

**MINUTES OF THE MEETING OF FEBRUARY 9, 2004**

*The regular meeting of Canton City Council was held on Monday, February 9, 2004, at 7:30 P.M. in the Canton City Council Chamber. The meeting was called to order by President of Council Ray Denczak. The roll call was then taken (as follows) by Clerk of Council Debbie Vanckunas. The invocation was given by Ward 1 Councilmember Greg Hawk, followed by the Pledge of Allegiance led by President of Council Ray Denczak.*

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

*ROLL CALL TAKEN BY CLERK OF COUNCIL:*

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

**AGENDA CORRECTIONS & CHANGES**

PRESIDENT DENCZAK: Agenda corrections, Members of Council. You're going to be asked to suspend Rule 22A to add second readings of Ordinances niner, 9 through 16. You're asked to suspend Rule 24B to add Resolutions 21, and I understand there will be some other Resolutions to be added too under Rule 24B suspension. At this time the Chair will recognize Rule 22A suspension, Member Casar.

MEMBER CASAR: Mr. President, I move we suspend... Rule 22A be suspended in order to add, add Ordinances #9 through #16; seconded.

PRESIDENT DENCZAK: Moved and seconded to suspend Rule 22A to add second reading of Ordinances #9 through and including #16. Are there any remarks?... If not, roll call vote please.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

PRESIDENT DENCZAK: Rule 22A has been suspended. The Chair will now recognize Rule 24B suspension, Member Casar.

MEMBER CASAR: Mr. President, before I go into suspension, can we have the Resolutions from last week, and I do not have them in front of me, so if the Clerk could...

CLERK VANCKUNAS: Mr. President, Resolution #22 from the Personnel Committee is approving the Mayor's appointment of Rev. Warren Chavers to the Tax Incentive Review Board. Resolution #23 from the Personnel Committee is approving the Mayor's appointment of Joe Friedman to the Board of Building Appeals. Resolution #24 from the Personnel Committee is approving the Mayor's appointment of Bill Glenn to the Tax Incentive Review Board. Number 25 from the Personnel Committee is approving the Mayor's appointment of George Lazarides to the Building Board of Appeals. Resolution #26 from the Personnel Committee is approving the Mayor's appointment of Edward Magnani, —A-G-N-A-N-I, to the Building, Building Board of Appeals. And, #27 is the last one from the Personnel Committee

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approving the Mayor's appointment of John Picard to the Building Board of Appeals.

MEMBER CASAR: Mr. President, I move that 24B be suspended and add Resolutions 21 through 27; seconded.

PRESIDENT DENCZAK: Moved and seconded to suspend Rule 24B to add Resolutions 21 through and including 27. Are there any remarks?... If not, roll call vote please.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

PRESIDENT DENCZAK: Rule 24B has been suspended on all the Resolutions.

**PUBLIC HEARINGS**

PRESIDENT DENCZAK: Public hearings, there is none scheduled at this time.

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

PRESIDENT DENCZAK: Public speaks under ordinances and resolutions for adoption only, no one has signed up.

**AUDIENCE RECOGNITION**

PRESIDENT DENCZAK: Before we go into the Resolutions Members of Council, the Clerk of Council handed me a message here last week that's regarding Councilmembers Prater, Mallonn and Carbenia. There will be, and it's from a Patty Huff, Patty Huff, okay? "I will be bringing my Boy Scout Troop 117 to the City Council meeting on Monday, February 9, 2004. The scouts would like to meet", meet with me I guess, is that...?meet you". Okay. You want me to join? (*INAUDIBLE RESPONSE*) If possible, yes, I'll meet with you after the meeting. We have 7 scouts in Councilman Prater's ward; 1 from Councilman Mallonn's ward and 1 from Councilmember Carbenia's ward. "Thanking you in advance, Sincerely, Scout Master of Troop 117." Okay, would you please stand for Council's recognition? (*AUDIENCE APPLAUSE*) The guy wearing all the merit badges, who's your Councilman?... (*INAUDIBLE RESPONSE*) Prater? Good job. Yeah...I'll meet with you after the meeting.

**INFORMAL RESOLUTIONS**

PRESIDENT DENCZAK: It will not be necessary to excuse Members. Let the journal show that all members of Council are present. Resolution #18 please.

***PRESIDENT DENCZAK CALLED UPON CLERK OF COUNCIL VANCKUNAS TO READ RESOLUTIONS #18 THROUGH #21 BY TITLE, AS SHOWN BELOW. THE RESOLUTIONS ARE ON FILE IN THEIR ENTIRETY IN THE COUNCIL OFFICE WITH THE AGENDA ITEMS FILE DATED FEBRUARY 9, 2004.***

18. BABCOCK, COUNCIL MEMBER-AT-LARGE: COMMENDING PATROLMAN DONALD MILLER, JR ON RECEIVING THE CRIME PREVENTION POLICE OFFICER OF THE YEAR AWARD. - ADOPTED BY CANTON CITY COUNCIL

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MEMBER CASAR: Mr. President, I move we adopt Ordinance number, or, Resolution #18; seconded.

PRESIDENT DENCZAK: Moved and seconded that you adopt Resolution #18. Are there any remarks?

MEMBER BABCOCK: Mr. President, I'd like to have it read please.

PRESIDENT DENCZAK: Madam Clerk, would you please read the Resolution?

*RESOLUTION #18 READ BY CLERK OF COUNCIL VANCKUNAS:* Submitted by Mary M. Babcock, Council Member At Large on February 5, 2004. WHEREAS, because it is a problem which affects us all in a very negative way, Canton citizens must be challenged to help prevent crime. The Canton Exchange Club, in cooperation with the Canton Police Department, the Stark County Prosecutor's Office & and Stark County Sheriff's Department sponsored the annual Crime Prevention Week Award Breakfast on Tuesday, February 3<sup>rd</sup>, to kick off Crime Prevention Week 2004. The Breakfast affords the opportunity to recognize the selfless, dedicated services performed by top law officers who contribute beyond measure to preserving & protecting the quality of life within our community; and WHEREAS, This year's Canton Police Officer of the Year is Patrolman Donald Miller Jr. Officer Miller attended Green High School and served 6 years in the US Army as a recognizance scout among other duties. After the Army, he attended Hocking College where he studied law enforcement. His career as a Canton police officer began in 1998. He has served on the patrol division throughout his career and is currently assigned to the afternoon patrol shift; and WHEREAS, Officer Miller has served Canton with distinction for six years and has proven to be knowledgeable, competent and reliable. This year, he recovered approximately 50 stolen vehicles with an astonishing 18 apprehensions. He has proven proficient at apprehending suspects in robberies, aggravated burglaries, felonious assaults, pursuits and even a shooting casualty. He was involved in nearly two thousand calls to service in 2003, often handling twenty or more calls each shift. Time after time, Patrolman Miller diligently answers calls, does what is necessary, and then goes above and beyond what is required to doggedly pursue the call to the greatest extent possible; and WHEREAS, Early last year, Patrolman Miller was involved in a late night stolen vehicle pursuit - the type of call that can easily go bad. However, this pursuit was so well executed that the tape from the cruiser's camera is being used as a training video. A good example of his thoroughness is an August 31<sup>st</sup> robbery case where a victim was beaten and robbed. Witnesses provided vehicle & suspect descriptions. Officer Miller spent the remainder of the shift searching for the suspect vehicle while continuing to handle calls. Hours after the robbery, he located the suspect vehicle and apprehended the two accomplices which led to the main suspect. What is even more exceptional is that while searching for the above vehicle, he solved a burglary and apprehended a suspect. The most important quality Officer Miller possesses is his positive attitude; never expecting commendation for any of his efforts, he is simply satisfied by doing his job and is content to meet the personal goals he sets for himself; NOW, THEREFORE, BE IT RESOLVED that we, the elected Members of the Council of the City of Canton, Ohio, do hereby go on public record as commending and congratulating PATROLMAN DONALD MILLER, JR. For being recognized as this year's Canton Police Officer of the Year and for his resolution of purpose toward a citizenry he is sworn to serve and protect. We thank you for a job well done.

PRESIDENT DENCZAK: Are there any remarks?... If not, by voice vote, all those in favor signify by saying aye-those opposed no.

NO REMARKS

RESOLUTION #18 ADOPTED BY UNANIMOUS VOICE VOTE

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PRESIDENT DENCZAK: The Resolution is adopted. Are you going to present the resolution?

MEMBER BABCOCK: Officer Miller, on behalf of Canton City Council, I want to congratulate you for becoming Policeman Of The Year and also we are giving you, giving you this Resolution.

OFFICER MILLER: Thank you ma'am. (*AUDIENCE APPLAUSE*) I really appreciate this. It's quite an honor. I just do my job every day and sometimes, things work out. I work with a great partner. He helped me all year. Without him I wouldn't be here and without my fellow officers. Thank you. (*AUDIENCE APPLAUSE*)

19. BABCOCK, COUNCIL MEMBER-AT-LARGE: COMMENDING CATHLEEN SENTER ON RECEIVING THE CRIME PREVENTION CITIZEN OF THE YEAR AWARD.- ADOPTED BY CANTON CITY COUNCIL

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

PRESIDENT DENCZAK: Moved and seconded that you adopt Resolution #19. Are there any remarks under this resolution?...

MEMBER HART: Mr. President, yeah, I've known Cathy for really quite a few years and when we commended Officer Miller, you know, he was noted as a tough law officer and Cathy's just been a very gentle person and an excellent architect with an eye for detail, and, when I think of what happened outside of Canton Preservation Offices, you know, she remained very cool and calm and was able to get a license plate number which I think within a very few minutes, the perpetrator of the crime was apprehended. You know, I again, seen many Canton Preservation Board meetings where sometimes, you know, the action was quite heated and she always remained calm and it was that calmness and that eye for detail which led to the apprehension of a murderer. So, congratulations.

PRESIDENT DENCZAK: Are there any other remarks? Member Babcock?

MEMBER BABCOCK: Can I have the resolution read, please?

PRESIDENT DENCZAK: Madam Clerk, will you please read the Resolution?

*RESOLUTION #19 READ BY CLERK OF COUNCIL VANCKUNAS:* Submitted by Mary M. Babcock, Councilmember At Large on February 5, 2004. WHEREAS, The Canton Exchange Club in cooperation with the Stark County Sheriff's Department, the Stark County Prosecutor's Office, and the Canton Police Department sponsored the annual Crime Prevention Week Award Breakfast on Tuesday, February 3<sup>rd</sup>, to kick off Crime Prevention Week 2004. The Crime Prevention Breakfast affords the opportunity to present a Crime Prevention Citizens Award. This year's recipient is Cathleen Senter; and WHEREAS, On January 15, 2003, Cathleen was leaving the Hartung House at 131 Wertz Avenue NW when she heard six shots being fired nearby. Much to her shock and dismay, Cathleen witnessed the murder of Rubin Floyd who was shot to death while sitting in his vehicle parked in the 100 block of Wertz Avenue NW; and WHEREAS, Even under such horrific circumstances, Cathleen maintained her composure, re-entered the Hartung House and requested that someone call the police immediately as someone had just been shot. She then took it upon herself to locate the shooter and pursue him in her own vehicle. Cathleen kept constant visual contact with the

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individual while calling the Canton Police Department on her cell phone. She was thus able to provide a description of the suspect, the vehicle he was driving, the license plate number and the direction of travel; and WHEREAS, As a result of Cathleen's courage and quick-thinking, the suspect was apprehended by Police within minutes of the crime. NOW, THEREFORE, BE IT RESOLVED: That we, the elected Members to the Council of the City of Canton, Ohio, do hereby go on record as commending CATHLEEN SENTER for being recognized as this year's Citizen of the Year for her selfless acts of courage in bringing a criminal to justice.

PRESIDENT DENCZAK: Any further remarks?... If not, by voice vote, all those in favor signify by saying aye- those opposed no.

NO REMARKS

RESOLUTION #19 ADOPTED BY UNANIMOUS VOICE VOTE

PRESIDENT DENCZAK: The Resolution is adopted.

MEMBER BABCOCK: I want to congratulate Cathleen for the, for being so brave and I know she had a rough job trying to keep, keep somebody, following somebody and keeping tabs with him. But, I want to congratulate her for becoming Citizen of the Year. She's well deserving of it.

MS. SENTER: I was requested to give the same speech as I gave last week to the Canton Exchange, but, that was kinda lengthy. So, I'm just going to be short and sweet tonight. Thank you Mary, thank you Council and most of all, I'd like to thank the Canton City Police Department. That day, nothing like that had ever happened to me before, and I think starting off, when I got in my car and started to pursue the shooter, when I got 9-1-1 on the phone, the woman that took my call, the 9-1-1- operator, she was, she was very professional, very calming and even the first time when I passed the shooter and realized what the heck I had gotten myself into and wondered if he had another bullet in that gun, she really kept me focused and was very calm and very professional and I'm not sure that I would have been able to do that without her and give the information that I gave to her and the whole time she was on the radio with the Police and setting up the place where they were gonna catch this guy. And then lastly, as soon as I got back to the scene of the crime, after going around the block with this guy, the Canton City Police and Fire Departments were there already. I was amazed. It was just like a scene from NYPD Blue, how efficient this all happened. But, all through the day as I gave different interviews with the detectives, especially Detectives Baroni and Fox, I was, I was treated very professionally and very sympathetically and, you know, it was my first brush with the law and it was a wonderful one and I'm very much an advocate of the Canton City Police Department nowadays. Thank you very much. (*AUDIENCE APPLAUSE*)

PRESIDENT DENCZAK: The 2 recipients of these awards, the Mayor has told me to remind you that you owe us a buck and a-half for the folders that they came in. If she don't take the money, I will. Congratulations to both of you.

20. **AMENDED TO COUNCIL-AS-A-WHOLE COMMITTEE** (~~BERNABEL, MEMBER AT LARGE; CASAR, MEMBER AT LARGE & CARBENIA, WARD 9 COUNCIL MEMBER~~): SUPPORTING ISSUE 15, THE CANTON CITY SCHOOL LEVY. - ADOPTED BY CANTON CITY COUNCIL

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

PRESIDENT DENCZAK: Moved and seconded that you adopt Resolution #20. Are there any remarks? Member

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MEMBER BERNABEI: Mr. President, I move to amend Resolution #20 to name Council-As-A-Whole as the sponsors of this Resolution; seconded.

PRESIDENT DENCZAK: Moved and seconded to amend the Resolution to be offered by Council as a Committee-As-A-Whole. Are there any remarks?... If not, the question you're voting on now is the amendment. By voice vote, all those in favor signify by saying aye-all those opposed no.

NO REMARKS

AMENDMENT ADOPTED UNANIMOUSLY

PRESIDENT DENCZAK: The Resolution is from Council-As-A-Whole. The question you're voting on now is the Resolution submitted by Council-As-A-Whole. Are there any remarks under this Resolution?...

MEMBER BERNABEI: Mr. President, first I would like to indicate to Council and the Administration and to the public at large that Superintendent Talarico was invited to speak tonight on this Resolution. She would love to be here and talk to us at length on this subject which is very near and dear to her heart. She, unfortunately, had a meeting tonight. The Board of Education also meets on Monday night and that is her direct employer and so she is absent tonight. If at all possible, I will arrange for her to come in and answer any questions that Council may have. Second, I would request that the Resolution be read.

PRESIDENT DENCZAK: Madam Clerk, will you please read the Resolution.

*RESOLUTION #20 READ BY CLERK OF COUNCIL VANCKUNAS:* An Informal Resolution respectfully submitted by Council Committee-As-A-Whole on this 5<sup>th</sup> day of February 2004. WHEREAS, on March 2, 2004, the Canton City School District will have an operating levy of 7.9 mills on the ballot. The ballot issue is known as Issue 15. The levy will raise \$6.8 million per year; and WHEREAS, It has been 10 years since the Canton City Schools requested an operating levy. The last one was in 1994. Fifteen of the other 16 Stark County districts have passed levies since that time. Since then, despite the steady rise of inflation and increased costs, there have been no local increases for day-to-day operations; and WHEREAS, The Canton School District has been facing an increasing shortfall in operational funding, which is a common problem among urban districts. Urban districts face unique but necessary challenges in educating the socially and economically disadvantaged. The effects of unfunded federal and state mandates and laws, including competition created by charter schools, work a disproportionately heavy burden on urban districts. Canton has been responsive to the budget squeeze and has reduced funding by \$13 million in payroll and more than 300 jobs over a three-year period. Despite these cuts, there exists an ever widening gap in funding; and WHEREAS, In 1999, Canton voters approved a bond issue for the construction and renovation of buildings in the district. Those funds may ONLY be used for that purpose, and may NOT be used for operating expenses. The district is grateful for the overwhelming support of that bond issue, but additional local funds are needed for day-to-day operations; and WHEREAS, The Canton City School District is the largest school district in Stark County, with 10,950 students. Canton's school district is the seventh largest urban district in the state of Ohio. Among these districts, Canton ranks first on state performance tests; and WHEREAS, The City of Canton's needs for an educated work force (jobs!), improved housing and neighborhoods and the maintenance of income tax revenues which are necessary to provide police, fire and other basic services is integrally tied to the success of the levy. The school district is one of Canton's largest employers and is a significant contributor to the local economy;

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and WHEREAS, for the owner of a \$50,000 home, this levy would increase taxes about \$120 a year; that's about \$2.50 a week--less than the cost of a kids' meal at a fast food restaurant, for example. That's a small investment to ensure ongoing improvement in the education of our children; and WHEREAS, Public education is the cornerstone of our society. For every generation who benefitted from public education, we owe today's children the same opportunity. Issue 15 Is For The Kids! NOW, THEREFORE, BE IT RESOLVED: That we, the members of the Council of the City of Canton, by the adoption of this resolution, do hereby go on public record in support of Issue 15. We further encourage every voting citizen of our City to help ensure academic progress for our kids, both now and in the future, by voting FOR Issue 15.

PRESIDENT DENCZAK: Any remarks?... If not, the question you're voting on now is the amended Resolution. Roll Call vote please. No...I'm sorry, by voice vote, all those in favor signify by saying aye-those opposed no.

NO REMARKS

RESOLUTION #20 ADOPTED BY UNANIMOUS VOICE VOTE

PRESIDENT DENCZAK: Resolution #20 from Council Committee-As-A-Whole is adopted.

21. PERSONNEL COMMITTEE: APPROVING THE APPOINTMENT OF SUSAN STEINER TO THE INVESTMENT BOARD FOR A 2 YEAR TERM RETROACTIVE TO 1/1/04 THROUGH 12/31/05.- ADOPTED BY CANTON CITY COUNCIL

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

PRESIDENT DENCZAK: Moved and seconded that you adopt Resolution #21. 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 #21 ADOPTED BY UNANIMOUS VOICE VOTE

PRESIDENT DENCZAK: Resolution 21 is adopted.

22. PERSONNEL COMMITTEE: APPROVING THE MAYOR'S APPOINTMENT OF REV. WARREN CHAVERS TO THE TAX INCENTIVE REVIEW BOARD COMMENCING 1/1/04 TO 12/31/05.- ADOPTED BY CANTON CITY COUNCIL

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

PRESIDENT DENCZAK: Moved and seconded that you adopt Resolution #22. 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 #22 ADOPTED BY UNANIMOUS VOICE VOTE

PRESIDENT DENCZAK: Resolution #22 is adopted.

23. PERSONNEL COMMITTEE: APPROVING THE MAYOR'S APPOINTMENT OF JOE FRIEDMAN TO THE BOARD OF BUILDING APPEALS COMMENCING 1/1/04 THROUGH 12/31/05.- ADOPTED

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

PRESIDENT DENCZAK: Moved and seconded that you adopt Resolution #23. 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 #23 ADOPTED BY UNANIMOUS VOICE VOTE

PRESIDENT DENCZAK: Resolution #23 is adopted.

24. PERSONNEL COMMITTEE: APPROVING THE MAYOR'S APPOINTMENT OF BILL GLENN TO THE TAX INCENTIVE REVIEW BOARD COMMENCING 1/1/04 THROUGH 12/31/05.- ADOPTED BY CANTON CITY COUNCIL

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

PRESIDENT DENCZAK: Moved and seconded that you adopt Resolution #24. 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 #24 ADOPTED BY UNANIMOUS VOICE VOTE

PRESIDENT DENCZAK: Resolution #24 is adopted.

25. PERSONNEL COMMITTEE: APPROVING THE MAYOR'S APPOINTMENT OF GEORGE LAZARIDES TO THE BUILDING BOARD OF APPEALS COMMENCING 1/1/04 TO 12/31/05.- ADOPTED BY CANTON CITY COUNCIL

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

PRESIDENT DENCZAK: Moved and seconded that you adopt Resolution #25. 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 #25 ADOPTED BY UNANIMOUS VOICE VOTE

PRESIDENT DENCZAK: Resolution #25 is adopted.

26. PERSONNEL COMMITTEE: APPROVING THE MAYOR'S APPOINTMENT OF EDWARD MAGNANI TO THE BUILDING BOARD OF APPEALS COMMENCING 1/1/04 THROUGH 12/31/05.- ADOPTED BY CANTON CITY COUNCIL

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

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PRESIDENT DENCZAK: Moved and seconded that you adopt Resolution #26. 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 #26 ADOPTED BY UNANIMOUS VOICE VOTE

PRESIDENT DENCZAK: Resolution #26 is adopted.

27. PERSONNEL COMMITTEE: APPROVING THE MAYOR'S APPOINTMENT OF JOHN PICARD TO THE BUILDING BOARD OF APPEALS COMMENCING 1/1/04 THROUGH 12/31/06.- ADOPTED BY CANTON CITY COUNCIL

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

PRESIDENT DENCZAK: Moved and seconded that you adopt Resolution #27. 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 #27 ADOPTED BY UNANIMOUS VOICE VOTE

PRESIDENT DENCZAK: Resolution #27 is adopted.

**COMMUNICATIONS**

PRESIDENT DENCZAK: All Communications are received as read and 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 FEBRUARY 9, 2004.***

86. AUDITOR KIM R. PEREZ, CITY OF CANTON: MONTHLY REPORT BY FUND FOR 1/1/04 - 1/30/04. - RECEIVED & FILED

87. AUDITOR KIM R. PEREZ, CITY OF CANTON: YEARLY REPORT BY FUND FOR 1/1/04 - 1/30/04. - RECEIVED & FILED

88. BUILDING DEPARTMENT, CITY OF CANTON, PEGGY GRELL, ADMIN ASS'T: YEARLY RECEIPTS ACTIVITY REPORT FOR 2003. - RECEIVED & FILED

89. COMMUNITY DEVELOPMENT & PLANNING DEPARTMENT, CITY OF CANTON, SHEILA K THARP-BARRINO, DIRECTOR: REQUEST FOR APPOINTMENT OF ONE MEMBER TO TAX INCENTIVE REVIEW COUNCIL (TIRC) AND TWO MEMBERS TO COMMUNITY REINVESTMENT AREA COUNCIL (CRAC). - PERSONNEL COMMITTEE

90. DIAMOND, ROSEMARY, WARD 8 MEMBER, CITY OF CANTON: CORRESPONDENCE TO MAYOR CREIGHTON REGARDING POSSIBLE CLOSING OF FIRE STATION #10 &

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CONSIDERATION OF OTHER ALTERNATIVES. - RECEIVED & FILED

91. HART, RICHARD, WARD 7 MEMBER, CITY OF CANTON: CORRESPONDENCE TO MAYOR CREIGHTON PROPOSING REPLACEMENT OF OLD STREET LIGHTS WITH NEW DECORATIVE STREET LIGHTS. - RECEIVED & FILED

92. LIQUORCONTROL DIVISION (OHIO), 6606 TUSSING ROAD, PO O BOX 4005, REYNOLDSBURG, OHIO 43068-9005: REQUEST FOR NEW C1, C2 LIQUOR PERMIT BY WINDBER LLC dba DS QUICK STOP LOCATED @ 905 HARRISON AVE SW. - INTERGOVERNMENTAL & PUBLIC SERVICE COMMITTEE

93. MAYOR JANET WEIR-CREIGHTON, CITY OF CANTON: ADVISING OF APPOINTMENT O F SAM DOR T O T O THE CAN TON C O M M U N I T Y I M P R O V E M E N T C O R P O R A T I O N (CIC) FOR THE 2004 T E R M . - R E C E I V E D & F I L E D

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- 94. MAYOR JANET WEIR-CREIGHTON: REQUESTING CONFIRMATION OF APPOINTMENT OF SUSAN STEINER TO INVESTMENT BOARD RETROACTIVE TO 1/1/04 THROUGH 12/31/05. - PERSONNEL COMMITTEE (See Resolution #21)
- 95. PLANNING COMMISSION, CITY OF CANTON, SHEILA K THARP-BARRINO, SECRETARY RECOMMENDING APPROVAL OF REQUEST BY HARPER SURVEYING FOR THE LINDER FAMILY TO REPLAT OUTLOT 1035 ON THE NORTH SIDE OF 55<sup>TH</sup> ST NE EAST OF HARMONT. - PUBLIC SAFETY & THOROUGHFARES COMMITTEE
- 96. SERVICE DIRECTOR TAD ELLSWORTH, CITY OF CANTON: REQUESTING AUTHORITY TO ADVERTISE & RECEIVE BIDS FOR THE SALE OF PARCEL #02-46631, PART OF OUTLOT 296 CONTAINING .50 ACRES LOCATED ON GONDER AVE SE & CONVEY SAID PROPERTY TO THE HIGHEST BIDDER. - PUBLIC PROPERTY CAPITAL IMPROVEMENT CMTE
- 97. SERVICE DIRECTOR TAD ELLSWORTH, CITY OF CANTON: REQUESTING APPROVAL OF WATER MAIN EXTENSION FOR A CONDOMINIUM DEVELOPMENT IN PERRY TOWNSHIP AS REQUESTED BY WILLIAM A. DAY OF KYUS PROPERTIES, LTD. - ENVIRONMENTAL & PUBLIC UTILITIES COMMITTEE
- 98. TREASURER ROBERT C. SCHIRACK, CITY OF CANTON: COMPARATIVE REPORT OF P A R  
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- 99. TREASURER ROBERT C. SCHIRACK, CITY OF CANTON: COMPARATIVE REPORT OF DEPOSITS & PAY INS TO AMBULANCE LOCK BOX ACCOUNT AS OF JANUARY 30, 2004. - RECEIVED & FILED

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100. TREASURER ROBERT C. SCHIRACK, CITY OF CANTON: REPORT OF BANK RECONCILIATIONS & OUTSTANDING INVESTMENTS AS OF JANUARY 30, 2004. - RECEIVED & FILED
101. TREASURER GARY D. ZEIGLER (STARK COUNTY, OHIO): EXPLANATION OF H.B. 127 WHICH PERMITS MUNICIPAL CORPORATIONS & TOWNSHIPS TO ACQUIRE TAX-DELINQUENT REAL ESTATE BEFORE FORECLOSURE PROCEEDINGS WITHOUT ASSUMING THE ENTIRE TAX DEBT & ADVISING THAT IN ORDER TO ACQUIRE PROPERTY UNDER THE BILL'S TERMS, THE MUNICIPAL CORPORATION OR TOWNSHIP MUST ADOPT CERTAIN LEGISLATION. - RECEIVED & FILED

**ORDINANCES & FORMAL RESOLUTIONS FOR FIRST READING**

PRESIDENT DENCZAK: We're now under Ordinances for the first reading. And, let the journal show that all ordinances are being given their reading as required by State Law. Ordinance #1 please.

***NOTE: PRESIDENT DENCZAK CALLED UPON CLERK VANCKUNAS TO READ THE FOLLOWING ORDINANCES #1 THROUGH AND INCLUDING #8 FOR THE FIRST TIME BY TITLE & ANNOUNCED THE REFERRAL, AS FOLLOWS.***

- #1 (1<sup>ST</sup> RDG) AN ORDINANCE VACATING A PORTION OF 14<sup>TH</sup> ST SW & LAWN AVE SW; AND DECLARING THE SAME TO BE AN EMERGENCY  
Referred to Public Safety & Thoroughfares Committee **PUB HRG 3/1/04 @ 7:30 PM**
- #2 (1<sup>ST</sup> RDG) AN ORDINANCE AMENDING EXHIBIT A TO O.164/2001, AS AMENDED, THE CLASSIFICATION PLAN & GENERAL SALARIES FOR ALL MANAGEMENT & NON-BARGAINING UNIT EMPLOYEES OF THE CITY OF CANTON; AND DECLARING THE SAME TO BE AN EMERGENCY  
Referred to Personnel Committee
- #3 (1<sup>ST</sup> RDG) AN ORDINANCE AUTHORIZING THE LAW DIRECTOR TO ENTER INTO CONTRACT WITH THE BELOW NAMED CITIES AND VILLAGES TO PROVIDE LEGAL REPRESENTATION CONCERNING THE PROSECUTION OF CRIMINAL CASES AND RELATED MATTERS BY THE CITY PROSECUTOR'S OFFICE; AND DECLARING THE SAME TO BE AN EMERGENCY  
Referred to Intergovernmental & Public Service Committee
- #4 (1<sup>ST</sup> RDG) AN ORDINANCE AUTHORIZING THE MAYOR AND/OR DIRECTOR OF PUBLIC SERVICE TO EXECUTE & FILE AN APPLICATION WITH THE OHIO DEPARTMENT OF NATURAL RESOURCES RATIFYING SAID APPLICATION, PROVIDING LOCAL PARTIAL FUNDING; AND DECLARING THE SAME TO BE AN EMERGENCY  
Referred to Community & Economic Development Committee

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- #5 (1<sup>ST</sup> RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY TO ACCEPT & EXECUTE THE FEDERAL EMERGENCY MANAGEMENT AGENCY'S ASSISTANCE TO FIREFIGHTERS GRANT; AUTHORIZING CITY AUDITOR TO DEPOSIT THE PROCEEDS OF SAID GRANT INTO THE 2813 FIREFIGHTERS ASSISTANCE GRANT FUND; AMENDING APPROPRIATION O.1/2004, AS AMENDED, BY MAKING THE SUPPLEMENTAL APPROPRIATION HEREIN DESCRIBED; AND DECLARING THE SAME TO BE AN EMERGENCY  
Referred to Finance Committee
- #6 (1<sup>ST</sup> RDG) AN ORDINANCE AMENDING APPROPRIATION O.1/2004, AS AMENDED, BY MAKING THE SUPPLEMENTAL APPROPRIATION HEREIN DESCRIBED; AND DECLARING THE SAME TO BE AN EMERGENCY  
Referred to Finance Committee
- #7 (1<sup>ST</sup> RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR PUBLIC SERVICE TO ENTER INTO MODIFICATION #1 WITH NORTHWEST CONSULTANTS, INC. IN AN AMOUNT NOT TO EXCEED \$4,654.00 FOR THE GUILFORD AVE NW BRIDGE REPLACEMENT PROJECT, GP 1075; AMENDING APPROPRIATION O.1/2004, AS AMENDED, BY MAKING THE TRANSFER HEREIN DESCRIBED; AND DECLARING THE SAME TO BE AN EMERGENCY  
Referred to Public Safety & Thoroughfares and Finance Committees
- #8 (1<sup>ST</sup> RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A CHANGE ORDER WITH NICKEL EXCAVATING, INC. IN AN AMOUNT NOT TO EXCEED \$87,735.75 FOR EXTENSIVE EXCAVATION WORK FOR THE CANTON TRAIN STATION SITE DEVELOPMENT PROJECT; AND DECLARING THE SAME TO BE AN EMERGENCY  
Referred to Community & Economic Development and Finance Committee

**ORDINANCES & FORMAL RESOLUTIONS FOR SECOND READING**

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

***NOTE: PRESIDENT DENCZAK CALLED UPON CLERK VANCKUNAS TO READ THE FOLLOWING ORDINANCES #9 THROUGH AND INCLUDING #16 FOR THE SECOND TIME BY TITLE, AS FOLLOWS. ORDINANCE #15 WAS ADOPTED FOLLOWING ITS SECOND READING.***

**RULE 22A WAS SUSPENDED TO ADD #9 THROUGH #16:**

- #9 (2<sup>ND</sup> RDG) AN ORDINANCE AUTHORIZING THE MAYOR AND/OR DIRECTORS OF PUBLIC SERVICE AND SAFETY TO COMPLETE THE CONTRACTING PROCESS FOR VARIOUS CONTRACTS PREVIOUSLY AUTHORIZED BUT NOT COMPLETED BY JANUARY 1, 2004; AND DECLARING THE SAME TO BE AN EMERGENCY

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- #10 (2<sup>ND</sup> RDG) AN ORDINANCE AUTHORIZING THE MAYOR AND/OR DIRECTOR OF PUBLIC SERVICE TO FILE APPLICATION WITH THE STATE OF OHIO TO PARTICIPATE IN THE CLEAN OHIO ASSISTANCE FUND, APPLY FOR FINANCIAL ASSISTANT & ADMINISTER THE FUNDS RECEIVED; AUTHORIZING THE MAYOR AND/OR SERVICE DIRECTOR TO ENTER INTO CONTRACT FOR PROFESSIONAL SERVICES IN AN AMOUNT NOT TO EXCEED \$50,000.00 IN ACCORDANCE WITH THE REQUIREMENTS OF THE CLEAN OHIO ASSISTANCE FUND APPLICATION; AND DECLARING THE SAME TO BE AN EMERGENCY
- #11 (2<sup>ND</sup> RDG) AN ORDINANCE APPROVING & ACCEPTING THE REPLATTING OF PART OF OUTLOT #800 & PART OF OUTLOT #842; AND DECLARING THE SAME TO BE AN EMERGENCY.
- #12 (2<sup>ND</sup> RDG) AN ORDINANCE APPROVING & ACCEPTING THE FINAL RECORD PLAT OF VIENNA WOODS ALLOTMENT NO. 2 IN THE CITY OF CANTON; AND DECLARING THE SAME TO BE AN EMERGENCY
- #13 (2<sup>ND</sup> RDG) AN ORDINANCE APPROVING & ACCEPTING THE REPLATTING OF PART OF OUTLOTS #45 & 315; AND DECLARING THE SAME TO BE AN EMERGENCY
- #14 (2<sup>ND</sup> RDG) AN ORDINANCE APPROVING & ACCEPTING THE REPLATTING OF LOTS #5720, 5721, 5722 & 5723 AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT DENCZAK: Just one moment please. Madam Clerk, is there a 5722 on the ordinance? (CLERK RESPONDS AFFIRMATIVELY) Members of Council, make a change on your agenda. Ordinance #14 should include the lot #5722.

- #15 (2<sup>ND</sup> RDG) **ADOPTED AS ORDINANCE NO. 5/2004** AN ORDINANCE APPROVING A 1-YR COLLECTIVE BARGAINING AGREEMENT BETWEEN CITY OF CANTON AND CPFFA LOCAL 249; AND DECLARING THE SAME TO BE AN EMERGENCY.

MEMBER CASAR: Mr. President, I move the Statutory Rules be suspended for Ordinance #15; seconded.

PRESIDENT DENCZAK: Moved and seconded that the Statutory Rules be, number 15?... Dispensing with Statutory Rules on number 15. Are there any remarks?... If not, Roll Call vote.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

PRESIDENT DENCZAK: You've heard the 3 readings, Member Casar.

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

PRESIDENT DENCZAK: Moved and seconded that you adopt Ordinance 15. Are there any remarks under this

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ordinance?... No remarks?... The question before you now is Ordinance #15. Roll Call vote please.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance #15 is adopted.

**#15 ADOPTED AS ORDINANCE 5/2004**

#16 (2<sup>ND</sup> RDG) AN ORDINANCE AUTHORIZING THE CLERK OF COUNCIL TO CERTIFY TO THE COUNTY AUDITOR UNPAID AND DELINQUENT CHARGES FOR REMOVAL OF NOXIOUS WEEDS & DEBRIS; AND DECLARING THE SAME TO BE AN EMERGENCY

**ORDINANCES AND FORMAL RESOLUTIONS FOR THIRD READING**

PRESIDENT DENCZAK: Ordinances and Formal Resolutions for their third and final reading. Ordinance #17 please.

#17 (3<sup>RD</sup> RDG) **ADOPTED AS ORDINANCE NO. 6/2004** AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ADVERTISE, RECEIVE BIDS & ENTER INTO CONTRACT FOR THE REMOVAL OF ASBESTOS & DEMOLITION OF THE KRESGE BLOCK BUILDINGS; AUTHORIZING THE CITY AUDITOR TO ESTABLISH THE 2814 CLEAN OHIO REVITALIZATION FUND; AND DECLARING THE SAME TO BE AN EMERGENCY

MEMBER CASAR: Mr. President, I move we adopt Ordinance #17; seconded

PRESIDENT DENCZAK: Moved and seconded that you adopt Ordinance 17. Are there any remarks under this ordinance?...

MEMBER CASAR: Mr. President, I'd like to say, I hope this is the last piece of legislation that we have to pass to finally have this eye-sore taken down. We've been working on it, the City, for over 4 years through legal means, and it's something we must move forward with and hopefully this will do it and we'll finally see this building come down.

PRESIDENT DENCZAK: Any other remarks?... Very well, Roll Call vote please.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance #17 is adopted.

**#17 ADOPTED AS ORDINANCE NO. 6/2004**

#18 (3<sup>RD</sup> RDG) **ADOPTED AS ORDINANCE 7/2004** AN ORDINANCE AUTHORIZING PARTICIPATION BY THE CITY OF CANTON IN STATE CONTRACTS PURSUANT TO OHIO REVISED CODE SECTION 5513.01; AND DECLARING THE SAME TO BE AN EMERGENCY

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

PRESIDENT DENCZAK: Moved and seconded that you adopt Ordinance 18. Are there any remarks under this ordinance?... Very well, Roll Call vote please.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance #18 is adopted.

**#18 ADOPTED AS ORDINANCE NO. 7/2004**

#19 (3<sup>RD</sup> RDG) **ADOPTED AS ORDINANCE NO. 8/2004** AN ORDINANCE AUTHORIZING PARTICIPATION BY THE CITY OF CANTON IN STATE OF OHIO COOPERATIVE PURCHASING PROGRAM; AND DECLARING THE SAME TO BE AN EMERGENCY

MEMBER CASAR: Mr. President, I move we adopt Resolution, or, 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: 12 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance #19 is adopted.

**#19 ADOPTED AS ORDINANCE NO. 8/2004**

#20 (3<sup>RD</sup> RDG) **ADOPTED AS ORDINANCE NO 9/2004** AN ORDINANCE AMENDING EXHIBIT A TO O.164/2001, AS AMENDED, THE CLASSIFICATION PLAN & GENERAL SALARIES FOR ALL MANAGEMENT & NON-BARGAINING UNIT EMPLOYEES OF THE CITY OF CANTON; AND DECLARING THE SAME TO BE AN EMERGENCY

MEMBER CASAR: 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: 12 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance #20 is adopted.

**#20 ADOPTED AS ORDINANCE NO. 9/2004**

#21 (3<sup>RD</sup> RDG) **ADOPTED AS ORDINANCE NO. 10/2004** AN ORDINANCE WAIVING THE RESIDENCY REQUIREMENT OF SECTION 737.01 OF THE OHIO REVISED CODE FOR THE PUBLIC SAFETY DIRECTOR

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

PRESIDENT DENCZAK: Moved and seconded that you adopt Ordinance 21. Are there any remarks under this

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ordinance?

MEMBER CASAR: Mr. President, although I'm a little disappointed that Mr. Hunt no longer lives in the City, however, I feel that we have to give the new Administration this opportunity to appoint their cabinet and someone that would be a good appointee, I feel, would be Bernie Hunt. Mr. Hunt's been around the City for a lot of years, he knows the ins and outs of how city government works, and I think he'll be an asset to the City and the city employees in the position that he'll be holding as Safety Director. I know that he'll, that he already hit the ground running so, there won't have to be training-on-the-job, he already knows the position. I feel he'll be an asset to the community.

PRESIDENT DENCZAK: Any other remarks?...

MEMBER BERNABEI: Mr. President, I would like to reiterate Member Casar's comments. I have the same feelings about this. I would ask that Mr. Hunt work doubly hard to justify Council's support.

PRESIDENT DENCZAK: Any other remarks?...

MEMBER WEST: Mr. President, I am a strong advocate of residency. But I also look at this situation and of course, I mimic what people said about Mr. Hunt in terms of his experience and we have already worked on a lot of issues together. But, I have to say that Mr. Hunt was appointed to this position. It wasn't a position of a regular job where you go out and apply for a job. Mr. Hunt did not know that he was going to be appointed to this position. So, on that merit, I would pass this and this is a unique situation. So I'm going to support Mr. Hunt, but I'm also going to offer Mr. Hunt an opportunity to move into Ward 2 where we're going to be building some new houses and I think that he has that opportunity to move within the next couple of years. And, of course, triply hard this time.

PRESIDENT DENCZAK: Any other remarks?... The question you're voting on now is Ordinance #21. Roll Call vote please.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance #21 is adopted.

**#21 ADOPTED AS ORDINANCE NO. 10/2004**

#22 (3<sup>RD</sup> RDG) **ADOPTED AS ORDINANCE NO. 11/2004** AN ORDINANCE APPROVING A CANTON CITY WATER MAIN EXTENSION TO THE VILLAGE OF MEYERS LAKE; AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CONTRACT FOR THE EXTENSION OF SAID WATER MAIN; ~~AND DECLARING THE SAME TO BE AN EMERGENCY (ORDINANCE PASSED WITHOUT THE EMERGENCY CLAUSE)~~

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

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

MEMBER CASAR: Mr. President, I'd like to ask the Administration a couple questions if I may please.

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PRESIDENT DENCZAK: You may.

MEMBER CASAR: For the Service Director or the Mayor, I understand that this particular one property is located in the Village of Myers Lake so, obviously we wouldn't be able to annex it. But, my question is, why would we, or the City of Canton want to extend one water line to one resident in Meyers Lake? What is the benefit of the City of Canton to do such there?

SERVICE DIRECTOR ELLSWORTH: Mr. President, Member Casar, this is a unique case. I think generally we support the annexation using water as leverage for our annexations. As with any rule, there are exceptions. This would be one of those. As you, as you stated, the property is located in the Village of Meyers Lake, which is an incorporated village under the laws of the State of Ohio which means we could not annex there. Second of all, the cost of extending this water line, the actual physical cost of construction will be borne solely by the property owner. There will be no cost to the City of Canton. The benefit of extending water lines, the reason, I think, the previous Administration did it in the past, was that we charge outside users of our water a rate that is 2 ½ times what people who live inside the City pay. This, in effect, allows us to generate charges for water to outside customers in keeping overall rates lower for people that live within, inside the City. So, this is, in my mind, what would be called a no-brainer because of the fact that there is no cost to the City and it only benefits the City, in the event that we have an outside user who is subsidizing residents of the City of Canton with their water rates.

MEMBER CASAR: Mr. Ellsworth, my answer to that is that the no-brainer is the City of Canton had no brains for the last 30 years because we've been doing this. And, because of that, the City has basically nowhere to go for annexation. Sure, we've done a pretty good job in the last 2 years but I'm talking about residences, areas we could have and should have annexed over the years, and we didn't. And, in my opinion, that's why the City's dying on the vine because we have no where to go and I think we should be using water for a tool for development, a tool for residential and a tool in general instead of yes, we're charging 2 ½ times the rate, but we're paying to get that water to where they're going also. And then, my final question is, if I may, I would like to know if this Administration is going to have a policy on water extensions or is it just going to be helter-skelter like in the past when someone wants water, they come and they get it and I would like to know that if we're going to have some type of policy which dictates either they will get it or they won't get it or is it just going to be if you apply, you get city water?

MAYOR WEIR-CREIGHTON: Mr. President, Member Casar, the answer is yes, we will have a policy.

MEMBER CASAR: And that will, Mayor, will that be coming forth shortly, or....

MAYOR WEIR-CREIGHTON: Yes.

MEMBER CASAR: Thank you.

PRESIDENT DENCZAK: Any other remarks?...

MEMBER BERNABEI: Mr. President, I would ask the Director of Public Service, with regard to this issue, have you checked the issue of any professional annexations with the village, with our annexation connoisseur, Mr. Sliman? And how contiguous or how lacking in contiguity is the Village of Meyers Lake to the City of Canton?

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SERVICE DIRECTOR ELLSWORTH: Mr. President, Member Bernabei, I have not checked recently into the laws about annexing into incorporated areas. However, my general understanding of the law is that you cannot annex incorporated areas. It would have to be a merger situation between the City and another incorporated village. That's a much more detailed process and much more complicated process than a simple annexation, is my understanding of the law.

MEMBER BERNABEI: And then changing the word annexation to merger, how, by way of contiguity, close is the Village of Meyers Lake to the City of Canton?

SERVICE DIRECTOR ELLSWORTH: I can't answer that at this time, I could answer that question at a later date.

MEMBER CASAR: Mr.....

PRESIDENT DENCZAK: Any other remarks?... The question you're voting on now is Ordinance #22. Roll Call vote please.

NO FURTHER REMARKS

ROLL CALL: 7 YEAS, 5 NAYS

(HAWK, WEST, ZACHARY, PRATER, DOUGHERTY, HART, DIAMOND VOTED YEA. CASAR, CARBENIA, BABCOCK, BERNABEI, MALLONN VOTED NO. **ORDINANCE PASSED WITHOUT EMERGENCY CLAUSE**)

PRESIDENT DENCZAK: The Ordinance passes but the emergency clause does not take effect. So, it will go in effect 30 days after signing by the Mayor. **#22 ADOPTED AS ORDINANCE NO.11/2004**

#23 (3<sup>RD</sup> RDG) **ADOPTED AS ORDINANCE NO. 12/2004** AN ORDINANCE AUTHORIZING THE MAYOR AND OR DIRECTORS OF PUBLIC SERVICE AND SAFETY TO COMPLETE THE CONTRACTING PROCESS FOR VARIOUS CONTRACTS PREVIOUSLY AUTHORIZED BUT NOT COMPLETED BY 1/1/04; AND DECLARING THE SAME TO BE AN EMERGENCY.

MEMBER CASAR: Mr. President, I move we adopt Resolution, 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: 12 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance #23 is adopted.

**#23 ADOPTED AS ORDINANCE NO.12/2004**

#24 (3<sup>RD</sup> RDG) **ADOPTED AS ORDINANCE NO. 13/2004** AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE AND/OR DIRECTOR PUBLIC SAFETY TO

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ADVERTISE, RECEIVE BIDS & ENTER INTO CONTRACT FOR SUPPLY ITEMS, MATERIALS & PROFESSIONAL SERVICES FOR THE CITY OF CANTON'S OPERATIONS DURING 2004 CALENDAR YEAR; AUTHORIZING ALTERNATIVELY THE PURCHASE OF SAID ITEMS PURSUANT TO THE STATE COOPERATIVE PURCHASING AGREEMENT AND/OR ODOT PURCHASING AGREEMENT; AND DECLARING THE SAME TO BE AN EMERGENCY

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

PRESIDENT DENCZAK: Moved and seconded that you adopt Ordinance 24. Are there any remarks under this Ordinance?... Very well, Roll Call vote please.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance #24 is adopted. **#24 ADOPTED AS ORDINANCE NO. 13/2004**

#25 (3<sup>RD</sup> RDG) **ADOPTED AS ORDINANCE NO. 14/2004** AN ORDINANCE AMENDING SECTION 181.05, RETURN AND PAYMENT OF TAX REFUND; AND DECLARING THE SAME TO BE AN EMERGENCY

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

PRESIDENT DENCZAK: Moved and seconded that you adopt Ordinance 25. Are there any remarks under this Ordinance?... Very well, Roll Call vote please.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance #25 is adopted. **#25 ADOPTED AS ORDINANCE NO. 14/2004**

**ANNOUNCEMENT OF COMMITTEE MEETINGS**

PRESIDENT DENCZAK: Announcement of Committee Meetings please.

MEMBER ZACHARY: Mr. President, Personnel Committee will meet next Monday at 6:15. Oh wait, I'm sorry, is that the holiday? It will be the following Monday. What's the date on that?

PRESIDENT DENCZAK: The 23<sup>rd</sup>.

MEMBER ZACHARY: The 23<sup>rd</sup>.

PRESIDENT DENCZAK: What time?

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MEMBER ZACHARY: 6:15.

MEMBER DIAMOND: Mr. President, Intergovernmental. Did you forget my name?... Intergovernmental will also meet on that date at that time.

PRESIDENT DENCZAK: Who else is calling over there?... Who's calling over there now?...

MEMBER CARBENIA: Mr. President, Community & Economic Development will meet on Monday, the 23<sup>rd</sup> at 6:30. Is that the 23<sup>rd</sup>?

PRESIDENT DENCZAK: Anybody else?

MEMBER HAWK: Mr. President, Finance will meet Monday the 23<sup>rd</sup> at 6:15.

MEMBER BABCOCK: Mr. President, Public Safety & Thoroughfares will meet on the 23<sup>rd</sup> at 6:00.

PRESIDENT DENCZAK: 6:00? Any other Committees?... (*NO FURTHER COMMITTEE ANNOUNCEMENTS*)

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

PRESIDENT DENCZAK: Public Speaks, Open Forum. We have two speakers signed up this evening. The first speaker is Charles Day.

MR. DAY: My name is Charles Day and I have an address of 1229 22nd Street NW in the City of Canton. I come, first of all, to clarify for you an article found in Saturday's *Repository*. It is incomplete and thus misleading to anyone who is required to make a decision based on such information. The article plainly states that stations 1 and 10, fire stations, receive fewer calls than most other stations. This line is attributed to Mr. Bernard Hunt, our City's Safety Director. I do not mean to disrespect Mr. Hunt and I do not believe him to be dishonest. Perhaps he was even misquoted. But, this information, taken at face value, if it were to be believed, is only partly true. You see, station 1, located at 7<sup>th</sup> Street and Market Avenue South is my station. Because of budget cuts and staffing reductions, it has been closed nearly 65 percent of last year. Obviously, it will have fewer calls. This is similar to comparing the productivity of a worker who has never missed a day of work and another who is usually absent. I will concede that it is very hard for me to answer the calls originating in my district when my engine has been moth-balled and my crew re-assigned. Were it to be consistently open and properly staffed, I will put my numbers then, fairly, against any other station. With a station in nearly every Council ward, it will reason that no one here is willing to fall on the sword, who among you is willing to concede closing a station that protects your constituents to the benefit of everyone else. What I would like to know then, is where was all this vocal opposition last year when this station was closing? What of the people who live in the heart of the City and the daily commuter traffic of those employed by businesses downtown? What of the businesses themselves, this City's economic engine that equally pays for such services? Who among you spoke for these people? I would like to see general concern for the well being of the entire City, one that does not ask any segment of our town, to equally share in the financial burden and yet consistently bear the unfair portion of the risk. I am not naive enough to

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understand that compromise is the political grease that makes a lot of things possible. It would be refreshing to see a balanced approach to this problem until economic conditions provide otherwise instead of the political maneuvering that permits you only to look after that which immediately affects you. Until then, at least, the record will show that I spoke for these people. Yes, I'm a Firefighter for the City of Canton, and I'm very proud of that. I'm grateful that you've allowed me the opportunity to share my concerns and my frustrations as one task with providing this service that everyone in this town has a right to expect. Thank you.

PRESIDENT DENCZAK: The next speaker is Brenda Baylor.

MS. BAYLOR: My name is Brenda Baylor and I live at 2722 Wood Owl NE and I'm President of the Georgeview Estate Neighborhood Association. I'm here tonight on behalf of the neighbors of Georgeview Estate to read a letter to you. Over the past 2 ½ years, my neighbors and I have come to Council to seek some type of resolution to the drainage problem that plagues our development. In the summer months, there is standing water in areas of the development, overworked sump pumps most of the time, and continuously running water - winter and summer. Also, in the winter, there are ice patches that are large, large enough to skate on. In an effort, rather, to display good faith, we have met with current and past Council members, City Engineering, Department Heads and the President of GEO Development, both individually and as a group, to come up with a viable solution to our problem. Most recently, the City sanctioned a survey to assess the drainage problem, which I have before me. However, the 2-page survey results do not address the problems and prove to be an incomprehensive defense to issues that arouse from resident concerns and not an actual field study. The City of Canton approved the Georgeview Project and constructed the drainage infrastructure for phase 1 and 2 for the development. Additionally, they approved the infrastructure for the 3<sup>rd</sup> phase. To date, we are still faced with issues of accountability between the City and the Developer and nothing has been done. Much has been said recently regarding revitalizing neighborhoods and constructing fair market value homes in the City of Canton. As part of a group of residents who are trying to do exactly that, even before it became a popular buzz phase for political candidates, it is a slap in the face that the City has been unwilling to step up to the plate and resolve the problems we face. As a last ditch effort to work with the City before proceeding with legal measures, we are requesting a meeting with you, Mayor Creighton, and any other pertinent prof....personnel to come up with a viable solution and a much needed and necessary action plan once and for all. Thank you.

MEMBER ZACHARY: Mr. President, I think you may recall, almost 3 years ago, that I was probably one of the first people to come down to Council to speak about this issue. I am still fighting for the same thing, almost 3 years later and I am in a position now, that I would not presume to use any influence that I have in Council to...to sway a solution. But, something does have to be done. I believe you were one of the people, as well as Member Casar, who came out to the development this summer and there is a problem there. It has got to be addressed. I would hope that the new Administration, as well as any current Council people including myself, who would be willing to assist in this matter, would do that. Thank you.

MAYOR WEIR-CREIGHTON: Mr. President. It's the Mayor.

PRESIDENT DENCZAK: Wait a minute, wait a minute, please. I have a difficult time recognizing women's voices — especially attractive ones. (*Laughter*) I hope I got outta that one. Honorable Mayor.

MAYOR WEIR-CREIGHTON: Thank you. Ms. Baylor, I will, if I could tonight, after the meeting, have your phone

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number and I will call you tomorrow and we will arrange a meeting.

MS. BAYLOR: Thank you very much.

MAYOR WEIR-CREIGHTON: Thank you.

SERVICE DIRECTOR ELLSWORTH: Mr. President, just a point of information. I, this is on my radar screen. I have, I will be going out to the development in the first week of March to look at some of these drainage issues with the developer. And I will see for myself some of these issues and I also would like to be part of any meeting with residents to address their concerns.

MEMBER CASAR: Mr. President, Service Director Ellsworth, I would also like to be present, if possible, because I've been out there 3, 4 times and something has to be done and the sooner, the better, so if you would, I would love to go along.

**MISCELLANEOUS BUSINESS**

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

MEMBER CASAR: Mr. President, I would like to ask the Service Director a question if I may. Mr. Ellsworth, we received a letter last week in regards to the paving program that's coming forth this year and I have a couple questions. Number one, how much do you anticipate out of 4501 that we'll have for the program this year?

SERVICE DIRECTOR ELLSWORTH: Well, the original request was for \$600,000. That was cut in half by virtue of the temporary appropriations, however, it will, we will at least ask for \$600,000, maybe more, depending on where the needs are. At this point, I'm not, it would be at least that amount, would be \$600,000.

MEMBER CASAR: My second question is, I hope that the new Administration, along with you, Service Director, will take into account the previous Administration, the programs where we had, you know, years up to a million dollars we were putting into a blacktop program and, the program didn't get started until August, sometimes September. And, because of that, they had to rush because of the weather and 2 years, I know for a fact, they didn't even finish it because the snow came. So, my question is, and hopefully kind of, other Council members will think the same way I do, that this program should get started as early as possible, perhaps July at the latest so that we could have a good program, especially the roads are taking their toll this year with the potholes and so forth, it's very crucial, and I know the prior, previous Administration said well, we can't get started until after the Hall of Fame. Well my opinion of that is, the heck with the Hall of Fame, let's get our roads taken care of and let's get this job done soon and not late. Just a good example of what happens when, when, they try to rush and get it in before the snow flies and, I think they did Superior Avenue, Dougherty's ward this year, in November. And, if you go drive that road today, you'll see the bad quality of the blacktop job. And I think that has to do with, with, because it's not, it's not warm, it's not spreading consistently and I think that that's something, hopefully, this Administration, when we go out for the bid, will dictate to the, the successful bidder that we want our program started at a due time, especially right around July when it's warm, it'll spread out and I think we'll get better life out of our roads that way.

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SERVICE DIRECTOR ELLSWORTH: Mr. President, as Budget Director it also would frustrate me that some of these monies would not get expended so very late in the year making it very difficult. It is my intention to get these programs started as soon as humanly possible. I'm not aware of the reason why the paving wasn't started until after Hall of Fame, but, in my mind, it should be started as soon as the weather gets warm enough to start paving. That's part of the reason why I asked the request that you get all of your requests in by the end of February so that the Street Department can begin its analysis of the paving condition to begin rating those roads that need, are in most serious need of repair because we need to take care of those issues. And, certainly if you're willing to put more than \$600,000 into the paving budget, I think it's certainly warrants it.

MEMBER DOUGHERTY: Mr. President, first of all, now that we've made it public that my ward was last, last year, (*laughter*) it should be first this year so that I can have some hot blacktop laid down on my street. But yeah, I would appreciate it if you would work with me very closely as Chairman of the Committee, and we've, we've lowered the monies for blacktop over the years because of certain things that were going on and we had to do that. We may need to look at that very closely this year because I think we're going to have some more issues, and we may have to look at raising that a little bit. So, we'll need to take a close look at that and please stay in touch with me on that.

SERVICE DIRECTOR ELLSWORTH: Mr. President, I, in fact, I was looking forward to your help in deciding how we are going to distribute the limited monies we will have available for capital. But, considering the kind of winter we've had, and all of you have driven on our roads and know the condition that they're in, I certainly think that an expanded paving program budget is warranted.

MEMBER DOUGHERTY: And, one of the problems too, so people know, and the Councilmen know, I mean, before we had the program when I first come in, all we did was keep blacktopping over top, over top, over top, and then, you know, you need to cut these streets down and, unfortunately, you do less streets because of that, but, they're done right and that's what we have to continue to do. But, we do have some other things to look at.

SERVICE DIRECTOR ELLSWORTH: Yeah, Mr. President, the new, the new policies have been to plane and grade all the, all the roads when they're re-surfaced now rather than just paving over. That will eliminate some of the drainage issues that come up when you just pile on the blacktop.

PRESIDENT DENCZAK: Mayor, you wish to say something?

MAYOR WEIR-CREIGHTON: I have another subject.

PRESIDENT DENCZAK: Oh. Are you finished Member Dougherty?... Honorable Mayor.

MAYOR WEIR-CREIGHTON: Thank you very much. First of all, Honorable Council, thank you very much for the approval of Chief of Staff Concatto and Safety Director Hunt. You have our quadruple pledge that we will all work hard. On another note, tonight, I wish to bring Council a point of information. I am pleased to inform Council of the Administration's intent to negotiate a contract for the management of the Civic Center. I'm now going to ask Bernie and Tad to both pass each way, some information. SMG is a Convention Center Management Company with a proven track record of over the last 10 years nationwide. SMG currently manages over 45 convention centers, 65 arenas, 7 stadiums, 41 theaters and other venues. In Ohio, SMG, and that is why I passed this out, because a few of these are missing; in

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Ohio, SMG manages the Nationwide Arena and the greater Columbus Convention Centers, the Dayton Airport Expo Center and in surrounding areas, they manage the Pittsburgh Civic Center, the Saginaw Civic Center and the Grand Rapids. As you can see from the map that I've pointed, passed out to all of you, some of those are not on there. Hosting more than 4500 conventions and entertainment opportunities a year, this will put Canton on a national circuit which will number one, increase event activity and number two, offer us operational expertise. Union employees currently at the Civic Center will not be affected by this change. In our exploration, we have sought the advice of the Canton Law Department and have included Councilman-At-Large Tom Bernabei in discussions. At the appropriate time, and after all the facts and due diligence is complete, the Administration will present to Council, a professional service contract for their consideration. Current fees, which are 17 years old, are also being reviewed.

PRESIDENT DENCZAK: Any other miscellaneous business?...

MEMBER ZACHARY: Mr. President, I'd like to ask the Safety Director a question regarding the article that was in the paper this past Saturday.

PRESIDENT DENCZAK: You may.

MEMBER ZACHARY: I'm just curious to know because we had a representative from the Fire Department here, which Ward 4 owns station 1 I guess, if you want to put it that way, and station 10 is in Ward 8 and I'd just, would like some clarification as to the comments that were in the paper because I did receive quite a few phone calls this weekend regarding that issue and I would like to be brought in on any further discussion as it pertains to possibly closing a Fire Station in ward 4 or even ward 8. I mean, it affects both Rosemary and I so I think I should be brought in on that.

SAFETY DIRECTOR HUNT: Mr. President, Member Zachary, at the present time, the Administration is reviewing all of the calls and run notations from every fire station in the City of Canton. The City Administration understands that a fire station is an integral part of every community. We have not made a decision insofar as station closings. Member Diamond attended the last meeting at the fire station, along with the Mayor, and individuals from labor. We are reviewing all information. We have made no determination at this time. The Mayor has to look at the information. We're all going to look at it. I would like to talk to you after this meeting to let you know the time and date of our next meeting so that you can provide input to that. It is our intention to be transparent with this decision and we will not make this decision lightly.

MEMBER ZACHARY: Thank you.

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

MEMBER WEST: Mr. President, I would like to ask the Mayor or Service Director a question in reference to all the ice that we've had in the past few weeks. Specifically, the alley ways that are leading to 12<sup>th</sup>, they have not been covered. I've had many calls on that where people could not get out. Are we covering those alleys up to 12<sup>th</sup>?

SERVICE DIRECTOR ELLSWORTH: Mr. President, Member West, we are attempting to get to as many of the alley ways as we can. Obviously when you get as many re-occurring ice events as we've had, it becomes difficult, particularly on roadways that don't get a lot of traffic. The, what people may not realize is that salt is activated by the friction of

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traffic which allows it to melt the ice. What happens in alley ways is that there's not enough friction to activate that salt. So, we're dumping salt and it's not doing anything. We are handling these on a case-by-case basis. We attempt to get to the alleyways but the main priorities are the main roads and the cross streets, so, if you have an alley way that is particularly problematic, you can certainly call me and we'll try to take care of it. But, again, just dumping salt may not take care of the problem and we've had that in a lot of instances.

MEMBER WEST: Also, along with the ice, because of the ice problems, is that causing a, a number of basements to be flooded or is it because of the drainage being frozen up or....?

SERVICE DIRECTOR ELLSWORTH: I've not heard anything about that.

LAW DIRECTOR MARTUCCIO: Mr. President, Member West, I do not profess to be an engineer, but, what conversations I have heard about that topic is that the ice has made certain surfaces that used to be absorbent, impermeable, so the water that's melting rolls across it and into low-lying surfaces which may be doorways or basements.

SAFETY DIRECTOR HUNT: Mr. President, I would just like to bring some information to Council that has to do with the Building Department. I've spoken to Roger Westfall and his employees today on a couple of topics. Number one, we've had 4 fires at 710 11<sup>th</sup> Street and, NW. I just wanted to bring Council up to date. I had given directions to Mr. Westfall that this house should be torn down on the 11<sup>th</sup> day. We gave a 10 day notice to the owner. I was informed by the Law Department that there is an investigation on-going from the Police Department and the Fire Department. I have obtained some of the Fire Department information so the home will not come down on the 11<sup>th</sup> day, it may take a little longer until the results of the, both investigations are complete. I'd just like to read this information from the Fire Department report for those present. They did find some information concerning who might have started the fire, and their information relates that, and I quote, "a tall, thin man in a red two-door car was seen at the first fire at this address" and this person was also seen at a fire at 710 Troy Place NW. The Police and Fire are still looking for this individual to question him. So, because this investigation is under, is on-going on both of these homes, it will take a little bit longer to get this house down. But, we are making sure that we are not wasting any time with this and as soon as we can get this investigation complete, we will be moving forward to take that house down. I'd also like to comment on the listing of 19 homes that Council voted on last Council meeting. Here again, Roger Westfall's department has been very forthcoming in providing information to our office. We are both allied together in removing these homes, demolishing these homes as soon as possible. Contracts have gone out for bids on 18 of these homes. One home has been taken off because it has been appealed. The bids are due Friday, February 13<sup>th</sup> at 2 pm. Once the demolition contractor has been notified of the award, he has 14 days to obtain the permits and 30 days to complete the demolition. I will be calling these companies to see if they can accomplish the demolition in a shorter period of time.

PRESIDENT DENCZAK: Mayor, Honorable Mayor. No, I'm asking. We're having trouble communicating here, aren't we?

MAYOR WEIR-CREIGHTON: Yes sir. Yes we are, we'll have to get on a different.....yes sir.

PRESIDENT DENCZAK: Is there a price tag to this?

MAYOR WEIR-CREIGHTON: Yes there is. We're still negotiating those numbers. I just brought it as a point of

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information tonight.

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

MEMBER DOUGHERTY: Mr. President, Safety Director, is there any way of knowing which one was taken off?

SAFETY DIRECTOR HUNT: Mr. President, Member Dougherty, I have that. I have too many folders here. The home that was taken off was 1220 Paul Place NE. The Building Department received notice of appeal on January 21<sup>st</sup>....

MEMBER DOUGHERTY: That's fine. That's fine. It's not ward 6, that's okay! *(laughter)*

MEMBER WEST: Mr. President. Two points. One is in regards to, is it 710 Troy Place, or no, 11<sup>th</sup> Street NW. We've called several times on that and I spoke with Gary and he moved very quickly on that and I just wanted to applaud the Building Department for moving so quickly. But, I also would like to say that, hopefully, that the Police Department, can move just as quickly with their investigation because that area is a, well the house, of course is a bad, a sore eye to our community and behind it, there's a garage that's open with a car inside and a lot of junk where kids can, where kids play up and down in that alley and what I'd like to see is that at least the garage be taken down of some sort or closed up or boarded up.

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

MEMBER CASAR: Mr. President, I'd like to ask the Service Director, a comment, and also a question to the Service Director. Mr. Ellsworth, last Friday and again today I gave you a list of 5 or 6 areas where debris has been dropped off, couches, mattresses, springs and so forth and etc. Well, they picked up a couple of them today but some of them are still out there and I thank you for the ones that they did get and I'm sure the other ones are forthcoming. My question is and you gave me the answer and I think you should probably repeat what you told me in regards to what this Administration's policies are going to be with regards to these type of debris lying around on sidewalks and lawnstrips and so forth, I know what the previous Administration's policy was, so if you would fill Council in, I'd appreciate it.

SERVICE DIRECTOR ELLSWORTH: Mr. President, my understanding of the previous Administration's policy on the pick up of trash, particularly that is left at vacant properties, was that we would not do so because it encourages people to bring in their trash from the outside and dump there. However, the problem that I've noticed and the Mayor has noticed, with that policy, is what happens is that you have trash piling up on sidewalks and that presents a public safety and public health issue. So, our policy is going to be, is to, if we see the trash, we're picking it up and then we're billing the home owner, the property owner. And, because it creates an eye-sore, it creates a hazard and we're going to, we will bill the property owners, but we're going to pick up that trash.

MEMBER CASAR: Service Director, if I may. Now, if it's on property that there's no address, vacant land, that will just be picked up and we'll absorb the cost?

SERVICE DIRECTOR ELLSWORTH: Yes sir.

MEMBER CASAR: Thank you.

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MEMBER HAWK: I applaud Tad Ellsworth for doing this for us. That's something that's been bothering and plaguing our neighborhoods for a good while and I really appreciate that happening. One of the most frustrating things we have is when we call in piles of trash like that and neighbors call us and inform us and we can't get it picked up, we've been using sometimes Community Service workers and I think what you're doing here is just absolutely wonderful. Thank you again.

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

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

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

NO REMARKS PERMITTED ON THE MOTION TO ADJOURN

ROLL CALL: 12 YEAS, 0 NAYS

ADJOURNMENT TIME: 8:51 P.M.

ATTEST:

APPROVED:

DEBRA VANCKUNAS  
CLERK OF COUNCIL

RAY DENCZAK  
PRESIDENT OF COUNCIL