, we're still, yeah we're under Readings for 2nd. I'm trying to hurry this meeting along here.*(LAUGHTER)*

PRESIDENT PRO TEM CASAR: We are now under Ordinances for their second readings.

NOTE: PRESIDENT PRO TEM CASAR CALLED UPON CLERK TIMBERLAKE TO READ THE FOLLOWING ORDINANCES #14 THROUGH #18 FOR THE SECOND TIME BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS:

#14 (2ND RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY TO ADVERTISE, RECEIVE BIDS & ENTER INTO CONTRACT FOR PURCHASE OF COMPUTERIZED ON-STREET PARKING ENFORCEMENT EQUIPMENT; AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY TO ALTERNATIVELY PURCHASE COMPUTERIZED ON-STREET PARKING ENFORCEMENT EQUIPMENT;

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AMENDING APPROPRIATION ORDINANCE #1/2006, AS AMENDED; AND DECLARING THE SAME TO BE AN EMERGENCY

- #15 (2ND RDG) AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO.1/2006, AS AMENDED, BY MAKING THE SUPPLEMENTAL APPROPRIATIONS HEREIN DESCRIBED; AND DECLARING THE SAME TO BE AN EMERGENCY
- #16 (2ND RDG) AN ORDINANCE AUTHORIZING THE MAYOR AND/OR THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO AN AGREEMENT WITH PUTMAN PROPERTIES, INC IN AN AMOUNT NOT TO EXCEED \$70,000 FOR ENGINEERING WORK TO COMPLETE AN INDUSTRIAL PARK; AND DECLARING THE SAME TO BE AN EMERGENCY
- #17 (2ND RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY TO ACCEPT THE 2006 FIRE SAFETY FUND GRANT FROM ALUMINUM CANS FOR BURNED CHILDREN IN THE AMOUNT OF \$479.30 FOR THE FIRE DEPT.;AMENDING APPROPRIATION ORDINANCE NO. 1/2006, AS AMENDED, BY MAKING THE SUPPLEMENTAL APPROPRIATION HEREIN DESCRIBED; AND DECLARING THE SAME TO BE AN EMERGENCY
- #18 (2ND RDG) AN ORDINANCE APPROVING A CANTON CITY WATER MAIN EXTENSION TO PLAIN TOWNSHIP; AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CONTRACT FOR THE EXTENSION OF SAID WATER MAIN; AND DECLARING THE SAME TO BE AN EMERGENCY

ORDINANCES & FORMAL RESOLUTIONS FOR THIRD AND FINAL READING

PRESIDENT PRO TEM CASAR: We are now under Ordinances for the third and final reading.

NOTE: PRESIDENT PRO TEM CASAR CALLED UPON CLERK TIMBERLAKE TO READ THE FOLLOWING ORDINANCES #19 THROUGH #28 FOR THE THIRD TIME BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS. ALL THE ORDINANCES WERE ADOPTED BY COUNCIL FOLLOWING THEIR THIRD READING.

- #19 (3RD RDG) **ADOPTED AS ORDINANCE NO. 147/2006** AN ORDINANCE ESTABLISHING THE FAIR MARKET VALUE OF REAL PROPERTY IN CONJUNCTION WITH THE TUSCARAWAS STREET WIDENING & STREETSCAPING IMPROVEMENT PROJECT, G.P. 1064; AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO NEGOTIATE & PURCHASE SAID PARCELS AT THE ESTABLISHED FAIR MARKET VALUES; AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT PRO TEM CASAR: The Chair will entertain a motion to adopt Ordinance #19.

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

PRESIDENT PRO TEM CASAR: The Ordinance has been moved and seconded, are there any remarks? If not by roll call please.

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NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

PRESIDENT PRO TEM CASAR: Ordinance #19 has been adopted..

#19 ADOPTED AS ORDINANCE # 147/2006

PRESIDENT PRO TEM CASAR: Ordinance # 20.

#20 (3RD RDG) **ADOPTED AS ORDINANCE NO. 148/2006** AN ORDINANCE APPROVING & ACCEPTING THE REPLATTING OF ALL OF LOTS 23330 THRU 23334; APPROVING & ACCEPTING THE DEDICATION OF ADDITIONAL RIGHT OF WAY ON 25TH ST NE; AND DECLARING THE SAME TO BE AN EMERGENCY

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

PRESIDENT PRO TEM CASAR: It's been moved and seconded, are there any comments? If not by roll call.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

PRESIDENT PRO TEM CASAR: Ordinance #20 has been adopted..

#20 ADOPTED AS ORDINANCE # 148/2006

PRESIDENT PRO TEM CASAR: Ordinance # 21.

#21 (3RD RDG) **ADOPTED AS ORDINANCE NO. 149/2006** AN ORDINANCE APPROVING & ACCEPTING THE REPLATTING OF ALL OF LOTS 24279 THRU 24281; AND DECLARING THE SAME TO BE AN EMERGENCY

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

PRESIDENT PRO TEM CASAR: It's been moved and seconded, are there any remarks or comments on Ordinance 21? If not by roll call.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

PRESIDENT PRO TEM CASAR: Ordinance #21 has been adopted..

#21 ADOPTED AS ORDINANCE # 149/2006

PRESIDENT PRO TEM CASAR: Ordinance # 22.

#22 (3RD RDG) **ADOPTED AS ORDINANCE NO. 150/2006** AN ORDINANCE APPROVING & ACCEPTING THE REPLATTING OF ALL OF LOTS 29135 THRU 29139, 42545, 29133, 29134 & PART OF LOT 6254; APPROVING & ACCEPTING DEDICATION OF A PORTION OF HOFFMAN CT; AND DECLARING THE SAME TO BE AN EMERGENCY

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PRESIDENT PRO TEM CASAR: Member Carbenia?

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

PRESIDENT PRO TEM CASAR: Ordinance 22 has been moved and seconded, are there any remarks? If not by roll call.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

PRESIDENT PRO TEM CASAR: Ordinance #22 has been adopted..

#22 ADOPTED AS ORDINANCE # 150/2006

PRESIDENT PRO TEM CASAR: Ordinance # 23.

#23 (3RD RDG) **ADOPTED AS ORDINANCE NO. 151/2006** AN ORDINANCE APPROVING & ACCEPTING THE REPLATTING OF ALL OF LOTS 13800, 13801 & 13802; AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT PRO TEM CASAR: Member Carbenia?

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

PRESIDENT PRO TEM CASAR: Ordinance #23 has been moved and seconded, are there any remarks? If not roll call.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

PRESIDENT PRO TEM CASAR: Ordinance #23 has been adopted..

#23 ADOPTED AS ORDINANCE # 151/2006

PRESIDENT PRO TEM CASAR: Ordinance # 24 please.

#24 (3RD RDG) **ADOPTED AS ORDINANCE NO. 152/2006** AN ORDINANCE VACATING PART OF A 15' UNNAMED ALLEY FROM THE EAST LINE OF DERBY COURT TO THE WESTERLY LINE OF LOT 33355; APPROVING & ACCEPTING THE REPLATTING OF THE VACATED PORTION OF THE 15' UNNAMED ALLEY & ALL OF LOTS 3134, 3135, 3417 THRU 3419, 6607 THRU 6627, 19193, 19194, 20383, 20384, 33355, 37080, 39151, 39934, 39935, PART OF LOTS 60 THRU 63, 176, 332 & PART OF LOTS 6475, 6628 & 6494; AND DECLARING THE SAME TO BE AN EMERGENCY

PUBLIC HRG. 9/11/06 @ 7:30 PM

PRESIDENT PRO TEM CASAR: Member Carbenia?

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

PRESIDENT PRO TEM CASAR: Ordinance 24 has been ah, I mean ah has been adopted, ah, Ordinance 24 has been moved and seconded, is there any remarks? If not by roll call.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

PRESIDENT PRO TEM CASAR: #24 has been adopted..

#24 ADOPTED AS ORDINANCE # 152/2006

PRESIDENT PRO TEM CASAR: Ordinance # 25 please.

#25 (3RD RDG) **ADOPTED AS ORDINANCE NO. 153/2006** AN ORDINANCE AUTHORIZING THE MAYOR TO SUBMIT THE NECESSARY APPLICATIONS TO THE DIRECTOR OF OHIO PUBLIC WORKS COMMISSION & TO EXECUTE CONTRACTS FOR CURRENT STATE CAPITAL IMPROVEMENT & LOCAL TRANSPORTATION IMPROVEMENT PROGRAMS FUNDING FOR CAPITAL IMPROVEMENT PROJECTS; AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT PRO TEM CASAR: Mr. Carbenia, Member Carbenia?

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

PRESIDENT PRO TEM CASAR: Ordinance #25 has been moved and seconded, are there any remarks? If not roll call.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

PRESIDENT PRO TEM CASAR: Ordinance #25 has been adopted..

#25 ADOPTED AS ORDINANCE # 153/2006

PRESIDENT PRO TEM CASAR: Ordinance # 26.

#26 (3RD RDG) **ADOPTED AS ORDINANCE NO. 154/2006** AN ORDINANCE AUTHORIZING THE MAYOR TO APPLY FOR, ENTER INTO AGREEMENT & RECEIVE FUNDS FOR THE 2007 PROGRAM YEAR FROM THE CLEAN OHIO CONSERVATION FUND; AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT PRO TEM CASAR: Member Carbenia?

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

PRESIDENT PRO TEM CASAR: Ordinance #26 has been moved and seconded, are there any remarks? If not by roll call.

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NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

PRESIDENT PRO TEM CASAR: Ordinance #26 has been adopted..

#26 ADOPTED AS ORDINANCE # 154/2006

PRESIDENT PRO TEM CASAR: Ordinance # 27.

#27 (3RD RDG) **ADOPTED AS ORDINANCE NO. 155/2006** AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY TO ACCEPT A GRANT IN THE AMOUNT OF \$3,500.00 FROM THE OHIO DEPT OF PUBLIC SAFETY FOR THE FIRE DEPT; AMENDING APPROPRIATION ORDINANCE #1/2006, AS AMENDED BY MAKING THE SUPPLEMENTAL APPROPRIATION HEREIN DESCRIBED; AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT PRO TEM CASAR: Mr. Carbenia?

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

PRESIDENT PRO TEM CASAR: Ordinance #27 has been moved and seconded, are there any remarks? If not roll call.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

PRESIDENT PRO TEM CASAR: Ordinance #27 has been adopted..

#27 ADOPTED AS ORDINANCE # 155/2006

PRESIDENT PRO TEM CASAR: Ordinance # 28.

#28 (3RD RDG) **ADOPTED AS ORDINANCE NO. 156/2006** AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ADVERTISE, RECEIVE BIDS & ENTER INTO CONTRACT FOR RESTORATION OF THE LOWER ROOF AREAS OF CITY HALL BUILDING; AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT PRO TEM CASAR: Member Carbenia?

MEMBER CASAR: Mr. President, I move we adopt Ordinance # 28; seconded.

PRESIDENT PRO TEM CASAR: It's been moved and seconded, Ordinance #28, are there any remarks? If not by roll call.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

PRESIDENT PRO TEM CASAR: Ordinance #28 has been adopted..

MINUTES OF THE MEETING OF SEPTEMBER 11, 2006**#28 ADOPTED AS ORDINANCE # 156/2006****ANNOUNCEMENT OF COMMITTEE MEETINGS**

PRESIDENT PRO TEM CASAR: Announcement of Committee Meetings please.

MEMBER CARBENIA: Mr. President.

PRESIDENT PRO TEM CASAR: Member Carbenia.

MEMBER CARBENIA: Community and Economic Development will meet ah, on September 18th at 6:00 P.M.

MEMBER ZACHARY: Mr. President.

PRESIDENT PRO TEM CASAR: Member Zachary.

MEMBER ZACHARY: Intergovernmental and Public Service Committee will meet September 18th at 6:00 P.M.

MEMBER PRATER: Mr. President.

PRESIDENT PRO TEM CASAR: Member West. (LAUGHTER)

MEMBER WEST: That was someone over there but.....(LAUGHTER)

PRESIDENT PRO TEM CASAR: Same voice. Member Prater.

MEMBER PRATER: Mr. West's Committee is gonna meet at 6:00 also but Personnel is gonna meet September 18th at 6:00.

PRESIDENT PRO TEM CASAR: Member West.

MEMBER WEST: Mr. President Judiciary Committee will meet September 18th at 6:00.

PRESIDENT PRO TEM CASAR: Member Hawk.

MEMBER HAWK: Majority Leader, Finance Committee will meet September 18th at 6:00. Thank you.

MEMBER KRAUS: Mr. President.

PRESIDENT PRO TEM CASAR: Member Kraus.

MEMBER KRAUS: Public Safety & Thoroughfare will meet ah, next, the 18th at 6:00 P.M.

MEMBER DOUGHERTY: Mr. President.

PRESIDENT PRO TEM CASAR: Member Dougherty.

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

PRESIDENT PRO TEM CASAR: Is that it for Committee Meetings?

PUBLIC SPEAKS (OPEN FORUM--CITY BUSINESS ONLY)

PRESIDENT PRO TEM CASAR: We are now under public speaks. We have 1 under this portion of Public Speaks, Paula Bradely. Pamela, sorry.

PAMELA BRADELY: My name is Pamela Bradely and I live at 2045 2nd St NE. Um, I am a member of the 4th Ward and we have a serious drug and loitering problem in our um, in our area right now. We have young people that come just to hang out and annoy the people that live there. We have older people, some older people there. People that are not in good health and the young people just don't seem to have any respect for the people that live in neighborhood and the people that are doing this, they don't live in our neighborhood. They live elsewhere. They live in other parts of the City and what really made me come out was last Saturday, I was away but when I came back to my house there were police cars and there had been an ambulance and fire trucks because some young man that was running on our street had a revolver and it discharged and shot, he shot himself in the leg, or ah, foot or whatever. But, he does not live in our neighborhood. They just come over and they just come to hang out and annoy the people that live there. And we have drug trafficking throughout the day, all day up until the night and it's periodically, you know, it's like they are on a system or a schedule. They know when to come, they know when to disperse. If you call the police, when they get there, they're gone and then after they leave they come back. It is constant and we would just like the City to do something about it. Just, just help us out a little bit. And that's all that I have to say, thank you.

PRESIDENT PRO TEM CASAR: Thank you. That concludes public speaks.

MISCELLANEOUS BUSINESS

PRESIDENT PRO TEM CASAR: We're now under Miscellaneous Business. Is there any Miscellaneous Business?

MEMBER ZACHARY: Mr. President.

PRESIDENT PRO TEM CASAR: Member Zachary.

MEMBER ZACHARY: Um just real quick to address Ms. Bradely's concerns. Um, I know that Vice and the Gang Task Force had raided that area, right behind Magorries's Drive-Thru, a few weeks ago and it was like a calm that came over the neighborhood, but they're back at it. I think one of the um problems too is the ah, drive thru used to hire off duty police officers to police their facility but for lack of resources, I am being told that they can't do it like they used to. So I think having the police down there did deter a lot of the problems in the area but now that the kids know they're not down there regularly, ah, it's become an issue again and I will ask our Safety Director as well as personally ask my husband to monitor that area through vice. I know a lot of times they look to build cases against some of the petty, ah, some of the drug dealers because they don't want to put them away for a couple of days, they want to put them away for a long time. So it does take a little bit time to help build a case but you're right, you shouldn't have to live like that

PRESIDENT PRO TEM CASAR: Is there any other miscellaneous business.

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MEMBER SMUCKLER: Mr. President.

PRESIDENT PRO TEM CASAR: Member Smuckler.

MEMBER SMUCKLER: Tonight um Don chose to be Council President from his seat and for the seat to be empty out of respect of Ray Denczak. And uh, over the years we sometimes have words with each other and learn that life's too short and you make a mends shortly thereafter and I was fortunate enough that um over the last 8 months, Ray and I had become fairly close, um especially in respect to what we used to be. Um, I am gonna miss Ray and I'm glad that chair is empty tonight. But one of Ray's pet peeves was the Ohio Department of Transportation. Mr. Concatto, is Tusc. Going to be completed on time?

SERVICE DIRECTOR CONCATTO: Mr. President, Mr. Smuckler, I can only tell you that we have continually monitored um that October 23rd date. I can tell you that uh, if it is not completed by October 23rd, the contractor does have a fine issue with that. Uh, I've been up there a number of times. I know that they have not completed on time some of the things they said should complete on time. Probably the most important thing to complete on time is the West Tusc bridge to be opened. From what I'm hearing they're on schedule. Um we will continue as I told Nick Loukas, Traffic Engineer, he needs to continue to monitor that because that is very important for a lot of businesses.

MEMBER SMUCKLER: In respect to O.D.O.T., I am suggesting to you that right now that is the most anti-business project going on in this community. And it's absolutely horrible and Ray Denczak sat in that chair probably 5 or 6 years ago when we were dumping cars onto Fulton Rd. off of 77 especially at Hall of Fame Time and I called Moe Darwish at the time, he slammed the phone down on me and you know, one thing I've learned in this business that we're not permanent office holders, whether we're elected or appointed and there will come a day because this is anti-business. There's a business up there that not only has the opportunity to loose his business but to loose his house cuz he's leveraged his house on this business and government in general ought to be ashamed of themselves of what's going on and what we are doing to the business community in that area.

MEMBER CIRELLI: Mr. President.

PRESIDENT PRO TEM CASAR: Member Cirelli.

MEMBER CIRELLI: Thank you. Ah, for those that weren't in Caucus, ah the calling hours for President Denczak will be Wednesday night from 5:00 to 8:00 at Rossi's Funeral Home and his services will be at 10:00 A.M. to my understanding at the funeral home on Thursday. Thank you.

LAW DIRECTOR MARTUCCIO: Mr. President.

PRESIDENT PRO TEM CASAR: Law Director Joe Martuccio.

LAW DIRECTOR MARTUCCIO: Thank you. Ray may have been in his 80's but he recognized faces and voices a lot better then you do. (LAUGHTER)

PRESIDENT PRO TEM CASAR: Law Director Martuccio, you gotta remember he was in a high chair. (LAUGHTER)

LAW DIRECTOR MARTUCCIO: Mr. President, I would like to make another remark. Um, today is a somber day for a lot of reasons. Um, many of us came from the remembrance of the 5th year anniversary of an

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awful tragedy and we're now compounded in sadness by the loss of our President of Council, friend, Ray. The last time we spoke here he spoke of flying. He spoke of it and his eyes lit up and I remember how after having sat here at his left hand for over 10 years now, almost every Monday night. Some of us would smile or chuckle when Mr. Denczak would use his pilot language. He would say the Ordinance #9er, 9er3. Uh, so I would just like to say Ray, God speed on your final flight and Good 9er Mr. President.

MEMBER CARBENIA: And at that (INAUDIBLE)

MAYOR CREIGHTON: Mr. President.

PRESIDENT PRO TEM CASAR: Mayor Creighton.

MAYOR CREIGHTON: I too would like to comment that, yes Ray republicans liked you too. You know, he often sat in this Chambers and asked people if their children were going to be raised Democratic and we all laughed. But ya know, we had a great camaraderie, we respected him highly on the 8th floor and I know I speak on behalf of other officials in the City that are of the same badge that I am, that ya know, you still like the person for who they are and for what they do. He has given outstanding dedicated service to this City and we appreciate that. Thank you Ray.

MEMBER KRAUS: Mr. President.

PRESIDENT PRO TEM CASAR: Member Kraus.

MEMBER KRAUS: As Ray was a longtime resident of Ward 8, and a good teacher for me, I would like to also say to a good buddy: Farewell Ray!

MEMBER CARBENIA: Mr. President.

PRESIDENT PRO TEM CASAR: Member Carbenia.

MEMBER CARBENIA: I would also like to say "Goodnight Ray" and ask for an adjournment please.

PRESIDENT PRO TEM CASAR: There's been a motion to adjourn and seconded. Roll call please.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

ADJOURNMENT TIME: 8:14 PM

ATTEST:

APPROVED:

CYNTHIA TIMBERLAKE
CLERK OF COUNCIL
COUNCIL

DONALD CASAR
PRESIDENT PRO TEM OF

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