

MINUTES OF THE MEETING OF JULY 10, 2006

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

ROLL CALL TAKEN BY CLERK TIMBERLAKE:

10 COUNCILMEMBERS PRESENT: (DON CASAR, MARY M. CIRELLI, BILL SMUCKLER, GREG HAWK, THOMAS E. WEST, JAMES GRIFFIN, TERRY PRATER, DAVID R. DOUGHERTY, RICHARD HART & KARL "BUTCH" KRAUS)

2 COUNCILMEMBERS ABSENT: JOE CARBENIA & KELLY ZACHARY

PRESIDENT DENCZAK: Will you please stand, we will have the invocation given by member Dougherty. Please remain standing for the Pledge of Allegiance.

The regular meeting of Canton City Council was held on Monday, July 10, 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 David Dougherty followed by the Pledge of Allegiance led by President Ray Denczak.

PRESIDENT DENCZAK: Thank you member Dougherty.

AGENDA CORRECTIONS & CHANGES

PRESIDENT DENCZAK: Member Kraus.

MEMBER KRAUS: Mr. President. I would like to ask Council and the Members and Guests tonight if we could have a moment of silence for a long time 8th ward resident, Don Stambaugh, his wife Julie worked in City Hall for many years, his daughter Taryn Heath is a County official, ah, Probate Magistrate. He was also the owner of Hub Victor and very active in many organizations. He passed away Friday and if we could have a moment of silence for Don. Thank you. *(A moment of silence was recognized for 8th Ward Resident, Don Stambaugh who was very active in many facets of the Community). Don passed away unexpectedly but peacefully at his residence on July 7, 2006) Amen.*

PRESIDENT DENCZAK: In the audience this evening, before we proceed. We'll have the young people who belong to the Ulster Organization please stand for recognition. *(APPLAUSE)* The Chair understands that at the next Council meeting, there will be a Resolution presented. Is that correct? Okay. Thank you very much. Agenda corrections and changes. Member Casar, you're asked to suspend Rule 22A to add second readings of Ordinances #12 through and including #16. The Chair will recognize that motion Member Casar.

MEMBER CASAR: Mr. President. I move we suspend Rule 22A be suspended to add Ordinances for second reading 12 through and including #16.

PRESIDENT DENCZAK: Moved and seconded to suspend Rule 22A. Are there any remarks? If not, roll call vote please.

NO REMARKS

ROLL CALL: 10 YEAS, 0 NAYS

PRESIDENT DENCZAK: Rule 22 is suspended and the Ordinances are a legal part of your agenda. You're being asked to suspend Rule 22B to adopt an Ordinance for second reading, No. 12. Mr. Casar the Chair will

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recognize that motion.

MEMBER CASAR: Mr. President. I move we suspend Rule 22B to adopt Ordinance on the second reading, Ordinance #12 and 14; seconded.

PRESIDENT DENCZAK: Moved and seconded to suspend Rule 22 to add, to adopt Ordinance 12 and 14. Are there any remarks? If not, roll call vote please

NO REMARKS

ROLL CALL: 10 YEAS, 0 NAYS

PRESIDENT DENCZAK: The Rule is suspended and you're being asked to suspend Rule 24B to add Resolution #59; Member Casar.

MEMBER CASAR: Mr. President. I move we suspend Rule 24B to add Resolution #59 to tonight's agenda; seconded.

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

NO REMARKS

ROLL CALL: 10 YEAS, 0 NAYS

PRESIDENT DENCZAK: Rule 24B is suspended and the Resolution is a legal part of your agenda. This brings your agenda up to date Members of Council.

PUBLIC HEARING

PRESIDENT DENCZAK: We have five (5) scheduled Public Hearing at this time. The first, the Chair opens it up to the public is in regards to an Ordinance adopting the City of Canton's proposed tax budget for fiscal year ending 12/31/2007 and declaring the same to be an emergency. Is there anyone in the audience wishing to speak for or against the tax budget, please come forward? Is there anyone in the audience wishing to speak for or against the tax budget, please come forward? Is there anyone in the audience wishing to speak for or against the tax budget, please come forward? Apparently not, the Chair declares the public hearing over in regards to this matter. The Ordinance will follow later on this evening. (See 2nd RDG O#12)

We have another scheduled Public Hearing. The Chair opens that up to an Ordinance amending Ordinance 55/77, as amended, known as the City of Canton Zoning Ordinance and declaring the same to be an emergency, the Canton Preservation society; assigning it to Ward 3, zoning same as PB-1 planned office business. Planning Commission recommends approval. Is there anyone in the audience wishing to speak for or against this Ordinance, please come forward? (See 2nd RDG O#18)

MR. SCAGLIONE: Good evening President of Council and Council Members. I have some pictures I would like.....

PRESIDENT DENCZAK: State your name and address.

MR. SCAGLIONE: Jason Scaglione, 3027 Glenn Place. We're neighbors to this property and I would like everyone to look at the pictures. I just wanted to start with a little history on this. On January 30, 2001, a re-

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zoning hearing was held to re-zone 131 Wertz to planned office building so the Preservation Society could move the historic Hartung house to this property. The building was then to be restored on the property maintained, maintaining the historical integrity of the building. It was also said that there would be a courtyard in the rear of the property and all the grounds landscaped and that this would help beautify this area. Now, on July 10, 2006, five years later, another hearing is being held to re-zone the property already owned by Canton Preservation Society as well as another property that they want to buy to demolish a house that stands on it for more parking. The Canton Preservation Society already owns parcel 9946 which is part of the zoning change request that was to be used for parking originally. In this zone change, they are requesting to rezone only one half of this parcel. Why only one half of this parcel? What is going to be done with the other half of this parcel? Is it going to be left to grow weeds as it has since they took ownership of it? This parcel has been mowed only twice this year by the Canton Preservation Society. One of those times was just before this hearing. Now, over five years after the house was moved to the four parcels it now sits on, only the front part of this property is landscaped. There's still a temporary fence around the rear of the property with building materials laying everywhere and not a bit of landscaping done. This property looks worse now than before the other properties were demolished to make room for this historic building to be moved here. I think before this zoning request is approved, there should be a few questions answered and also a completion of the original plans that were submitted back in 2001. The first question was, what is going to be done with it? The other half of the parcel, 9946, that is to be used for parking, why is only half of it being requested to be re-zoned for parking? How long should we be expected to have to look at the rear of this property unfinished as it has been since 2001 now? I think that the Canton Preservation Society should have to finish the property and complete the original plans before any further zoning change is approved by Council. This is yet another example of decay that goes on in this city. Just as it has been said before, there's a bad need for rental properties in the city to have stricter and higher minimal, minimal standards as well as upkeep on owner occupied properties. I think that also, this needs to be held to commercial properties too. When the project is started, it should be finished in a timely manner. I, I would like to know what's going to go on with this property and if it is, if it is going to be indeed finished in a timely manner.

PRESIDENT DENCZAK: Does anyone wish to respond to that?... I guess there's no one here that can speak....

MEMBER GRIFFIN: Mr. President.... may I speak from here or do I....

PRESIDENT DENCZAK: Member Griffin.

MEMBER GRIFFIN: Okay. As ward Councilman of this project, I'm highly in favor of it. The Preservation Society has done a great deal in that neighborhood to make it more beautiful. I talked to Mr. Engle and he assured me that, and I believe him, that they've done a lot on the inside of the interior of that house. Now, they're going to move on to the exterior and, I am in favor of passing this when it comes to the vote. Thank you.

PRESIDENT DENCZAK: I'm sorry, but under the Council rules, once a Member of Council responds to the person in the audience, I have to extend their time limit another 3 minutes. So, sir, you got another 3 minutes.

MR. SCAGLIONE: Thank you. My, my question still is, how long is this, is this gonna take? We've been since 2001 now and the rear of this property, still there's nothing done. Is there anything that can be done to assure that this will be done in a timely fashion?

PRESIDENT DENCZAK: Ah, sir, I understand that there's some people from Preservation Society that may speak. Maybe one of those can answer your question.

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MR. SCAGLIONE: Thank you.

PRESIDENT DENCZAK: You bet. Okay.

ATTORNEY BARNHART: My name is Gene Barnhart. I'm a lawyer. I'm here representing the Canton Preservation Society. I am a member of the Board of the Preservation Society and a past President. I do not know the gentleman who has spoke. He has never approached us with respect to his concerns and I regret that he chose this forum rather than talking with us. I would point out that the Preservation Society did in fact move a historic building which otherwise would have needed to have been destroyed because of the, because of the plans that Aultman Hospital had and in fact carried out. It cost us about \$200,000 to make that total move and to temporarily protect the building. Since that time, we have extended another \$400,000, actually \$440,000 now and, to suggest that there has not been an improvement in that neighborhood, I think stretches the imagination. With respect to the specific comments made by the gentleman. One, we do not propose to demolish any building. Secondly, with respect to the zoning, we already own one-half of the lot which I believe he's referring to because it's the only possible half lot that could be involved, because there had been an alley vacated and as the adjoining property owner, we own that one half. We acquired the other half from the property immediately to the north and consequently, our zone application referred to both items. It is true we do have some building materials in the backyard. As some of you may be aware, we're in the process of pursuing a \$300,000 restoration fund to complete the property. Our long-range plan is included in the format which was submitted to the Planning Commission and chose an extensive and detailed plan for the total development of the property, not only in the front, but in the back. We are having our annual fund raiser there in September. Presently the interior is basically done. By September, the front will look as the property did. We will not be able to complete all of this this year but I assure you that it will be completed in order. Thank you for your time.

PRESIDENT DENCZAK: Is there anyone else in the audience wishing to speak for or against this zone change, please come forward. Anyone else in the audience wishing to speak for or against this zone change, please come forward. Anyone else in the audience wishing to speak for or against this issue, please come forward. Apparently not, the Chair declares this public hearing over in regards to this matter. The matter now rests in the hands of Council. The ordinance will follow later this evening. We have another scheduled hearing. An ordinance amending Ordinance #55/77 as amended, known as the City of Canton zoning Ordinance and declaring the same to be an emergency. It's at 3912 Mahoning Road NE assigning to ward 6. Zoning same as PI-1. Planning Commission recommends it's approval. Is there anyone else in the audience wishing to speak for this, please come forward? Is there anyone else in the audience wishing to speak for or against the zone change, please come forward? Is there anyone else in the audience wishing to speak for or against the zone change, please come forward? Apparently not, the Chair declares the public hearing over in regards to this matter. The matter now rests in the hands of Council. The Ordinance will follow later this evening. We have another scheduled public hearing number 4. It's an Ordinance amending Ordinance No. 55/77 as amended, known as the City of Canton zoning Ordinance and declaring the same to be an emergency. The City of Canton, zoning the same as I-2, B3 and R-3. The Planning Commission recommends approval. Is there anyone in the audience wishing to speak for or against this zone change, please come forward. Is there anyone in the audience wishing to speak for or against this zone change, please come forward. Is there anyone in the audience wishing to speak for or against this zone change, please come forward. Apparently not, the Chair declares the public hearing over in regards to this matter. The matter now rests in the hands of Council. The Ordinance will follow later on this evening. Our final public hearing. It's an Ordinance vacating a portion of Hope Court SE and declaring the same to be an emergency; the First Mennonite Church and assigning it to ward 4. The Planning Commission recommends approval. Is there anyone in the audience wishing to speak for or against this vacation, please come

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forward? Is there anyone in the audience wishing to speak for or against this vacation, please come forward? Is there anyone in the audience wishing to speak for or against this vacation, please come forward? Apparently not, the Chair declares the public hearing over, over in regards to this issue and the matter will come to Council later on this evening.

PUBLIC SPEAKS

PRESIDENT DENCZAK: No one has signed up for public speaks under Ordinances or Resolutions.

INFORMAL RESOLUTIONS

PRESIDENT DENCZAK: Informal Resolutions excusing members. Member Casar.

MEMBER CASAR: Mr. President, I move that Member Carbenia and Member Zachary be excused from this evening's meeting; second.

PRESIDENT DENCZAK: Moved and seconded that Members Carbenia and Zachary be excused. Are there any remarks? If not roll call vote please.

NO REMARKS

ROLL CALL: 10 YEAS, 0 NAYS

PRESIDENT DENCZAK: Let the Journal show that Members Carbenia and Zachary have been excused. Resolution #59 please.

NOTE: PRESIDENT DENCZAK CALLED UPON THE CLERK OF COUNCIL TO READ THE FOLLOWING INFORMAL RESOLUTIONS #59 & #60 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 JULY 10, 2006.

#59. CASAR, DON, COUNCILMEMBER-AT-LARGE & CARBENIA, JOE, WARD 9 COUNCILMEMBER: RECOMMENDING THE CITY TO CONSIDER THE ESTABLISHMENT OF AN ANIMAL CONTROL OFFICE AND ANIMAL CONTROL OFFICER/S - ADOPTED

PRESIDENT DENCZAK: Member Casar.

MEMBER CASAR: Mr. President, I move we adopt Ordinance #59; seconded.

PRESIDENT DENCZAK: Moved and seconded that you adopt Ordinance, or Resolution #59, are there any remarks under this Resolution?

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 #59 IS ADOPTED BY UNANIMOUS VOICE VOTE

PRESIDENT DENCZAK: The Resolution is adopted. The Resolution will be referred to the Personnel Committee.

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#60. COUNCIL OF THE WHOLE: COMMENDING THE CANTON LEGENDS, OWNERS JOE HOFFMAN AND PAUL CIPAR AND HEAD COACH BOBBY OLIVE FOR THEIR WINNING SEASON. - ADOPTED

PRESIDENT DENCZAK: Member Casar.

MEMBER CASAR: Mr. President I move we adopt Resolution #60; seconded.

PRESIDENT DENCZAK: Moved and seconded that you adopt Resolution #60. Are there any remarks under this Resolution?

MEMBER CASAR: Mr. Resolution... ah, Mr. President, I request that the Clerk would please read Resolution #60.

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

CLERK TIMBERLAKE: ON MONDAY, JULY 3, 2006 AT THE FORUM IN ROME, GEORGIA, THE CANTON LEGENDS WON THE AMERICAN INDOOR FOOTBALL LEAGUE CHAMPIONSHIP. JUST TWO YEARS AFTER THE TEAM FORMED, THE CANTON LEGENDS, COACHED BY HEAD COACH BOBBY OLIVER, EXCUSE ME, BOBBY OLIVE, DEFEATED THE ROME RENEGADES 61-40 IN THE PRESENCE OF 2,220 PEOPLE BRINGING HOME THE AMERICAN INDOOR FOOTBALL LEAGUE CHAMPIONSHIP TROPHY; AND FINISHING WITH A 13-4 SEASON, THE PLAYERS HAVE CONTINUED TO DEMONSTRATE WHAT TEAM WORK IS ALL ABOUT. THE PLAYERS WERE FOCUSED ON ACHIEVING THEIR GOAL OF BECOMING THE AMERICAN INDOOR FOOTBALL LEAGUE CHAMPIONS; AND WE SAY CONGRATULATIONS TO TEAM MEMBERS CHRIS ARCHER, JO JO POLK, RANDY KNAPP, HARLEN JACOBS, DEFOREST HART, JERAMIAH BIRDEN, TIM SMITH, EDDIE ROBINSON, THOMAS MATTHEWS, KEVIN MASON, MIKE MILLS, DOUG SCHWABEROW, JR CIPRA, RASHAN HALL, BRANDON HAYES, NATHAN DEGASPERIS, MIKE ANDERSON, LARRY KINNARD JR., ROB HANNAH, RON WAIFE, MARQUES HAYES, OWNERS JOE HOFFMAN AND PAUL CIGAR, HEAD COACH BOBBY OLIVE AND ASSISTANT COACHES KEVEN JACKSON, ED KORNS, SHAWN LAZARUS AND MIKE BECHTEL FOR A JOB WELL DONE IN MAKING CANTON, OHIO PROUD; AND NOW THEREFORE, BE IT RESOLVED; THAT WE THE MEMBERS OF THE COUNCIL OF THE CITY OF CANTON, OHIO DO HEREBY GO ON PUBLIC RECORD AS COMMENDING THE CANTON LEGENDS, OWNERS JOE HOFFMAN & PAUL CIGAR & HEAD COACH BOBBY OLIVE FOR THEIR TREMENDOUS ENTHUSIASM, HARD WORK AND DEDICATION TO THEIR SPORT. BY WINNING THE AMERICAN INDOOR FOOTBALL LEAGUE CHAMPIONSHIP, YOU HAVE PROVEN THAT CANTON IS HOME TO THE BEST INDOOR FOOTBALL TEAM IN THE UNITED STATES! CONGRATULATIONS! (APPLAUSE)

PRESIDENT DENCZAK: Okay, the presentation is going to be made and those of you who have cameras, feel free to come up here in front and get your best shot. I only charge \$25 for it. So, if you have cameras and you want to take pictures, when the presentation is made, come forward. Are there any further remarks under this Resolution? All right, all those in favor signify by saying aye; those opposed no. The Resolution is adopted. Member Casar. (*Member Casar moved forward to podium to make the presentation. Comments were inaudible.*)

HEAD COACH: Thank you very much. I just wanted to say, it's not, you know, there's a lot that goes in,

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behind the scenes, a lot of us know this. Mayor Creighton, we appreciate your support and the community, we'd love to have you out. We have plenty of seats available yet and, and it's a tremendous amount of effort that these guys go through. We lost a guy, the very first play of the very first game and he's still a part of our team. But, that just goes to tell you that, you know, that ah, there's ah, there's some injuries that goes along, there's bumps and bruises all along, there's obstacles, there's some politics, there's a little bit of everything that goes into this and I just wanted to thank you and our challenge now is to keep a guy like this around. This guy here is Coach Olive, from Ohio State, played in the NFL for six years, played arena ball, brings a lot of experience to us, we've very very proud to have Coach Olive and the, and the selection of the coaches that he made for us; and, I will be knocking on a few doors to see if we're able to keep this guy around for next year or not. Thank you very much. (APPLAUSE)

COACH OLIVE: First of all, I just wanted to thank the Chamber for embracing the Canton Legends. I want to especially thank Mayor Creighton, you know, she's our number 1 fan. Thank you very much for supporting us. I also want to thank Mr. Hunt. He embraced me when I first came to Canton. We had a very interesting meeting, the first time, and I thank him for that; and second, well, our goal is always to win a championship but, next year, our goal is gonna be to repeat as champions and to sell out the Canton Civic Center and I hope we have a very, um, enthused, hostile crowd for the opposing team. (LAUGHTER) And, by the way, I went to "the" Ohio State University. Thank you very much. (APPLAUSE)

COMMUNICATIONS

PRESIDENT DENCZAK: All communications are received as read, filed, and properly referred.

NOTE: ALL COMMUNICATIONS WHICH FOLLOW, LISTED BY AGENDA TITLE, ARE ON FILE IN THEIR ENTIRETY IN THE COUNCIL OFFICE WITH THE AGENDA ITEMS FILE DATED JULY 10, 2006.

PRESIDENT DENCZAK: Members of Council. Communication #322 is from Mayor Creighton and I understand that the Mayor wants that adopted this evening. However, it's been referred to the Personnel Committee, therefore, the Personnel Committee must act on this so the Chair's going to declare a recess in-house, for the Personnel Committee to meet in regards to this communication from Mayor Creighton.

(In-house recess commenced @ 7:57 PM. Council member returned to regular session at 7:58 PM)

PRESIDENT DENCZAK: Member Casar, the Chair will recognize Rule 22, placing the communication back on the agenda. Member Casar.

MEMBER CASAR: Mr. President, I move we suspend Rule 22A and place Resolution number, I mean Communication #322 back on this evening's agenda.

PRESIDENT DENCZAK: Moved and seconded to place this issue back on the ballot. Are there any remarks? If not, roll call vote please.

NO REMARKS

ROLL CALL: 10 YEAS, 0 NAYS

PRESIDENT DENCZAK: The question before you now is the issue is back on the agenda. The question before you know is the adoption of this Resolution from the Personnel Committee. Member Casar.

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MEMBER CASAR: Mr. President, I move we adopt Resolution #332: Communication, I'm sorry; seconded.

PRESIDENT DENCZAK: Moved and seconded that Council adopt Communication #332 from the Mayor. Are there any remarks?... If not, by voice vote, all those in favor signify by saying aye; those opposed. The communication from the Personnel Committee is adopted.

322. AUDITOR R. A. MALLONN, CITY OF CANTON: REQUEST TO AMEND O.174/83 RE: CITY'S HEALTH & LIFE SELF INSURANCE FUND STRIKING FINAL SENTENCE OF SECTION 1 IN ACCORDANCE W/ORC & FEDERAL REGULATIONS. - PERSONNEL COMMITTEE
323. AUDITOR R. A. MALLONN, CITY OF CANTON: SUBMITTING YEARLY REPORT BY FUND THRU 6/30/06. - RECEIVED & FILED
324. AUDITOR R. A. MALLONN, CITY OF CANTON: SUBMITTING MONTHLY REPORT BY FUND THRU 6/30/06. - RECEIVED & FILED
325. CD & PLANNING DIRECTOR MARGY POORMAN, CITY OF CANTON: REQUEST AUTHORIZATION FOR MAYOR AND/OR SERVICE DIRECTOR TO MAKE APPLICATION FOR PHASE II ASSESSMENT CLEAN OHIO ASSISTANCE FUNDS AND TO ACCEPT SUCH FUNDS FOR FORMER CANTON DROP FORGE @ MARKET AVE., S & 11TH ST. SE. - COMMUNITY & ECONOMIC DEVELOPMENT COMMITTEE
326. DUTTON, J. STARK COUNTY ADMINISTRATOR, STARK COUNTY COMMISSIONERS, 110 CENTRAL PLAZA SOUTH, SUITE 240, CANTON, OH 44702: INFORMING OF UPGRADE TO STARK COUNTY EMERGENCY SYSTEM PROVIDING ENHANCED WIRELESS 9-1-1 SERVICE FOR CELL PHONES; RECOMMENDING TONI MIDDLETON TO FILL 'AT LARGE' MAYOR POSITION ON PLANNING COMMISSION & REQUESTING APPROVAL. - PERSONNEL COMMITTEE
327. HEALTH BENEFITS COORDINATOR BRESSON, CITY OF CANTON: JAN-JUNE 2006 MONTHLY COMPARATIVE REPORT OF INSURANCE CLAIMS - RECEIVED & FILED
328. HEALTH COMMISSIONER, ROBT. PATTISON, CITY OF CANTON: REQUEST TO APPROPRIATE \$5,000 OF UNAPPROPRIATED FUNDS FR: 2328 FUND TO 2328 PHI FUND . - FINANCE COMMITTEE
329. LAW DIRECTOR MARTUCCIO, CITY OF CANTON: REQUEST AUTHORIZATION FOR LEGISLATION RE: SALARY ADJUSTMENTS TO ATTORNEYS, MANAGEMENT & NON-BARGAINING UNIT STAFF IN THE CANTON LAW DEPT. - PERSONNEL COMMITTEE
330. LIQUOR CONTROL DIVISION, STATE OF OHIO, 6606 TUSSING ROAD, P O BOX 4005, REYNOLDSBURG, OHIO 43068: REQUEST TRANSFER OF OWNERSHIP OF C2 C2X LIQUOR PERMIT FR: JOHN'S CARRI OUT INC TO BELLA 7 LLC DBA MAGGIORES DRIVE THRU 15 @ 1037 DUEBER AVE., SW - INTERGOVERNMENTAL & PUBLIC SERVICE COMMITTEE
331. LIQUOR CONTROL DIVISION, STATE OF OHIO, 6606 TUSSING ROAD, P O BOX 4005, REYNOLDSBURG, OHIO 43068: REQUEST SPECIAL TRANSFER OF OWNERSHIP OF D2

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D2X LIQUOR PERMIT FR: IKON INC. TO SPEEDWAY SUPERAMERICA LLC DBA MARATHON 6234 @ 2331 FAIRCREST ST SW. - INTERGOVERNMENTAL & PUBLIC SERVICE COMMITTEE

332. MAYOR JANET CREIGHTON, CITY OF CANTON: REQUEST REAPPOINTMENT OF CURTIS WERREN TO CANTON PLANNING COMMISSION FOR SIX-YR. TERM EFFECTIVE 7/1/06 - 6/30/12. - PERSONNEL COMMITTEE
333. MAYOR JANET CREIGHTON, CITY OF CANTON: REQUEST AUTHORIZATION TO APPOINT RICHARD WATKINS TO SERVE ON THE INCOME TAX BOARD OF REVIEW FR: 7/1/06 THROUGH 2/28/09. - PERSONNEL COMMITTEE
334. SAFETY DIRECTOR BERNARD HUNT, CITY OF CANTON: REQUEST TO AUTHORIZE A \$1,030 SUPPLEMENTAL APPROPRIATION FR: THE 2111 STREET MAINTENANCE ACCOUNT TO PURCHASE ADDITIONAL TRAFFIC SIGNALS LED'S. - PUBLIC SAFETY & THOROUGHFARES AND FINANCE COMMITTEES
335. SERVICE DIRECTOR JOSEPH CONCATTO, CITY OF CANTON: REQUEST MAYOR AND/OR SERVICE DIRECTOR TO ENTER INTO CONTRACT FOR SALE OF DUNLAP HOUSE @ 402 HIGH AVENUE SW ACQUIRED BY AUTHORITY FOR THE FEDERAL CAMPUS PROJECT. - PUBLIC PROPERTY CAPITAL IMPROVEMENT COMMITTEE
336. SERVICE DIRECTOR CONCATTO, CITY OF CANTON: REQUEST SERVICE DIRECTOR TO ENTER INTO \$107,000 CONTRACT W/DIANO REALTY TO PURCHASE APPROXIMATELY 3 ACRES OF PROPERTY ON 30TH STREET NE TO HOUSE CITY'S COLLECTION SYSTEMS DEPARTMENT. - PUBLIC PROPERTY CAPITAL IMPROVEMENT COMMITTEE
337. SERVICE DIRECTOR CONCATTO, CITY OF CANTON: REPORT OF EMERGENCY REPAIRS MADE TO SANITARY SEWER ON 25TH STREET BY BITZEL EXCAVATING INC IN THE AMOUNT OF \$66,116.91, PURSUANT TO c#320 ON 6/19/06. - RECEIVED & FILED (SEE O#10)
338. TREASURER ROBT. SCHIRACK, CITY OF CANTON: BANK RECONCILIATIONS & CITY'S OUTSTANDING INVESTMENTS AS OF 6/30/06. - RECEIVED & FILED
339. TREASURER ROBT. SCHIRACK, CITY OF CANTON: JUNE 2006 PARKING METER REVENUE. - RECEIVED & FILED
340. TREASURER ROBT. SCHIRACK, CITY OF CANTON: DEPOSITS & PAY INS FOR MONTH OF JUNE 2006 FOR AMBULANCE LOCK BOX ACCOUNT. - RECEIVED & FILED
341. WEST, T. WARD 2 COUNCILMEMBER: REQUEST FOR COMMUNITY & ECONOMIC DEVELOPMENT TO REFRAIN FROM ECONOMIC DEVELOPMENT IN THE KRESGE LOT. - COMMUNITY & ECONOMIC DEVELOPMENT COMMITTEE

ORDINANCES & FORMAL RESOLUTIONS FOR FIRST READING

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

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NOTE: PRESIDENT DENCZAK CALLED UPON CLERK TIMBERLAKE TO READ THE ORDINANCES #1 THROUGH #11 FOR THE FIRST TIME BY TITLE & ANNOUNCED THE COMMITTEE REFERRAL, AS FOLLOWS.

- #1 (1ST RDG) AN ORDINANCE AMENDING ORDINANCE NO. 174/95 ESTABLISHING A PETTY CASH FUND FOR THE COUNCIL OFFICE; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Finance Committee
- #2 (1ST RDG) AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AMENDED ENTERPRISE ZONE AGREEMENT WITH RMI TITANIUM CO. DBA RTI ALLOYS; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Community & Economic Development Committee
- #3 (1ST RDG) AN ORDINANCE ESTABLISHING THE FAIR MARKET VALUE OF REAL PROPERTY IN CONJUNCTION WITH THE COLUMBUS ROAD/HARMONT AVENUE NE INTERSECTION PROJECT; AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO NEGOTIATE AND PURCHASE SAID PARCELS AT THE ESTABLISHED FAIR MARKET VALUES AND ENTER INTO A STANDARD HIGHWAY EASEMENT AND TEMPORARY EASEMENT; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Community & Economic Development and Finance Committees
- #4 (1ST RDG) A RESOLUTION DECLARING THE NECESSITY AND INTENT OF THE CITY OF CANTON TO APPROPRIATE PROPERTY WITHIN ITS CORPORATE LIMITS PURSUANT TO OHIO REVISED CODE CHAPTER 719 FOR THE PURPOSE OF ACQUIRING PROPERTY FOR THE COLUMBUS ROAD/HARMONT AVENUE NE INTERSECTION PROJECT; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Public Safety & Thoroughfares and Finance Committees
- #5 (1ST RDG) AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 1/2006, AS AMENDED, BY MAKING THE SUPPLEMENTAL APPROPRIATION HEREIN DESCRIBED; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Community & Economic Development and Finance Committees
- #6 (1ST RDG) AN ORDINANCE APPROVING AND ACCEPTING THE REPLATTING OF ALL OF LOTS 24608, 24609 AND 24610; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Public Safety & Thoroughfares Committee
- #7 (1ST RDG) AN ORDINANCE APPROVING AND ACCEPTING THE REPLATTING OF ALL OF LOTS 1436 AND 1437; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Public Safety and Thoroughfares Committee
- #8 (1ST RDG) AN ORDINANCE APPROVING AND ACCEPTING THE REPLATTING OF OUT LOT 1065; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Public Safety & Thoroughfares Committee

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- #9 (1ST RDG) AN ORDINANCE AMENDING EXHIBIT A TO ORDINANCE NO. 164/2001, AS AMENDED, THE CLASSIFICATION PLAN AND SALARIES FOR ALL MANAGEMENT AND NON-BARGAINING UNIT EMPLOYEES OF THE CITY OF CANTON; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Personnel Committee
- #10 (1ST RDG) AN ORDINANCE AUTHORIZING THE CITY AUDITOR TO PAY A MORAL OBLIGATION IN AN AMOUNT NOT TO EXCEED \$66,116.91 TO BITZEL EXCAVATING; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Finance Committee
- #11 (1ST RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A CONTRACT WITH CAMP DRESSER & MCKEE FOR BIDDING AND CONSTRUCTION SERVICES; AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ADVERTISE, RECEIVE BIDS AND ENTER INTO CONTRACT FOR THE WPCC BIOFILTER MEDIA REPLACEMENT PROJECT; AMENDING APPROPRIATION ORDINANCE NO 1/2006; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Environment & Public Utilities and Finance Committees

ORDINANCES & FORMAL RESOLUTIONS FOR SECOND READING

PRESIDENT DENCZAK: Ordinances and for the second reading please.

NOTE: PRESIDENT DENCZAK CALLED UPON CLERK TIMBERLAKE TO READ THE FOLLOWING ORDINANCES # 12 THROUGH #16 FOR THE SECOND TIME BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS

- #12 (2ND RDG) **ADOPTED AS ORDINANCE #109/2006** AN ORDINANCE ADOPTING THE CITY OF CANTON'S PROPOSED TAX BUDGET FOR FISCAL YEAR ENDING 12/31/2007; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Finance Committee **PUB HRG 7/10/06 @ 7:30 PM**

MEMBER CASAR: Mr. President. I move that the Statutory Rules be suspended on Ordinance #12; seconded.

PRESIDENT DENCZAK: There's a move to dispense with the three readings of Ordinance #12. Are there any remarks?... If not, roll call.

NO REMARKS

ROLL CALL: 10 YEAS, 0 NAYS

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

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

PRESIDENT DENCZAK: Moved and seconded that you adopt Ordinance #12. Are there any remarks under this Ordinance?... Very well, roll call vote please.

NO REMARKS

ROLL CALL: 10 YEAS, 0 NAYS

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PRESIDENT DENCZAK: Ordinance #12 is adopted. **#12 ADOPTED AS ORDINANCE #109/2006**

#13 (2ND RDG) AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 1/2006 AS AMENDED BY MAKING THE SUPPLEMENTAL APPROPRIATION HEREIN DESCRIBED; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Finance Committee

#14 (2ND RDG) AN ORDINANCE AMENDING EXHIBIT 'A' TO ORDINANCE 40/2000 AS AMENDED THE CLASSIFICATION PLAN FOR BARGAINING UNIT PERSONNEL EMPLOYED BY THE CITY OF CANTON; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Personnel Committee

PRESIDENT DENCZAK: Member Casar.

MEMBER CASAR: Mr. President. I move the Statutory Rules be suspended on Ordinance #14; seconded.

PRESIDENT DENCZAK: There's a move to dispense with the three readings of Ordinance #14. Are there any remarks?... If not, roll call vote.

NO REMARKS

ROLL CALL: 10 YEAS, 0 NAYS

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

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

PRESIDENT DENCZAK: We're lacking a second here.

MEMBER CIRELLI: Seconded.

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

NO REMARKS

ROLL CALL: 10 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance #14 is adopted **#14 ADOPTED AS ORDINANCE #110/2006**

#15 (2ND RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO AGREEMENT WITH THE STARK METROPOLITAN HOUSING AUTHORITY FOR THE RECONSTRUCTION OF A PUBLIC STORM SEWER; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Intergovernmental & Public Service and Finance Committee

#16 (2ND RDG) A RESOLUTION 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

MINUTES OF THE MEETING OF JULY 10, 2006**ORDINANCES & FORMAL RESOLUTIONS FOR THIRD AND FINAL READING**

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

NOTE: PRESIDENT DENCZAK CALLED UPON CLERK TIMBERLAKE TO READ THE FOLLOWING ORDINANCES #17 THROUGH #22 FOR THE THIRD TIME BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS. ALL THE ORDINANCES WERE ADOPTED BY COUNCIL FOLLOWING THEIR THIRD READING.

#17 (3RD RDG) **ADOPTED AS ORDINANCE #111/2006** AN ORDINANCE APPROVING AND ACCEPTING THE REPLATTING OF OUTLOTS 683 AND 684, PART OF OUTLOT 695 AND LOTS 34591, 34596 - 34601, 34885 AND 34886; AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT DENCZAK: Member Casar?

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? Very well, roll call vote please.

NO REMARKS

ROLL CALL: 10 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance #17 is adopted. **#17 ADOPTED AS ORDINANCE #112/2006**

#18 (3RD RDG) **ADOPTED AS AMENDED AS ORDINANCE #112/2006** AN ORDINANCE AMENDING ORDINANCE NO. 55/77, AS AMENDED, KNOWN AS THE CITY OF CANTON ZONING ORDINANCE; AND DECLARING THE SAME TO BE AN EMERGENCY **PUBLIC HRG. 7/10/06 @ 7:31 PM**

PRESIDENT DENCZAK: Member Casar?

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?

MEMBER CASAR: Mr. President. I move we amend Ordinance 18 per the copy of each Councilman has in front of them.

PRESIDENT CASAR: Moved and seconded to amend this Ordinance per the copy before each of you. You will notice that it is correct on your agenda and it must be correct on the Ordinance. So, the question we're voting on now is the amendment. By voice vote, all those in favor signify by saying aye; those opposed no.

NO REMARKS

AMENDMENT PASSED BY UNANIMOUS VOICE VOTE

PRESIDENT DENCZAK: The amendment has passed Member Casar.

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

PRESIDENT DENCZAK: Moved and seconded that Council adopt Ordinance #18 as amended. Are there any remarks?

MEMBER HART: Mr. President. Um, again, I've been a long-term Board Member of Canton Preservation and during that time period, Canton Preservation has been involved, beginning the Millennium Project, downtown Canton, it's administered funds for facade grants for downtown, it's restored and secured a number of old Victorian homes which are now being restored. Former Board Member Mike Boylan worked with Councilman Greg Hawk in the Summit Neighborhood. Over the years, I'll be the first one to admit when you look at, at the old Philomatheon Home, you know, it was a shambles when it was moved there and if you go on the inside and begin to look at the outside, it's slowly becoming a jewel; and if you go through the inside, you'll see exactly what I mean and the outside, probably within the next year, will be just as nice as what the inside, and it's been a total restoration and it'll be something great that the rest of that neighborhood and the community around will be able to build around, just like what's happened with downtown and the Millennium Project and again, with Mr. Griffin said, I'd urge you all to support this. Thank you.

PRESIDENT DENCZAK: Any other remarks?... The question you're voting on now is Ordinance 18 as amended. Roll call vote please.

NO REMARKS

ROLL CALL: 10 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance #18 is adopted.

#18 ADOPTED AS AMENDED AS ORDINANCE #112/2006

#19 (3RD RDG) **ADOPTED AS AMENDED AS ORDINANCE #13/2006** AN ORDINANCE AMENDING ORDINANCE NO. 55/77, AS AMENDED, KNOWN AS THE CITY OF CANTON ZONING ORDINANCE; AND DECLARING THE SAME TO BE AN EMERGENCY

PUBLIC HRG. 7/10/06 @ 7:32 PM

PRESIDENT DENCZAK: Member Casar?

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

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

MEMBER CASAR: Mr. President. I move we adopt Ordinance number, amend Ordinance #19 per copy each person has in front of them; seconded.

PRESIDENT DENCZAK: Moved and seconded to amend Ordinance #19 per the copy before each of you. Are there any remarks under the amendment?... If not, the question you're voting on now is the amendment. By voice vote, all those in favor signify by saying aye; those opposed no. The amendment has passed. The question before you is the Ordinance as amended. Are there any remarks? If not, roll call vote please...

NO REMARKS

ROLL CALL: 10 YEAS, 0 NAYS

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PRESIDENT DENCZAK: Ordinance #19, as amended, has been adopted.

#19 ADOPTED AS AMENDED AS ORDINANCE #113/2006

#20 (3RD RDG) **ADOPTED AS AMENDED AS ORDINANCE #114/2006** AN ORDINANCE AMENDING ORDINANCE NO. 55/77, AS AMENDED, KNOWN AS THE CITY OF CANTON ZONING ORDINANCE. **PUBLIC HRG. 7/10/06 @ 7:33 PM**

PRESIDENT DENCZAK: Member Casar?

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.

MEMBER CASAR: Mr. President. I move we amend Ordinance #20 per copy that each Councilperson has in front of them; seconded.

PRESIDENT DENCZAK: Moved and seconded to amend this Ordinance per the copy before each of you. Are there any remarks with regards to the amendment? If not, by voice vote, all those in favor signify by saying aye; those opposed no. The amendment has passed. The question before you now is the Ordinance as amended. Are there any further remarks?... If not, roll call vote please.

NO REMARKS

ROLL CALL: 10 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance #20, as amended has been adopted.

#20 ADOPTED AS AMENDED AS ORDINANCE #114/2006

#21 (3RD RDG) **ADOPTED AS ORDINANCE #115/2006** AN ORDINANCE VACATING A PORTION OF HOPE COURT SE; AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT DENCZAK: Member Casar?

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 Ordinance? Very well, roll call vote please.

NO REMARKS

ROLL CALL: 10 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance #21 is adopted.

#21 ADOPTED AS ORDINANCE #115/2006

#22 (3RD RDG) **ADOPTED AS ORDINANCE #116/2006** AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ADVERTISE, RECEIVE BIDS AND ENTER INTO AN 18-MONTH CONTRACT FOR THE INSTALLATION OF BACKWATER VALVES; AND DECLARING THE SAME TO BE AN EMERGENCY

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PRESIDENT DENCZAK: Member Casar?

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? Very well, roll call vote please.

NO REMARKS

ROLL CALL: 10 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance #22 is adopted.

#22 ADOPTED AS ORDINANCE #116/2006

ANNOUNCEMENT OF COMMITTEE MEETINGS

PRESIDENT DENCZAK: Announcement of Committee Meetings please.

MEMBER CASAR: Mr. President. The Community & Economic Development Committee will meet July 24th at 6:00.

MEMBER KRAUS: Mr. President. The Public Safety and Thoroughfares will meet 6/24 at 6:00.

MEMBER HAWK: Mr. President. Finance Committee will meet the 24th at 6:00.

MEMBER PRATER: Mr. President. Personnel Committee will meet 6/24 at 6:00.

MEMBER GRIFFIN: Mr. President. Environmental and Public Utilities will meet 6:00 on the 24th.

MEMBER KRAUS: Mr. President. I stand corrected, at 7/24; it's not 6/24.

PRESIDENT DENCZAK: Any other committees?

PUBLIC SPEAKS (OPEN FORUM--CITY BUSINESS ONLY)

PRESIDENT DENCZAK: Public Speaks. We have four people signed up to speak this evening. The first person is Henry Preston.

MR. PRESTON: Good evening Mr. President, Madame Mayor, Councilmembers. I'm a concerned citizen. MY name is Henry Preston. I live at 1718 Market Avenue North, Canton, 44714. The reason I'm here tonight is to speak about why Mr. Ken Ippolito is bad for the City of Canton. Now why do I say that? Because he is a liar and a manipulator. In February of this year, Ken Ken Ippolito bought four apartment complexes here in the City of Canton; the Embassy Apartments now named Park Place was one of the apartments that Ken Ippolito purchased. I have lived 10 months prior in the Embassy Apartments before Ken Ippolito purchased the Embassy and assumed oversight management of the property. When I moved into the Embassy Apartments, Rick Ash was our apartment maintenance man. Rick Ash is the best apartment maintenance man that I have ever encountered. He is one of a kind. He is a one man show. In the winter the salt spreading is always just right. In the summer he maintains the flower beds, cleans up outside and takes care of any other outside problems. He knows how to lease apartments and performs 95% of all maintenance function within the apartments. Some times he would fix

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minor problems for residents when he was off duty. He has demonstrated a genuine compassion for the residents. About 2 weeks after Ken Ippolito's acquisition of the Embassy Apartments, some of his personnel showed up and we, the residents, met them. I was not impressed with what I saw. To me, they are maintenance imposters. From that meeting on, I have watched and taken special notice as to what activity Ken Ippolito's maintenance people are performing. Briefly, it takes 7 of Ken Ippolito's maintenance personnel to perform what Rick Ash did all by himself. Ken Ippolito pulled Rick Ash out of the Embassy Apartments and assigned him to perform other tasks at other apartment complexes. Ken Ippolito's maintenance personnel still have to call Rick for simple maintenance repairs occasionally. For example, several apartments have water leaking from their apartment ceilings. Rick had to come by and show the resident plumber and his assistant how to use the rotar rooter. Apparently, the laundry room drains are not being cleaned on a regular basis so the drains are starting to back up. We, the residents at Embassy and Park Place apartments do not believe that Ken Ippolito has made our lives, homes and lives better. We don't live in the flower beds, on the asphalt yellow strips, swings or gazebo. Mr. Ippolito is quoted in the June 27th edition of the Repository, "we make people's homes and lives better." Jeff Cleaver, an Ippolito employee was quoted by the Akron Beacon Journal August 29, 2005, his boss says about making people's lives better. Madame Mayor, Mr. President, Council Members, I have a petition here that I circulated amongst the residents. I have 14 here. I want to read what the petition that they signed. I am very unhappy about the treatment about the residents and the maintenance performed at the Embassy Park Place Apartments, as Mr. Ken Ippolito has purchased these apartments. On June the 27th....

PRESIDENT DENCZAK: Sir.... I'm sorry but, under Council Rules, your 3 minutes are up and that's all the time you have.

MR. PRESTON: Okay, real quick...

PRESIDENT DENCZAK: Go ahead.

MR. PRESTON: Okay, I... what this man has done is, I call them maintenance imposters, imposters. He's hired habitual sexu, sexua..sexual offender. He's got a rap sheet that's 2 pages long. It goes back to 1987 from 2006, 1987. Ah, we the residents are very concerned about what kind of people he's bringing in. I'm also concerned about he used the Canton Repository as a, ah, a stage for his smoking mirrors program. Last year, in August, he used the Akron Beacon Journal and he gets a lot of publicity here.

PRESIDENT DENCZAK: Okay now sir, I'm sorry but, bring your remarks to a close because Council has only provided you with 3 minutes, and you've over-extended that now. So....

MR. PRESTON: Okay, um, I didn't realize I only have 3 minutes. I wasn't told that..

PRESIDENT DENCZAK: That's a Council Rule.

MR. PRESTON: Thank you.

PRESIDENT DENCZAK: The next speaker is Bob Swihart.

MR. SWIHART: Good evening Madame Mayor, Ladies and Gentlemen of the Council. I'm here to testify that....

PRESIDENT DENCZAK: State your address please sir. Your name and address.

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MR. SWIHART: Pardon me?

PRESIDENT DENCZAK: State your name and address.

MR. SWIHART: Mine?

PRESIDENT DENCZAK: Yes.

MR. SWIHART: My name is Swihart. Bob Swihart and I live at 1718 Market Avenue North., Canton.

PRESIDENT DENCZAK: Okay okay.

MR. SWIHART: I fell, in my bathroom because of the drainage system was, it was not cleaned out or secure and I fell and I have a spinal cord injury. I got the paper here from the doctor..... (*A medical document was issued to Council Members from Mr. Swihart*) and everything that Mr. Preston said is the truth. I'm 80 years old. I'm an old man and to have an injury like I have now, I can't, I can't say very much more, and I wanna thank you Madame Mayor and Ladies and Gentlemen of the Council. Thank you.

PRESIDENT DENCZAK: Is this being passed around? Member Casar, make sure that we get that paper back. The next speaker is Jeffrey Howenstine.

MR. HOWENSTINE: My name is Jeffrey Howenstine. I live at 606 22nd Street NW Canton. I live in Ward 7 and am a member of the Oak Place Neighborhood Association. I've lived at this address for the last 11 years. A few years back, myself and some other neighbors started getting water in our basements. I don't know, maybe the problem was occurring before we moved in, and the dragon didn't rear its ugly head yet. Nonetheless, I called the city and then I spoke with various departments. The Law Director was quick to tell me what I could not do, however, no one could tell me what I could do. I have talked with Richard Hart. He seems anxious to deal with the problem and it has showed up at my door on many a stormy night. The project on Market Avenue has seemed to have cleared up some of the problem, but we are still getting sewer water backed up in our basements. I have been told that we have 100 year rain. I have been told that we have 50 year rain. It would seem to me that on 22nd Street, we have a unique weather pattern that would soon to realize that these catastrophic rains so frequently and for that reason, we may need to use special consideration in addressing this problem. There is a river of water that flows down from 25th Street from Bethel Temple area and uses Woodland Avenue as a corridor into the neighborhood. The last 50 year rain we had on Thursday, June 22nd created a river over knee-deep and backed sewage back into my basement. I am really sick and tired of being at work and running home in the middle of my work day. I am sick and tired of being at a restaurant wolfing down my meal or asking for a to-go container to go home and clean other people's poop out of my basement. I am tired of waking up in the morning and going downstairs and finding a mess of stink, filth and disease. I know Mr. Hart tells me I and maybe one other person bother to call him to let him know the problem. When I talked to my neighbors, may people tell me, oh yea, we got wet in our basement. Then I ask them, did you call the city, did you call Mr. Hart. Their response is almost always, well, no, apparently we have another condition on 22nd Street. It is apathy. My hope that this disease apathy does not exist in a plague, Mayor Creighton, or this Council, after all, much of what now sits on 25th Street was once Molly Stark; just a big field soaked up the water. Where did everyone think the water was going to go and all the building just continues. I'm aware of the fact that we cannot un-do what has already been done. I'm certainly in full, full support of progress. The buildings are not going to go away so we need to fix the infrastructure. We need better sewers. We need not to have storm sewers tied into sanitary sewers, which whose idea was that anyways? I, recently, heard you Mayor Creighton, talk about cleaning up Canton so that people will want to come here to live, and I'm doing my part to make Canton a better City to live

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in. I truly believe you don't have to move to live in a better neighborhood. I hope that my words may move this group of City Leaders to act quickly to fix a problem that has gone far too long. Thank you. (APPLAUSE)

PRESIDENT DENCZAK: Thank you. The next speaker is Sheldon Garkow.

MR. GARKOW: I'm Sheldon Garkow of 5315 Schuller Drive NE and I also have water. My water started when the developer raised the lots behind me 20 years ago. At that time I approached City Council and I was told a zoning, the zoning is perfect and the building permits were issued; live with it. I've had 2 other City Councilmen since then; one didn't return phone calls and the other one said live with it. Fortunately, I have Mr. Kraus now who on the 4th of July found time to come and see the puddle behind my house. I, I've got a pump back there that runs almost 24 hours a day that I put in myself and it takes 24, tonight's rain will be gone in 24 hours. So, I'm not talking about 50 gallons of water, I'm talking about 5,000 gallons of water. I ask you people, please do something and do it quickly because my basement's filling out. Thank you. (APPLAUSE)

PRESIDENT DENCZAK: You are aware of this problem Member Kraus?

MEMBER KRAUS: I am Mr. President. Can I speak at this time or wait for....

PRESIDENT DENCZAK: No, under Miscellaneous Business, okay? Okay, that ends the Public Speaks.

MISCELLANEOUS BUSINESS

PRESIDENT DENCZAK: We're now under Miscellaneous Business. Is there any Miscellaneous Business? Member Hawk.

MEMBER HAWK: Mr. President, I would like to call a Finance Committee meeting for July 13th at 10 a.m. in the Caucus Room. It is our quarterly budget review if all the department heads want to come in and take a look and make sure that we've got this budget under control. It's worked well and will continue to work well. We're looking forward to meeting with everyone. If I may have another moment of your time. Also on that day, Thursday, July 13th at 11 am, here in Council Chambers we will have US Attorney Gregory White coming in. He will present, he will be presenting us with our official certificate of recognition for Weed and Seed. At that time, he will also be speaking, be presenting John Ferrero with a check to help for Project Safe Neighborhoods. Judge Brown will also be in to speak of his recidivism program, his re-entry program; bringing people back in and keeping his out of jail. These are 3 very very very helpful and very serious law enforcement issues that will be helping our City and our County in the future and I thank everyone. You're invited to attend.

PRESIDENT DENCZAK: Now Member Hawk, will you please send a letter requesting the use of the Chamber per Ordinance. Member Smuckler, you may be excused if you wish to leave now. Member Kraus.

MEMBER KRAUS: Yes Mr. President. Ah, I'd like to thank Mr. Garkow for coming down here. Hopefully, not a lot of people from the 8th Ward will need to come speak from this microphone. Um, the problem that he has, has been a very large problem in the 8th ward. What he has now is a series of fresh drains his own subpump, try to keep the water, he's getting flooded from the property above him. As you know, I'm a big advocate of infrastructure and drainage. One of the things I hope to establish with this Council and Administration is to set aside some funds, somewhere along the lines where we can deal strictly with drainage issues. Um, drainage is going to be a problem until we do address it but, I am aware of this and it has been turned over, with the pictures to the new, um, hydraulics expert that we hired for the, ah, engineer's office and he's going to be working with me on this issue and no one will never get told and, no one ever not get a phone call from this seat. (APPLAUSE)

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PRESIDENT DENCZAK: Ah, Member of Council, Members of Council, the Chair wishes to apologize to you. Your rules have changed this term and I mistakenly said that the speaker has a total of 6 minutes to speak under Public Speaks, it's a total of 6. Under Public Hearings, it's a total of 15. So, I want to correct that and ah, so that doesn't, that doesn't happen again; and Mayor, I received a note here passed to me, I won't tell you who gave it to me but, it's from a Republic Member of this Council. (LAUGHTER)

MAYOR CREIGHTON: Well, that narrows it down.

PRESIDENT DENCZAK: The note reads Toyota is building a plant in Millersburg. How did we miss this economic development? They will be building buggies and ridings with the Amish and they were called a company Toyoder. Typical Republican joke. (LAUGHTER) Is there any other Miscellaneous Business? Member Cirelli.

MEMBER CIRELLI: Mr. President. This is a question, I guess I'll direct it to either the Mayor or Mr. Concatto. We have diesel vehicles in our fleet here?

MR. CONCATTO: Repeat it, I'm sorry I didn't hear it.

MEMBER CIRELLI: Ah, do we have diesel fuel vehicles in any of our fleets?

MR. CONCATTO: Mr. President. Yes.

MEMBER CIRELLI: Ah, I was wondering if you might entertain something I could send you on soy biodiesel for a fuel because of the cost of, of ah, diesel fuel and what have you. We all know what's happening on those and I just wanted to bring that to your attention. Thank you.. cuz it's compatible with them.

MEMBER WEST: Mr. President. Yes, I just wanted to make an announcement. This weekend is the O...the second annual O'Jays celebration weekend and on Saturday, as you have probably read in the paper, there is a free concert in downtown, Market Avenue so please come out and support that but also, on Sunday, Sunday, we're having a family reunion. There's going to be about 30 celebrities that are coming to town. It's going to be a real exciting event. We have a kid's kingdom where it's free rides for everyone. Some free hotdogs and things like that so people can bring their children down there and have a great time. So, also there's a scholarship dinner at the Hall of Fame, Football Hall of Fame and there are tickets still available and all of the proceeds for this evening will go to support scholarships for children. This year, from last year, we are able now to produce five scholarships that will be given out at that dinner so, please come out and support it.

PRESIDENT DENCZAK: Is there any other Miscellaneous Business?...

MEMBER CASAR: Mr. President?

PRESIDENT DENCZAK: Member Casar.

MEMBER CASAR: I move we adjourn; seconded.

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

NO REMARKS

ROLL CALL: 9 YEAS, 0 NAYS

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CLERK TIMBERLAKE: 9 yeas Mr. President.

PRESIDENT DENCZAK: This meeting is adjourned.

ADJOURNMENT TIME: 8:35 PM

ATTEST:

APPROVED:

CYNTHIA TIMBERLAKE
CLERK OF COUNCIL

RAY DENCZAK
PRESIDENT OF COUNCIL