

MINUTES OF THE MEETING OF JUNE 2, 2003

The regular meeting of Canton City Council was held on Monday, June 2, 2003, 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 Councilmember David Dougherty, followed by the Pledge of Allegiance led by President of Council Denczak.

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 OF COUNCIL:

10 COUNCILMEMBERS PRESENT: (BILL SMUCKLER, MARY M. BABCOCK, GREG HAWK, RICHARD A. MALLONN II, CRAIG MASSEY, JOHN R. MROCKOWSKI, DAVID R. DOUGHERTY, RICHARD D. HART, ROSEMARY DIAMOND, & JOE CARBENIA)

2 COUNCILMEMBERS ABSENT: (DONALD E. CASAR, KATHLEEN ALTIERI BUCHER)

AGENDA CORRECTIONS & CHANGES

PRESIDENT DENCZAK: Members of Council, you're being asked to adopt Ordinances 11 and 18 under first readings this evening and that brings your agenda up to date.

PUBLIC HEARINGS

PRESIDENT DENCZAK: We have a scheduled public hearing for 7:30. The chair now opens that public hearing in regards to the request by Aultman Health Foundation to vacate parts of Mosley Court SW and Stanwood Place SW. Planning Commission recommends approval. Is there anyone in the audience wishing to speak for or against this vacation, please come forward....

MR. FRIEDL: Ed Friedl, Aultman Hospital, 1010 Edgewood Street SE, North Canton. In order to begin construction of our new facility later this summer, Aultman Health Foundation is requesting to vacate these alleys to allow construction of a new parking lot. This parking lot is required to replace parking that are currently parked on the area where the building will sit. We need this parking in order to begin the construction of our new facility and have adequate parking that this area displaces. Thank you.

PRESIDENT DENCZAK: Is there anyone else in the audience wishing to speak for or against this issue, please come forward.... Is there anyone else in the audience wishing to speak for or against this issue, please come forward.... Is there anyone else in the audience wishing to speak for or against this issue, 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.With the request of the ward councilman, the

chair's going to exercise the prerogative and go from the original place on the agenda to Ordinances under third reading. Ordinance Number 23.

ORDINANCES & FORMAL RESOLUTIONS FOR THIRD READING

PRESIDENT DENCZAK: First, let the chair announce that all ordinances are being given their reading this evening according to state law. Ordinance Number 23, Member Smuckler.

NOTE: PRESIDENT DENCZAK CALLED UPON CLERK VANCKUNAS TO READ THE FOLLOWING ORDINANCE #23 FOR THE THIRD & FINAL TIME BY TITLE, AS FOLLOWS.

#23 (3RD RDG) **ADOPTED AS ORDINANCE NO. 98/2003** AN ORDINANCE VACATING PORTIONS OF MOSLEY COURT SW AND STANWOOD PLACE SW; AND DECLARING THE SAME TO BE AN EMERGENCY.

MEMBER SMUCKLER: Mr. President, I move we adopt Ordinance number 23; seconded.

PRESIDENT DENCZAK: Moved and seconded that Ordinance Number 23 be adopted. Are there any remarks?...

MEMBER SMUCKLER: Mr. President, I move we amend Ordinance Number 23 by changing Section 3 to read as follows: These vacancies are further conditioned upon Aultman Health Foundation providing access to Mosley Court from Arlington through a new 15 foot license to access purposes located 5 feet hereto of the southern edge of lot number 10199, located approximately 5 feet north of the southern edge of lot number 10199; seconded.

PRESIDENT DENCZAK: Moved and seconded to amend this ordinance per Member Smuckler. Does every member of council have this, Member Smuckler, or just you?

MEMBER SMUCKLER: No, I just got it in writing myself. I will pass onto the Clerk and that's why I read the whole amendment.

PRESIDENT DENCZAK: Okay. The question before you now is the amendment as proposed by Member Smuckler. Are there any remarks...?

MEMBER CARBENIA: Mr. President...

PRESIDENT DENCZAK: ...under this amendment?... Member Carbenia?

MEMBER CARBENIA: Who is the maker of the amendment? If I may ask?

MEMBER SMUCKLER: Member Mallonn.

PRESIDENT DENCZAK: Any further remarks under the amendment?... The question you're voting on now is the amendment. By voice vote, all those in favor signify by saying aye. Those opposed, no.

NO REMARKS

AMENDMENT TO ORDINANCE NO. 98/2003
ADOPTED BY UNANIMOUS VOICE VOTE

PRESIDENT DENCZAK: The amendment is passed. The question before you now is the ordinance as amended. Are there any remarks under this ordinance as amended?... Very well, roll call vote, please.

NO REMARKS

ROLL CALL: 9 YEAS, 0 NAYS, 1 ABSTENTION (DOUGHERTY)

PRESIDENT DENCZAK: Ordinance number 23 as amended has been adopted. We'll go back to the original place on the agenda. **#23 ADOPTED, AS AMENDED, AS ORDINANCE NO. 98/2003**

PUBLIC SPEAKS (ORDINANCES OR RESOLUTIONS FOR ADOPTION ONLY)

PRESIDENT DENCZAK: Public Speaks - Ordinances or Resolutions. No one has signed up for that portion

INFORMAL RESOLUTIONS

PRESIDENT DENCZAK: Informal Resolutions, excusing members. Member Smuckler....?

MEMBER SMUCKLER: Mr. President, I move that Member Casar and Member Altieri be excused this evening; seconded.

PRESIDENT DENCZAK: Moved and seconded that Members Altieri and Casar be excused. Are there any remarks?... If not, roll call vote.

NO REMARKS

ROLL CALL: 10 YEAS, 0 NAYS

PRESIDENT DENCZAK: Let the journal show that Members Altieri and Casar have been excused.

MEMBER CARBENIA: May I have a point of privilege?

PRESIDENT DENCZAK: Yes. State it.

MEMBER CARBENIA: Don Casar was just operated on Friday. He had cervical surgery on 2 or 3, or a disc on his neck, and that's why he's not here. He just was released today and he is in quite a bit of pain and I would hope that we would keep him in our prayers and he would probably like a couple of get well cards. Thank you.

COMMUNICATIONS

PRESIDENT DENCZAK: All Communications are received as read.

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

June 2, 2003

196. AUDITOR KIM R. PEREZ: REQUEST FOR ADDITIONAL AMENDED CERTIFICATE DATED 3/28/03. - CLERK OF COUNCIL
197. AULTMAN HOSPITAL, MARK WRIGHT, CFO, 2600 SIXTH ST SW, CANTON 44710-1799: REQUEST TO REZONE PART OF OL #1020, PART OF LOT #10215 & LOT #4157 LOCATED ON NORTH SIDE OF 6TH STREET SW FROM B-2, R-1A, & B-1 TO PCS, COMMUNITY SERVICE DISTRICT, FOR 4-STORY ADDITION WITH HELIPAD TO EXISTING HOSPITAL. - PLANNING COMMISSION
198. DALE, LaVERNE E., JR., 3827 KIRBY AVE NE, CANTON 44705-4337: REQUEST TO REZONE LOT #37259 AT 3827 KIRBY AVENUE NE FROM R-1A TO PB-3, PLANNED GENERAL BUSINESS, FOR EXPANSION OF EXISTING BUSINESS. - PLANNING COMMISSION
199. HART, RICHARD D., WARD 7 MEMBER, CANTON CITY COUNCIL: LETTER TO PARK SUPERINTENDENT REQUESTING TO DETOUR ALL TRAFFIC FROM THE WALKING TRACK BRIDGE TO THE TENNIS COURTS UNTIL BRIDGE IS REPAIRED. - RECEIVED & FILED
200. LIQUOR CONTROL DIVISION, STATE OF OHIO, 6606 TUSSING RD, PO BOX 4005, REYNOLDSBURG OH 43068-9005: NOTIFICATION THAT PETER G. PAPACOSTAS, DBA CANTON AGORA SOCIAL CLUB @ 520 4TH NE, HAS REQUESTED A NEW D5 LIQUOR LICENSE. - INTERGOVERNMENTAL & PUBLIC SERVICE COMMITTEE
201. MAYOR RICHARD D. WATKINS, CITY OF CANTON: REQUEST TO AMEND O.40/2000, THE BARGAINING UNIT PERSONNEL ORDINANCE, TO REFLECT A CONTRACT AMENDMENT WITH AFSCME LOCAL 2937 RE: WATER DIVISION. - LAW DIRECTOR (See O#1 & 2, 1st Rdg)
202. PLANNING COMMISSION, SHEILA K. THARP-BARRINO, SECRETARY, CITY OF CANTON: RECOMMENDING APPROVAL OF ZONE CHANGE REQUESTED BY LaVERNE DALE JR. FROM R-1A TO PB-3, PLANNED GENERAL BUSINESS, TO EXPAND THE VERN DALE WATER CENTER AT 3827 KIRBY AVE NE. - LAW DIRECTOR **PUBLIC HRG 7/14/03 @ 7:30 PM**
203. PLANNING COMMISSION, SHEILA K. THARP-BARRINO, SECRETARY, CITY OF CANTON: RECOMMENDING APPROVAL OF ZONE CHANGE REQUESTED BY HAMMONTREE & ASSOCIATES FOR LAMBOS INVESTMENT PARTNERS LTD & HELEN ROWAN FROM R-1A TO PB-3, PLANNED GENERAL BUSINESS, TO EXPAND KENTUCKY FRIED CHICKEN AT 2303 WEST TUSC. - LAW DIRECTOR **PUBLIC HRG 7/14/03 @ 7:31 PM**
204. PLANNING COMMISSION, SHEILA K. THARP-BARRINO, SECRETARY, CITY OF CANTON: RECOMMENDING APPROVAL OF ZONE CHANGE REQUESTED BY HASENSTAB ARCHITECTS FOR AULTMAN HOSPITAL FROM B-1, B-2 & R-1A TO PCS, PLANNED COMMUNITY SERVICE, FOR MAJOR EXPANSION OF AULTMAN HOSPITAL AT 2600 6TH SW. - LAW DIRECTOR **PUBLIC HRG 7/14/03 @ 7:32 PM**
205. PLANNING COMMISSION, SHEILA K. THARP-BARRINO, SECRETARY, CITY OF CANTON: RECOMMENDING APPROVAL OF ZONE CHANGE REQUESTED BY ATTORNEY CHARLES

HALL FOR CANTON CITY SCHOOLS & MICHAEL GRAVILLA FROM R-1A TO PB-4, PLANNED SPECIAL BUSINESS, TO PERMIT AN AUTOMOBILE DETAILING SHOP. - LAW DIRECTOR
PUBLIC HRG 7/14/03 @ 7:33 PM

206. SAFETY DIRECTOR JOSEPH J. CONCATTO, CITY OF CANTON: REQUEST TO ACCEPT GRANT FOR PURCHASE OF A COMPUTER TO REPORT TO OHIO EMS INCIDENT REPORTING SYSTEM; & REQUEST \$940 SUPPLEMENTAL APPROPRIATION FROM THE 2812 EMS TRAINING & EQUIPMENT FUND. - LAW DIRECTOR (See O#3, 1st Rdg)
207. SERVICE DIRECTOR MICHAEL L. MILLER, CITY OF CANTON: REQUEST TO APPROVE A WATER MAIN EXTENSION ALONG DIAMOND, DAWNWOOD & WILLIAM STREET NE IN PLAIN TWP. - LAW DIRECTOR (See O#4, 1st Rdg)
208. SERVICE DIRECTOR MICHAEL L. MILLER, CITY OF CANTON: REQUEST TO APPROVE A WATER MAIN EXTENSION FOR SARATOGA HILLS SUBDIVISION IN PLAIN TWP. - LAW DIRECTOR (See O#5, 1st Rdg)
209. SERVICE DIRECTOR MICHAEL L. MILLER, CITY OF CANTON: REQUEST TO APPROVE SUPPLEMENTAL APPROPRIATIONS (\$24,000 & ETC), A TRANSFER (\$10,190), & INTERFUND TRANSFERS (\$24,000 & ETC), FOR YOUTH DEVELOPMENT'S SUMMER FOOD PROGRAM 2003. - LAW DIRECTOR (See O#6, 1st Rdg/ADOPTED AS ORDINANCE NO. 99/2003)
210. SERVICE DIRECTOR MICHAEL L. MILLER, CITY OF CANTON: REQUEST TO ADVERTISE, RECEIVE BIDS & ENTER INTO A \$150,000 CONTRACT FOR PHASE I CONSTRUCTION OF THE REIFSNYDER PARK WETLAND & STREAM RESTORATION MASTER PLAN; \$13,900 CONTRACT WITH URS CORPORATION FOR BIDDING & CONSTRUCTION SERVICES; & \$163,900 SUPPLEMENTAL APPROPRIATION FROM THE 5410 SANITARY SEWER FUND. - LAW DIRECTOR (See O#7, 1st Rdg)
211. SERVICE DIRECTOR MICHAEL L. MILLER, CITY OF CANTON: REQUEST TO APPROVE \$50,000 SUPPLEMENTAL APPROPRIATION FROM THE CORNERSTONE PARKING DECK FUND. - LAW DIRECTOR (See O#8, 1st Rdg)
212. SERVICE DIRECTOR MICHAEL L. MILLER, CITY OF CANTON: REQUEST TO APPROVE VARIOUS SUPPLEMENTAL APPROPRIATIONS (\$126,804.07 & ETC.) TO REPAY OWDA DEBT OBLIGATIONS IN THE LAKE-HARTVILLE WATER LINE EXTENSION. - LAW DIRECTOR (See O#9, 1st Rdg)
213. SERVICE DIRECTOR MICHAEL L. MILLER, CITY OF CANTON: REQUEST TO EXECUTE & DELIVER EASEMENT OF CITY OWNED PROPERTY TO THE REPOSITORY FOR WAREHOUSE EXPANSION ON WALNUT AVENUE SE. - LAW DIRECTOR (See O#10, 1st Rdg)
214. SERVICE DIRECTOR MICHAEL L. MILLER, CITY OF CANTON: REQUEST TO ACCEPT A PROPERTY DONATION FROM THE J R COLEMAN COMMUNITY RENOVATION CORPORATION TO BE IMPROVED TO CORRESPOND WITH IMPROVEMENTS TO THE STARK ELECTRIC TRAIL. - LAW DIRECTOR (See O#11, 1st Rdg/ADOPTED AS ORDINANCE NO. 100/2003)

215. SERVICE DIRECTOR MICHAEL L. MILLER, CITY OF CANTON: REQUEST TO EXECUTE & DELIVER EASEMENT OF CITY OWNED PROPERTY TO EUGENE C. WACKERLY, INC. FOR UNDERGROUND UTILITY LINE ON PART OF COURT AVENUE NE. - LAW DIRECTOR (See O#12, 1st Rdg)
216. SERVICE DIRECTOR MICHAEL L. MILLER, CITY OF CANTON: REQUEST TO APPROVE A WATER MAIN EXTENSION TO CANTON SOUTH HIGH SCHOOL & AMOS MCDANNEL ELEMENTARY SCHOOL IN CANTON TWP. - LAW DIRECTOR
217. TREASURER ROBERT C. SCHIRACK, CITY OF CANTON: COMPARATIVE REPORT OF CASH RECEIPTS AS OF APRIL 30, 2003 - RECEIVED & FILED
218. WILLIAMS, BRUCE, AGENT FOR PETITIONER: COPY OF ANNEXATION PETITION DOCUMENTS FILED WITH STARK COUNTY COMMISSIONERS RE: JEFFRIES BROTHERS ANNEXATION CONSISTING OF 147.051 ACRES IN CANTON & PLAIN TOWNSHIPS. - RECEIVED & FILED

ORDINANCES & FORMAL RESOLUTIONS FOR FIRST READING

PRESIDENT DENCZAK: We go now to Ordinances for the first reading and referral. Ordinance Number 1.

NOTE: PRESIDENT DENCZAK CALLED UPON CLERK VANCKUNAS TO READ THE FOLLOWING ORDINANCES #1 THROUGH AND INCLUDING #21 FOR THE FIRST TIME BY TITLE & ANNOUNCED THE COMMITTEE REFERRAL, AS FOLLOWS. FOLLOWING ITS FIRST READING & A COMMITTEE MEETING, ORDINANCES #6, 11 & 18 WERE RETURNED TO THE AGENDA FOR ADOPTION.

- #1 (1ST RDG) AN ORDINANCE AUTHORIZING A CONTRACT AMENDMENT BETWEEN THE CITY OF CANTON AND LOCAL 2937 AND OHIO COUNCIL 8, AFSCME; AND DECLARING THE SAME TO BE AN EMERGENCY.
Referred to Personnel Committee
- #2 (1ST RDG) AN ORDINANCE AMENDING EXHIBIT A TO ORDINANCE NO. 40/2003, 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
- #3 (1ST RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY TO ACCEPT A GRANT IN THE AMOUNT OF \$940.00 FROM THE OHIO DEPARTMENT OF PUBLIC SAFETY FOR THE FIRE DEPARTMENT; AMENDING APPROPRIATION ORDINANCE NO. 236/2002, AS AMENDED, BY MAKING THE SUPPLEMENTAL APPROPRIATION HEREIN DESCRIBED; AND DECLARING THE SAME TO BE AN EMERGENCY.
Referred to Finance Committee

- #4 (1ST RDG) AN ORDINANCE APPROVING A CANTON CITY WATER MAIN EXTENSION TO PLAIN TOWNSHIP; AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CONTRACT FOR THE EXTENSION OF SAID WATER MAIN; AND DECLARING THE SAME TO BE AN EMERGENCY.
Referred to Environmental & Public Utilities Committee
- #5 (1ST RDG) AN ORDINANCE APPROVING A CANTON CITY WATER MAIN EXTENSION TO PLAIN TOWNSHIP; AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CONTRACT FOR THE EXTENSION OF SAID WATER MAIN; AND DECLARING THE SAME TO BE AN EMERGENCY.
Referred to Environmental & Public Utilities Committee
- #6 (1ST RDG) **ADOPTED AS ORDINANCE NO. 99/2003** AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 236/2002, AS AMENDED, BY MAKING THE SUPPLEMENTAL APPROPRIATIONS AND TRANSFERS HEREIN DESCRIBED; AND DECLARING THE SAME TO BE AN EMERGENCY.
Referred to Finance Committee
- #7 (1ST RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ADVERTISE, RECEIVE BIDS AND ENTER INTO CONTRACT IN AN AMOUNT NOT TO EXCEED \$150,000.00 FOR THE CONSTRUCTION ASPECT OF THE REIFSNYDER PARK WETLAND PHASE I; AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CONTRACT WITH URS CORPORATION IN AN AMOUNT NOT TO EXCEED \$13,900.00 FOR BIDDING AND CONSTRUCTION ADMINISTRATION SERVICES ASSOCIATED WITH THE PROJECT; AMENDING APPROPRIATION ORDINANCE NO. 236/2002, AS AMENDED, BY APPROPRIATING FROM THE UNAPPROPRIATED BALANCE AND ALLOCATING SAME TO ITEMS HEREIN DESCRIBED; AND DECLARING THE SAME TO BE AN EMERGENCY.
Referred to Environmental & Public Utilities and Finance Committees
- #8 (1ST RDG) AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 236/2002, AS AMENDED, BY MAKING THE SUPPLEMENTAL APPROPRIATION HEREIN DESCRIBED; AND DECLARING THE SAME TO BE AN EMERGENCY.
Referred to Finance Committee
- #9 (1ST RDG) AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 236/2002, AS AMENDED, BY MAKING THE SUPPLEMENTAL APPROPRIATIONS AND TRANSFERS HEREIN DESCRIBED; AND DECLARING THE SAME TO BE AN EMERGENCY.
Referred to Finance Committee
- #10 (1ST RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO EXECUTE AND DELIVER TO COPLEY OHIO NEWSPAPERS, INC. AN EASEMENT ON PROPERTY OWNED BY THE CITY OF CANTON; AND DECLARING THE SAME TO BE AN EMERGENCY.
Referred to Public Safety & Thoroughfares Committee

- #11 (1ST RDG) **ADOPTED AS ORDINANCE NO. 100/2003** AN ORDINANCE AUTHORIZING THE CITY OF CANTON TO ACCEPT DONATION OF REAL PROPERTY; AND DECLARING THE SAME TO BE AN EMERGENCY.
Referred to Community & Economic Development Committee
- #12 (1ST RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO EXECUTE AND DELIVER TO EUGENE C. WACKERLY, INC. EASEMENT ON PROPERTY OWNED BY THE CITY OF CANTON; AND DECLARING THE SAME TO BE AN EMERGENCY.
Referred to Public Safety & Thoroughfares Committee
- #13 (1ST RDG) AN ORDINANCE AUTHORIZING THE CITY AUDITOR TO PAY A MORAL OBLIGATION IN THE AMOUNT OF \$1,178.00 TO WEST GROUP; AND DECLARING THE SAME TO BE AN EMERGENCY.
Referred to Community & Economic Development and Finance Committees
- #14 (1ST RDG) AN ORDINANCE AMENDING ORDINANCE NO. 17/89, AS AMENDED, AUTHORIZING THE MAYOR TO ENTER INTO AN AMENDED CONTRACT WITH THE CANTON COMMUNITY IMPROVEMENT CORPORATION TO ADMINISTER ADDITIONAL COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS IN AN AMOUNT NOT TO EXCEED \$600,000.00; AND DECLARING THE SAME TO BE AN EMERGENCY.
Referred to Community & Economic Development and Finance Committees
- #15 (1ST RDG) AN ORDINANCE AUTHORIZING THE MAYOR AND/OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CONTRACT WITH THE CANTON COMMUNITY CLINIC, INC. TO PROVIDE A GRANT IN AN AMOUNT NOT TO EXCEED \$251,000.00 FOR OPERATIONAL EXPENSES; AND DECLARING THE SAME TO BE AN EMERGENCY.
Referred to Community & Economic Development and Finance Committees
- #16 (1ST RDG) AN ORDINANCE AUTHORIZING THE MAYOR AND/OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CONTRACT WITH THE CANTON REGIONAL CHAMBER OF COMMERCE TO PROVIDE A GRANT IN AN AMOUNT NOT TO EXCEED \$160,000.00 FOR A COMPREHENSIVE DOWNTOWN DEVELOPMENT PLANNING ASSISTANCE PROGRAM AND AN ECONOMIC DEVELOPMENT PROGRAM; AND DECLARING THE SAME TO BE AN EMERGENCY.
Referred to Community & Economic Development and Finance Committees
- #17 (1ST RDG) AN ORDINANCE AUTHORIZING THE MAYOR AND OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CONTRACT WITH THE STARK COUNTY DISTRICT LIBRARY IN AN AMOUNT NOT TO EXCEED \$104,000.00 FOR THE PURCHASE OF FURNITURE AND EQUIPMENT FOR THE MADGE YOUTZ LIBRARY; AND DECLARING THE SAME TO BE AN EMERGENCY.
Referred to Community & Economic Development and Finance Committees
- #18 (1ST RDG) **ADOPTED AS ORDINANCE NO. 101/2003** AN ORDINANCE AUTHORIZING THE

MAYOR AND/OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CONTRACT WITH THE CANTON SYMPHONY ORCHESTRA ASSOCIATION TO PROVIDE A GRANT IN AN AMOUNT NOT TO EXCEED \$27,470.00 FOR THE 2003 CONCERT IN THE PARK; AND DECLARING THE SAME TO BE AN EMERGENCY.

Referred to Community & Economic Development and Finance Committees

#19 (1ST RDG) AN ORDINANCE TERMINATING THE REAL ESTATE AND PERSONAL PROPERTY TAX EXEMPTIONS FOR DANNER PRESS CORPORATION AND DBH ASSOCIATES; AND DECLARING THE SAME TO BE AN EMERGENCY.

Referred to Community & Economic Development Committees

#20 (1ST RDG) AN ORDINANCE AMENDING ORDINANCE NO. 122/92, AS AMENDED, AUTHORIZING THE MAYOR TO ENTER INTO AN AMENDED AGREEMENT WITH STARK COUNTY OUT OF POVERTY PARTNERSHIP, INC. TO PROVIDE ADDITIONAL FUNDING; AND DECLARING THE SAME TO BE AN EMERGENCY.

Referred to Community & Economic Development and Finance Committees

#21 (1ST RDG) AN ORDINANCE ESTABLISHING THE FAIR REUSE VALUE OF TWO PARCELS OF CITY-OWNED REAL PROPERTY; AUTHORIZING THE SALE AND CONVEYANCE OF SAID PROPERTY PURSUANT TO THE CITY'S RESIDENTIAL LAND DISPOSITION PROGRAM; AND DECLARING THE SAME TO BE AN EMERGENCY.

Referred to Community & Economic Development and Finance Committees

PRESIDENT DENCZAK: The Chair is now going to declare an in-house recess for the Committees on Community Economic Development and the Finance to discuss the signing out on Ordinances 11 and 18. You are now in recess.

AT 7:56 P.M., COUNCIL RECESSED FOR A COMMITTEE MEETING ON ORDINANCES NUMBER 6, 11 AND 18, WHICH WERE RETURNED TO THE AGENDA FOR ADOPTION. PRESIDENT DENCZAK RECONVENED THE COUNCIL MEETING AT 8:07 P.M.

PRESIDENT DENCZAK: Member Smuckler?....

MEMBER SMUCKLER: Mr. President, I move on Ordinance Number 6 that we dispense with the statutory three readings; seconded.

PRESIDENT DENCZAK: Moved and seconded to dispense -- Member Smuckler you have to...

MEMBER SMUCKLER: I apologize. You're right. Mr. President, I move we suspend Rule 22A and add Ordinances 6, 11 and 18 to the agenda; seconded.

PRESIDENT DENCZAK: Moved and seconded to suspend with Rule 22A to add Ordinances 6, 11 and 18 back to the agenda. Are there any remarks?... If not, roll call vote, please.

NO REMARKS

ROLL CALL: 10 YEAS, 0 NAYS

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

MEMBER SMUCKLER: Mr. President...

PRESIDENT DENCZAK: Those pills are working. (LAUGHTER)

MEMBER SMUCKLER: For somebody.

PRESIDENT DENCZAK: These are legitimate pills. Member Casar -- I miss him.

MEMBER SMUCKLER: And you thought I had name recognition, Healy. (ADDRESSING JAMIE HEALY, WHO RAN FOR MAYOR, IN THE AUDIENCE)

PRESIDENT DENCZAK: All right, come on, come on. Give me a break here.

#6 **ADOPTED AS ORDINANCE NO. 99/2003** AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 236/2002, AS AMENDED, BY MAKING THE SUPPLEMENTAL APPROPRIATIONS AND TRANSFERS HEREIN DESCRIBED; AND DECLARING THE SAME TO BE AN EMERGENCY.

MEMBER SMUCKLER: Mr. President, I move we suspend Rule... Statutory three readings of Ordinance Number 6; seconded.

PRESIDENT DENCZAK: Moved and seconded to dispense with the three readings -- dispense with the three readings of Ordinance Number 6. Are there any remarks?... If not, roll call vote.

NO REMARKS

ROLL CALL: 10 YEAS, 0 NAYS

PRESIDENT DENCZAK: You've heard the 3 readings, Mr. Smuckler.

MEMBER SMUCKLER: Mr. President, I move that we adopt Ordinance number 6; seconded.

PRESIDENT DENCZAK: Moved and seconded that you adopt Ordinance number 6. Are there any remarks under this ordinance?... Very well. Roll call vote please.

NO REMARKS

ROLL CALL: 10 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance Number 6 is adopted. **#6 ADOPTED AS ORDINANCE NO. 99/2003**

#11 **ADOPTED AS ORDINANCE NO. 100/2003** AN ORDINANCE AUTHORIZING THE CITY OF CANTON TO ACCEPT DONATION OF REAL PROPERTY; AND DECLARING THE SAME TO BE AN EMERGENCY.

PRESIDENT DENCZAK: Ordinance Number 11, Member Smuckler.

MEMBER SMUCKLER: Mr. President, I move we suspend Statutory three readings of Ordinance Number 11; seconded.

PRESIDENT DENCZAK: There's a move to dispense with the three readings of Ordinance Number 11. Are there

are remarks?... If not, roll call vote, please.

NO REMARKS

ROLL CALL: 10 YEAS, 0 NAYS

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

MEMBER SMUCKLER: Mr. President, I move we adopt Ordinance Number 11; seconded.

PRESIDENT DENCZAK: Moved and seconded that you adopt Ordinance Number 11. Are there any remarks under this Ordinance?... Very well. Roll call vote, please.

NO REMARKS

ROLL CALL: 10 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance Number 11 is adopted.

#11 ADOPTED AS ORD NO. 100/2003

#18 **ADOPTED AS ORDINANCE NO. 101/2003** AN ORDINANCE AUTHORIZING THE MAYOR AND/OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CONTRACT WITH THE CANTON SYMPHONY ORCHESTRA ASSOCIATION TO PROVIDE A GRANT IN AN AMOUNT NOT TO EXCEED \$27,470.00 FOR THE 2003 CONCERT IN THE PARK; AND DECLARING THE SAME TO BE AN EMERGENCY.

PRESIDENT DENCZAK: Number 18, Member Smuckler....

MEMBER SMUCKLER: Mr. President, I move we suspend Statutory three readings of Ordinance Number 18; seconded.

PRESIDENT DENCZAK: Moved and seconded to dispense with the three readings of Ordinance Number 18. Are there any remarks?... If not, roll call vote, please.

NO REMARKS

ROLL CALL: 10 YEAS, 0 NAYS

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

MEMBER SMUCKLER: Mr. President, I move we adopt Ordinance Number 18; seconded.

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

NO REMARKS

ROLL CALL: 10 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance Number 18 is adopted.

#18 ADOPTED AS ORD NO. 101/2003

ORDINANCES & FORMAL RESOLUTIONS FOR SECOND READING

PRESIDENT DENCZAK: There are no ordinances and formal resolutions for the second reading.

ORDINANCES & FORMAL RESOLUTIONS FOR THIRD READING

PRESIDENT DENCZAK: Ordinances and Formal Resolutions for their third and final reading. Ordinance number 22.

NOTE: PRESIDENT DENCZAK CALLED UPON CLERK VANCKUNAS TO READ THE FOLLOWING ORDINANCES #22 THROUGH #29 FOR THE THIRD & FINAL TIME BY TITLE, AS FOLLOWS.

#22 (3rd RDG) **ADOPTED AS ORDINANCE NO. 102/2003** 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.

PRESIDENT DENCZAK: Member Smuckler....?

MEMBER SMUCKLER: Mr. President, I move we adopt Ordinance Number 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 Number 22 is adopted.

#22 ADOPTED AS ORD NO. 102/2003

PRESIDENT DENCZAK: Ordinance Number 23 was previously adopted as amended. Ordinance Number 24, please.

#24 (3RD RDG) **ADOPTED AS ORDINANCE NO. 103/2003** AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CONTRACT WITH NORTHWEST CONSULTANTS INCORPORATED IN AN AMOUNT NOT TO EXCEED \$23,436 FOR CONSTRUCTION CONTRACT PLANS OF THE ROADWAY APPROACH AND STRUCTURE FOR THE GUILDFORD AVE NW BRIDGE REPLACEMENT GP 1075; AMENDING APPROPRIATION O.236/2002 AS AMENDED BY MAKING THE TRANSFER HEREIN DESCRIBED AND DECLARING THE SAME TO BE AN EMERGENCY.

PRESIDENT DENCZAK: Member Smuckler....?

MEMBER SMUCKLER: Mr. President, I move we adopt Ordinance Number 24; seconded.

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

NO REMARKS

ROLL CALL: 10 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance Number 24 is adopted.

#24 ADOPTED AS ORD NO. 103/2003

#25 (3RD RDG) **ADOPTED AS ORDINANCE NO. 104/2003** AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CONTRACT WITH MOTTER & MEADOWS ARCHITECTS IN AN AMOUNT NOT TO EXCEED \$63,300 FOR ARCHITECTURAL/ENGINEERING SERVICES FOR A NEW SEWER DEPARTMENT FACILITY TO BE LOCATED AT THE WATER POLLUTION CONTROL CENTER; AMENDING APPROPRIATION O.236/2002 AS AMENDED BY MAKING THE SUPPLEMENTAL APPROPRIATION HEREIN DESCRIBED AND DECLARING THE SAME TO BE AN EMERGENCY.

PRESIDENT DENCZAK: Member Smuckler....?

MEMBER SMUCKLER: Mr. President, I move we adopt Ordinance Number 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: 10 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance Number 25 is adopted.

#25 ADOPTED AS ORD NO. 104/2003

#26 (3RD RDG) **ADOPTED AS ORDINANCE NO. 105/2003** AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO CONTRACT WITH THE OHIO DEPT OF TRANSPORTATION FOR THE CONSTRUCTION OF THE SECOND SECTION OF THE I-77 WIDENING PROJECT TO THE CITY OF CANTON; AMENDING APPROPRIATION O.236/2002 AS AMENDED BY MAKING THE SUPPLEMENTAL APPROPRIATION HEREIN DESCRIBED AND DECLARING THE SAME TO BE AN EMERGENCY.

PRESIDENT DENCZAK: Member Smuckler....?

MEMBER SMUCKLER: Mr. President, I move we adopt Ordinance Number 26; seconded.

PRESIDENT DENCZAK: Moved and seconded that you adopt Ordinance 26. Are there any remarks under this Ordinance?... Very well. Roll call vote, please.

NO REMARKS

ROLL CALL: 10 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance Number 26 is adopted.

#26 ADOPTED AS ORD NO. 105/2003

#27 (3RD RDG) **ADOPTED AS ORDINANCE NO. 106/2003** AN ORDINANCE AUTHORIZING THE

CITY AUDITOR TO PAY A MORAL OBLIGATION IN THE AMOUNT OF \$111,356.47 TO MORTON INTERNATIONAL INC., AND DECLARING THE SAME TO BE AN EMERGENCY.

PRESIDENT DENCZAK: Member Smuckler....?

MEMBER SMUCKLER: Mr. President, I move we adopt Ordinance Number 27; seconded.

PRESIDENT DENCZAK: Moved and seconded that you adopt Ordinance 27. Are there any remarks under this Ordinance?... Very well. Roll call vote, please.

NO REMARKS

ROLL CALL: 10 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance Number 27 is adopted.

#27 ADOPTED AS ORD NO. 106/2003

#28 (3RD RDG) **ADOPTED AS ORDINANCE NO. 107/2003** AN ORDINANCE APPROVING A CANTON CITY WATER MAIN EXTENSION TO PLAIN TOWNSHIP; AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CONTRACT FOR THE EXTENSION OF SAID WATER MAIN AND DECLARING THE SAME TO BE AN EMERGENCY.

PRESIDENT DENCZAK: Member Smuckler....?

MEMBER SMUCKLER: Mr. President, I move we adopt Ordinance Number 28; seconded.

PRESIDENT DENCZAK: Moved and seconded that you adopt Ordinance Number 28. Are there any remarks under this Ordinance?... Very well. Roll call vote, please.

NO REMARKS

ROLL CALL: 10 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance Number 28 is adopted.

#28 ADOPTED AS ORD NO. 107/2003

#29 (3RD RDG) **ADOPTED AS ORDINANCE NO. 108/2003** AN ORDINANCE ESTABLISHING THE FAIR MARKET VALUE OF REAL PROPERTY IN CONJUNCTION WITH THE 4TH STREET NW AND SHORB AVE NW ROAD IMPROVEMENT PROJECT; AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO NEGOTIATE A TEMPORARY EASEMENT AT THE ESTABLISHED FAIR MARKET VALUE AND DECLARING THE SAME TO BE AN EMERGENCY.

PRESIDENT DENCZAK: Member Smuckler...?

MEMBER SMUCKLER: I move we adopt Ordinance Number 29; seconded.

PRESIDENT DENCZAK: Moved and seconded that you adopt Ordinance Number 29. Are there any remarks under this Ordinance?... Very well. Roll call vote, please.

NO REMARKS

ROLL CALL: 10 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance Number 29 is adopted.

#29 ADOPTED AS ORD NO. 108/2003

ANNOUNCEMENT OF COMMITTEE MEETINGS

PRESIDENT DENCZAK: Members of Council, announcement of Committee Meetings please.

MEMBER MASSEY: Mr. President, Community Economic Development will meet next Monday at 5 o'clock.

MEMBER HAWK: Mr. President, Environmental and Public Utilities will meet next Monday at 5 o'clock.

MEMBER DIAMOND: Mr. President, Personnel will also meet on that day at that time.

MEMBER BABCOCK: Mr. President, Public Safety and Thoroughfare will also meet Monday at 5 o'clock.

MEMBER MROCKOWSKI: Mr. President, Finance Committee will meet the same time, same place.

PUBLIC SPEAKS (OPEN FORUM--CITY BUSINESS ONLY)

PRESIDENT DENCZAK: Public Speaks, Open Forum. We have several people signed up to speak this evening. First one is Mrs. Turkeltaub. State your name and address, please.

MRS. TURKELTAUB: My name is Barbara Turkeltaub and I live on Market Avenue North, 5228 Market Avenue North, across the street from this new allotment, Monticello, and the First Friends Church. I live at this address for about 38 years now, and we have never had this experience, what we experienced on May 15th. The sewage and the water backup was so awful that I cannot even explain. Every drain that I had in my house and my toilet became like a fountain of filth. It disrupted our lives to such extent that I cannot even -- I cannot recover from that. The whole, every -- the first floor is completely destroyed. Only when the City came and they came promptly. However, it took few days, but they did come and cleaned the drain which was right on the street, right close to my driveway and in the matters of seconds, the water subsided from the house and from around the house. The water, instead going down the drain, it was coming up even when it stopped raining for that whole day and following day, the water was still coming through the -- and bubbling through the drainage around the house. Someone is responsible for this and I want that group of people or person, whoever it is, to take a stand and answer to this responsibility. It's disrupted my life and my husband is 82 years old and sick, and it's awful. What am I to do now? How can I recover from that? I have -- my whole bedroom, office, family room, toilet, everything is destroyed. I don't have no washer, no dryer. My daughter had to come from Columbus to bring me my clothes because everything is destroyed. So, thank you for listening and I'd like to have some kind of an answer to this.

PRESIDENT DENCZAK: Ma'am, you live on the east side of Market where all the duplexes are?

MRS. TURKELTAUB: Market North. Right across the street from Monticello allotment.

MEMBER SMUCKLER: Mr. President...?

MRS. TURKELTAUB: And it has never happened. And I don't really want it -- sir, I don't want to hear someone tells me that that day was a different rain like we had before. I mean I lived there 38 years. We had storms, we had rains, we had hails, we had tornados and this never happened before. So something somewhere went wrong.

PRESIDENT DENCZAK: Member Smuckler.

MEMBER SMUCKLER: Mr. President. Mrs. Turkeltaub lives right around the corner from me. The back of her duplex faces Cedarglen Circle which I live on. For the first time -- and I grew up in the house that I live in, and for the first time that I can ever remember I never saw water rushing into this allotment like it did that evening. For the first time on Beverly and Ellenhurst there was water pool in front of my neighbor's yard in the front. Last year I asked Mr. Miller to TV the storm sewers in the area, which he did, and I'm still getting a response of they're not sure where the storm sewers go to. But there's another response, Mr. Denczak, that you have to be very familiar with. It's similar to what happened at 23rd and Market when the County Farm was taken out of existence and we just kept pouring concrete up there. Mr. Czech used to come down here and complain and we finally solved a good deal of his problem with the retaining basin. Not all of it, but a good deal of the problem. But what we've done on the other side of Market, and there was water rushing from the Monticello area. We are building an allotment over there and the City desperately needs housing, and there was a church built over there and this City obviously needs the easement of having a spiritual place to go in everyone's own neighborhood, but I don't think we take into consideration when we start taking these green fields out of existence and pouring concrete all over them, where the water's going to run to. And we obviously did not have adequate sewer protection which we accepted in an annexation in 1968 for the area that I live in. Now I happened not to be affected this time, I've been affected on Colonial Boulevard before, because I live on a hill. But there are many of my neighbors who where affected in a situation who have called upon me. Unfortunately, I didn't get Mrs. Turkeltaub's message when she called my house that day and I apologize again. But I am telling you there is a considerable problem that never existed before Monticello and First Friends and some of the other concrete that's being poured up there existed. And I'm all in favor of new housing and I'm all in favor of development, but we are not taking into consideration the other side effects that go along with all this, and I think that the answer of I don't know where the sewers go, we have to deal with that problem. And I also know that I showed up at Mike Fete's property last Thursday night at about ten o'clock at night because -- and they live in the area right behind our allotment in Eastpointe because they had the same problems. And some of these problems they never had before. And the Southpointe people called me up May 15th and I was there on the 16th or 17th and I called Mike from the property because they're having some of the same problems. And if all we did was push our problems up Market Avenue to just into Ward 8 instead of being into Ward 9, I gotta believe that Mr. Carbenia's happy, but we're not solving the problems. And I don't know what the answer is, but other than where we're at right now, we've gotta come up with some other answers.

PRESIDENT DENCZAK: Service Director, do we have a hydronic person on the City payroll that can work on these developments?

SERVICE DIRECTOR MILLER: We have people that review the developments. We're talking about two different issues as far as these developments are concerned. The new developments, Monticello and the First Friends Church, were constructed according to the current regulations, under subdivision regulations that we have in the City. Unfortunately, those structures, (a), didn't work, and, (b), in my opinion, aren't sized big enough. Those are built for 25 year storms. We exceeded the 25 year storm which everybody including myself is tired of hearing again on this occasion. Plain Center Estates was annexed years ago. There never really was a storm sewer system in it. The 24 inch line that we TV'd has three different types of pipe. It has metal, it has concrete, it has clay. It has catch basins here and there willy nilly. They really don't have any kind of plan. It's not a plan. As I told the Plain Center Estates people, we're gonna have to start downstream, work our way up and build something that will alleviate that problem.

As far as Southpointe and Eastpointe, that's something that this Council and future administrations and this administration are going to have to watch very carefully because that was a planned unit development which came in and built things that did not meet our subdivision regulations. That did not meet a number of things including it had sanitary sewers in the back which we just took over within the last three or four years. It had drainage ditches and swales instead of pipe and that's because a developer could build that less expensive in that manner rather than building at the City's specifications. The problem is as we all see in both Southpointe and Eastpointe in that case, now that we're dealing with it, down the line, 20 years down the line, it doesn't function well and when it doesn't function well, rather than going back and looking at the developer that built it in that fashion, they're looking for the City to come up with an answer. Both Eastpointe, Southpointe -- well, all Eastpointe, Southpointe, Plain Center Estates, is the subject of a area drainage study that's gonna happen in that area that's going to determine what needs to be done in what order in that area. Again, it's -- we've seen 50 year storms now way more often than 50 years apart--we've had basically four in the last five years, and it's not something that we've planned for in the past because we have built a lot of the things to 25 year storms instead of 50 or 100. We're gonna have to start building things to 50 year storms because that's what we're getting, not the 25 year, not the 10, not the 5.

PRESIDENT DENCZAK: I think what most of these people are concerned with here that signed up is the flooding in this area. I think their concern is what's gonna happen. What's gonna be done...

MRS. TURKELTAUB: Yes.

PRESIDENT DENCZAK: ...to prevent this from happening again.

MRS. TURKELTAUB: Yes.

PRESIDENT DENCZAK: I don't have the answer for that.

MRS. TURKELTAUB: Sir?

PRESIDENT DENCZAK: Yes.

MRS. TURKELTAUB: I don't have the luxury of time. I'm an old person and I live now. I cannot wait years and then -- ten years, twenty years to what's going to happen then. I live here now and I need something to be done now.

PRESIDENT DENCZAK: Ma'am....

MRS. TURKELTAUB: Every time I see a cloud I think perhaps maybe this is the type of rain that is going to happen and how am I going to live and where am I going to live. This is the house that we live, that's the house that my kids grew up. Mr. Smuckler, I remember him when he was a little guy. You know, that's my home. That's my home. I can't wait years from now.

PRESIDENT DENCZAK: I understand, Ma'am. And Member Diamond, you're familiar with this problem. Okay. And by the way, Member Smuckler's still a little guy, so -- Thank you very much. We'll hear what the others have to say.

MRS. TURKELTAUB: Thank you.

PRESIDENT DENCZAK: Next speaker's Mark Turkeltaub.

MR. TURKELTAUB: My name is Mark Turkeltaub. I live at 5226 Market North on the other side of the duplex. We too were hit real hard with about three feet of sewage backing up through the drains, through the toilets. We didn't lose nearly as much as my parents did, but I just want to reiterate. I'd like to find out what happened and what's going to be done to prevent it from happening again. Insurance has said that they're not covering this and my folks are devastated at this disaster. Thank you.

PRESIDENT DENCZAK: Member Diamond, was this a sanitary sewer and storm sewer backing up?

MEMBER DIAMOND: I have -- the gentleman and the woman that spoke did not contact me. I have another whole group here that has a whole other drainage problem, so I don't know. But I do know that there was a ton of water that came from Monticello over across Market and into that area.

PRESIDENT DENCZAK: Okay. Mr. Miller...

MEMBER DIAMOND: I don't know if Mr. Miller knows...

MEMBER SMUCKLER: Mr. President, The answer is yes. There were sanitarys backing up that evening too.

PRESIDENT DENCZAK: Then my question is then how is the storm water getting into the sanitary line?

MEMBER SMUCKLER: Well, several years ago we did a -- were supposed to do a study to get some of these people off these lines, but I don't know how far we've actually pursued it.

SERVICE DIRECTOR MILLER: I can answer that question. The sanitary sewers, the water is getting in there a number of different ways. The water is getting in from sump pumps from people's basements. It's getting in from roof drains. It's getting in from foundation drains, and in this rain, water on the street lays over top of the sanitary sewer manholes. There have to be holes in there to let the sewer gas escape. Unfortunately, the same holes that let the sewer gas escape also let the water pour in. We've got eight holes and each one of those manholes is like turning on eight faucets. And that fills up the sanitary -- the sewer. To put this in perspective, the worse storm that we have had so far in history, and we better knock on wood because every time I say something like that, we get a worse one, was 101 million point seven gallons went down through our sanitary sewer plant. Put that in perspective, we have on an average day 27 million gallons go through that plant. So you're looking at a quadrupling of the amount of water that goes through out plant. There is definitely water getting in there that doesn't belong. That's one of the things we're gonna have to do, but that's a situation where we have gone through the Brown report that was done in the early 70's and 80's and done all the ones where we can separate out where City and things that we've done wrong can be corrected. At this point in time, we've got to go out to citizens who have those down spouts, foundation drains or have the sump pumps that are connected in the sanitary sewer where they should not be, and connect them into the storm system where they should be.

PRESIDENT DENCZAK: Next speaker is Alice Sarver.

MS. SARVER: President of Council, Council Members and invited guests...

PRESIDENT DENCZAK: State your name and address.

MS. SARVER: My name is Alice Sarver. I live at 1225 41st Street NW, Canton, in Ward 8. We have experienced water problems in our area for 30, 40 years. The storm that we had is of no consideration in the petition that we have written and signed and are going to present to you tonight. The following petitions are being negatively and seriously affected by the erosive conditions of the drainage pipes, drains and deteriorating streets in the area of 37th and 41st Street NW. The individual calls that have been made to the various City offices and our Council person have been ignored, ridiculed and inadequately serviced. Thus creating even more serious situations and terrible driving conditions and major cleanup after every rain. We are putting the City on notice with this petition that we believe the liability of safety and sanitation rests squarely on your shoulders. We are tax paying citizens that are being denied permanent solutions to the flooding and debris left in the streets and then the basements of our homes. We are asking for a coordinated assessment of the drainage problems by the City and Engineering Departments. Terrible decisions and terrible work orders in the recent past have in fact created more dangerous situations for our neighborhood children and for all of our home owners. And I have the people who have signed this petition. There were 59 people. I had a meeting at my home where there were 50 people in attendance. We had passed out petitions, and I am getting calls every day all day from people who have been excluded from the area that I first thought was being affected and I am appalled by the area that I am now seeing and the sewage that are coming up in their homes. Thank God we only have surface water in our area. But I saw pictures and I've talked to people on down 41st Street and on Grunder and you know, nobody should have to live like that, and we've been part of the City and we were promised infrastructure when we were put into the City. I've been there 35 years and we haven't seen a thing. We don't have a curb. We have terrible streets. We have, you know, places where cars fall into. Your City snow plows fall into the ruts along the -- you know, it's terrible. And with your permission, I would like to give you these petitions.

PRESIDENT DENCZAK: Mr. Miller. There are several members of the press there.

MEMBER SMUCKLER: Mr. President, not recently, but a year or two ago, we smoke tested a number of these inner lines that have been hooked up. Have we ever sent a letter out to these people that have hooked up or have we ever done anything to try to get them off these lines?

SERVICE DIRECTOR MILLER: In this area we have not recently smoke tested or dye tested. This is a separate area from where you're thinking of. We did do some dye testing and smoke testing. We had not sent a letter out to make them disconnect. At that point in time there were two or three homes because we had not had the loan program in place which would allow them to borrow money from the sewer fund at zero percent interest so that they could fix it without going out there and telling people you've got to spend three or four thousand dollars, go borrow it from the bank because you're illegally hooked up. And 99 to 100 percent of the cases, those folks aren't the ones that built it that way. They bought a house not knowing that that's how it was hooked up. In this specific area, I guess the one thing I could take exception to is ignored because I was out there at the house last week for an hour and a half to two hours speaking with the people. I certainly wasn't ignoring them. I don't feel anybody else was. At this point in time, they're farther ahead than Plain Center Estates. This is the report that was done to determine what needed to be done as far as drainage projects in this specific area. The area sits in a bowl. 41st Street is just a little bit higher than the bottom of the bowl. Basically, you have 44th Street on the north side of the bowl, 38th or 37th Street on the south side of the bowl. You have Frazer Avenue on the east side and you have Cleveland Avenue on the west side. In this specific area there are 27 projects identified that need to be done to alleviate all the drainage problems. We have already accomplished two in the late 90's. This was an area that we were concentrating on. The Steese projects, as Council will remember. We were down here getting approval to get those projects going forward. Two of those have been constructed. We put off doing Steese Projects 3 and 4 for the specific reason is when we had the drainage problems and the storms in 2000 that we had sewage coming up out of basements and we felt that that was a higher priority than the surface water that's being talked about here. So we did address those

problems. Specifically, the ones that jumped up in line at that point in time were for Market Avenue. We had Chicago Place which was to eliminate sewage in that specific area. We had some rerouting of things on Vassar. We had some other projects of similar nature. At this point in time, this was one of the projects that we're going to go after public works funding for. The project that -- Number 3 and 4 that we're talking about, 41st Street, is probably a million and a half to two million dollar project. We're gonna go after funding to try to get that project done, as soon as possible, which would start at best guess, or at best estimate, would start somewhere after July 1st of 2004. That's the earliest this one could start.

MEMBER SMUCKLER: Mr. President, the area that you smoke tested and dye tested was down stream of this area though, correct?

SERVICE DIRECTOR MILLER: I believe this feeds into Market Avenue, but I would have to double check and make sure if it leads into Market Avenue.

MEMBER SMUCKLER: I believe it does too and that's what I'm suggesting is that we are -- in order...

SERVICE DIRECTOR MILLER: Actually, I -- let me correct that. The water flows north to 44th Street, under 44th, through the cemetery across Cleveland Avenue down into basically Covered Bridge Park, the storm water. I would assume since that's the drainage area for the storm, that that's the area that the sanitary follows because we usually follow the path of least resistance. Both water and the stuff we have in our sanitary sewers flows down hill, so it usually flows the same direction, down towards the plant.

MEMBER SMUCKLER: The point I'm trying to make, Mr. President, is that in order to solve the people's problem in the Ward 8 area, you have to get the people off line that are -- got their down spouts and everything else locked in before the Ward 8 area. And if we don't send letters out and if we don't give them loans and if we don't do whatever we have to do before the Ward 8 area, I don't care how many sewers you build, we've got to do this right.

SERVICE DIRECTOR MILLER: The Ward 8 area is not affected by any other wards as far as drainage is concerned. Both -- well, these two areas specifically, Plain Center Estates is affected specifically by Ward 8 and by Plain Center Estates itself. The area we're talking about here, the Steese drainage area, is affected specifically by the areas from 37th Street north to 44th and from Frazer to the East over. That's all Ward 8. It's not fed into by any other neighborhoods other than the neighborhood itself.

MEMBER SMUCKLER: And that neighbor -- and that area doesn't run down to the sewer plant, down Market Avenue?

SERVICE DIRECTOR MILLER: No, it does not run down Market Avenue. It runs down the creek along 77, down through the park, West Park, or Stadium Park, the West Branch Interceptor.

MEMBER SMUCKLER: And there's nobody tied in downstream on that?

SERVICE DIRECTOR MILLER: Downstream -- there's allot of people tied in downstream. There's nobody tied in upstream.

MEMBER SMUCKLER: I'm talking about that are doing illegal hookups right now.

SERVICE DIRECTOR MILLER: The Brown report has approximately 200 to 300 projects listed. It also has

probably -- if I recall correctly, and this is a report that's 30 years old, somewhere in the neighborhood of 15 to 20 thousand homeowners identified that have illegal hookups here or there. That means we have to go out to approximately two thirds to three fourths of our homeowners and tell them that they need to spend money in order to correct the problem. Part of the problem is that we need to also deal with the storm drainage and the other things to make sure that the capacity's there because if we get people to separate out of the storm sewers and put it where it belongs, and the -- or the sanitary sewers, and put it where it belongs in the storm, there's not enough capacity in the storm in either of those areas to carry away that storm water. At this point in time, the sanitary sewer complaints that we have this time are drastically reduced from what we had in the July 14th, 2000 storm. Not to say that they were all eliminated, but it's drastically reduced. We had about five, six, seven pages at that point in time. We've got a page to two pages this time, so we're doing better as far as sanitary sewer backups, but our goal has been, and we've been down here in the Council talking about it, as the projects come forward, is that we don't want to have any sanitary sewer backups in the basement. That's the first priority to eliminate those. The second priority is then to go back and also deal with the storm water so that we don't have the storm water backing up in the neighborhoods as well.

MS. SARVER: I would like to just cite one incident where on the corner of 41st and Shanabruck. Up until four years ago we did not have the drainage problem and the gravel and the erosion and the debris in the streets because we had a drain at that particular intersection. We came home from vacation and there had been a new pipe installed across 41st Street and the drain had been blacktopped closed. So that pipe carries absolutely no water. So all that water goes down 41st Street now, and after any storm we, in order to keep our street clean, take wheelbarrows full of gravel away from that area which we never had before. So there was a work order there that absolutely destroyed a drain situation, and there's another drain right up the street that the same thing happened. Now, who authorized that particular work order and who came out and observed the consequences of closing up that drain? You know, we're not talking...

SERVICE DIRECTOR MILLER: Mr. President, I don't want to get into a debate about facts and figures, but there is a drain that was closed on the south side of 41st Street at Shanabruck. It was closed off because of the shallowness of it and because a catch basin couldn't be built in order to get the pipe across the street. The pipe that goes across the street is one that I was taken to by the neighbors. I'm trying to...find them here. Both those pipes are working. Both those pipes are carrying water away because there's gravel that runs down that -- both sides of where Shanabruck isn't improved, but it's mowed by the neighbors.

MS. SARVER: Only one side is there gravel.

SERVICE DIRECTOR MILLER: Down both sides, Ma'am.

MS. SARVER: One side.

SERVICE DIRECTOR MILLER: Both sides.

MS. SARVER: I live there. Come visit me again.

SERVICE DIRECTOR MILLER: Ma'am, I visited you again and I walked down that ditch and there was gravel on both sides of that ditch.

MS. SARVER: (INAUDIBLE)... you're next. Thank you.

MEMBER DIAMOND: Mr. President, I have been to Mrs. Sarver's house three times in the last two weeks. That neighborhood is beautifully maintained. The property owners have been there for many years. Their yards are gorgeous. They were promised perhaps before I was born that they were going to have infrastructure, but that was not done when they were annexed into the City. They're very frustrated and I think the frustration comes from individual people calling different departments and there not being a coordinated effort and so it appears one hand does not know what the other is doing. Somebody wants a problem solved and instead of solving the problem, it has created more of a problem. When I was contacted by Mrs. Sarver after the storm, I went down on a Sunday, she was not home. We then had a meeting on a Friday. They requested the Service Director, the Safety Director and the Civil Engineer to come out to a meeting. They all came out. Mr. Miller showed her the plans. There is nothing that we can promise in the short term that is going to satisfy and correct that problem. We're having the catch basins looked at. The roads are in such terrible condition that large chunks of asphalt are just sitting there. There's gravel, there are wheelbarrows full of gravel. They're not exaggerating, but I think now that you have brought this issue to my attention, I have addressed it. Whether you agree with Mr. Miller or not, he is addressing your problem. The Civil Engineer is, and I think that the problem was you -- some of the neighbors received either misinformation or no information at all from many departments, so...

MS. SARVER: For years.

MEMBER DIAMOND: So, there is distrust and there is a wariness and I think to solve the problem we need to get past that and work together so that you get what you want and we get a city that we can be proud of also. I know there are many things in the work. I recommended that when we get the funds we do the roadway project which will be not only the curbs and gutter which will fix the drainage, but also the streets and sidewalks.

PRESIDENT DENCZAK: Member Diamond, I'm sorry, but the speaker's twelve minutes is up now, fifteen minutes. I'll let you finish your remarks.

MS. SARVER: I'm finished. Thank you.

PRESIDENT DENCZAK: Okay. You want to bring your remarks to a close?

MS. SARVER: (INAUDIBLE)

PRESIDENT DENCZAK: No, not -- the Councilmember. You finished?...

MEMBER DIAMOND: I'm finished. That's fine.

PRESIDENT DENCZAK: Alright. We got some more speakers here. Next speaker is Mr. Leucke.

MR. LEUCKE: My name is Mark Leucke. I live at 4023 Vernon Avenue NW, and first of all, thank you to everyone for the work you do. It's tough, a little bit thankless, but I want to say thank you, but I also want to say we need your help because the situation is the way it was described by the previous speaker. I am a father of two boys who go very often to see them catch the school bus at 41st and Shanabruck along with some of the other people here and we see the gravel, we see the way the school children, our children, have to wait and they're our children. They're the most important possession we have because they've been given to us by God and will last from here until eternity. We want to make sure our children, the neighborhood children, have a good place in which to grow up. And that means streets, sidewalks, curbs, things that help make a neighborhood a little more liveable, so that I and the other neighbors in the area have a chance to enjoy living in the City of Canton. And I want to thank you for the

opportunity to speak, but we're interested in having Council look at this and see what can be done because you're our leaders, we elect you. And we're asking for your help. Thank you, Mr. President.

PRESIDENT DENCZAK: Thank you. Next speaker's Mr. Benson.

MR. BENSON: Good evening. My name is Matt Benson and I live at 1305 - 41st Street, basically on the corner of 41st and where Shanabruck dead ends. Shanabruck runs perpendicular to 41st Street and I see first hand what the - - even the regular rain damage can do to property. My neighbors and I have been in the last two years extensively trying to improve our neighborhood and improve our back yards, help each other out. In that process we've been trying to reclaim some of the back yard that has been overgrown over the years from previous owners who have not taken, you know, good care of the property. And one thing I have noticed is, Safety Director, you were stating that the pipes, the two culverts. One is approximately I think two feet in diameter, the one that's closest to my house, and the other one is a little bit smaller. Eight, ten inches in diameter. On May 13th of this year, the last rain storm we had, I witnessed rain shooting out of that culvert about four feet high. It was like almost a rooster tail. And you can see where the water was coming out in such force where it dug a ditch, literally a ditch that's approximately two feet wide by four feet deep, where it also becomes a safety hazard for all the kids that get on the bus in the morning cause that's where they approximately stand to get the bus. And I had called the Safety Director's office that Friday morning and I don't know who I talked to and she referred me to the Street Department. I talked to them and they told me that they were under what they would consider an emergency at that point because a lot of homes who had a lot of sewage backed up in their basements, and they said they'd get to me approximately that next Tuesday or Wednesday to assess the situation and clean up any of the mess that occurred from that storm. That was almost three weeks ago and nothing has been done because concrete about this size are in my back yard from where all that had washed through that culvert and has landed there. There was gravel on both, there was, not any more. There was gravel to try to slow some of that water down, but the rush of that water had pushed it all the way down where there's an alley, where it's just a dead alley, it's not paved or anything, back into my back yard. And I have approximately, trying to -- about 13 thousand square feet of lawn that I tried to reseed and that didn't take because all the hay and straw had washed down to my neighbors who live behind me and it's a duplex. Now I feel personally bad for them because they're about six feet below grade than I am. I'm up high. I don't get that much except in my back yard. You know, it looks like it's a lake every time it rains. That's my major problem with Shanabruck. There is no water that gets collected into some of the catch basins cause you can see sheets of water just coming down Shanabruck and dead ending into the alley between my house and the Sarvers. And we feel that's a huge problem with standing water with, you know, things not being cleaned up. You see after every storm our neighbors are all outside cleaning up because there's a huge mess.

PRESIDENT DENCZAK: Sir, I'm sorry, but under Council rules, your three minutes are up, and I want to explain one thing, the Council rule is each speaker has three minutes to speak, however if the members of Council and the Administration engage in the dialogue, I have to extend your time twelve minutes for a total of fifteen minutes.

MR. BENSON: Okay.

PRESIDENT DENCZAK: So unless somebody has anything to say, your three minutes are up.

MR. BENSON: Thank you very much.

PRESIDENT DENCZAK: The next speaker's Valerie Kirkland.

MS. KIRKLAND: Good evening. My name is Valerie Kirkland. I live at 1317 - 41st Street NW. I do recognize

the water problem that we do have in our area, but although I have another more concern as far as my concern for my family. I have two small children that are enrolled in William R. Day School. They catch the bus on the corner of 41st and Shanabruck. That is where all the gravel is sitting. It dead ends, if you're coming down Shanabruck onto 41st, you have to take a right or left. The bus is no longer coming down that street due to the situation of them sliding on the gravel through the stop sign where my children stand. That is a major problem. The reason why the catch basin was originally called on, and it was a couple years ago by myself, that -- at the stop sign there where the catch basin was that's where they used to catch the bus. My son at the time was only three years old. The top of that catch basin was no longer there. He almost fell in it. I therefore, after my oldest son got on the bus, went and called the City Service Director to find out -- I'm not sure which department -- at the time they said they would send somebody out to put a cover on it due to the situation. The next time we turned around it was covered up. There is no catch basin there anymore. Again, also I just want to recall on December 8th of 2002, a car came through my back yard off of Vernon Street behind my home, hit a guard rail and into my house, and that also means through my back yard. And I do thank God that this happened ten minutes after eleven when my children were not playing in the yard at the time. I have been calling the Street Department as of 12-18-02 to place the guard rail back into place which therefore is a safety issue and leaves that wide open for any car to come in to my yard, towards my children. This is also an area where a lot of the residential children play also 'cause I'm the only one with the largest yard. And there has been a total of nine phone calls throughout these months to have that replaced and replaced appropriately so people can see it with reflectors on it. Just want to note today it was placed, no reflectors are on it. They left the metal from the old, whatever it's made of on my property for my children to get into. That has not been cleaned up yet. So there are a lot of safety concerns that I believe need to be addressed for our children and for ourselves.

PRESIDENT DENCZAK: Mr. Miller, you're aware of that then?

SERVICE DIRECTOR MILLER: Yes, I am aware of it. I can deal with part of it. My understanding from the Safety Director is that it was requested that we have -- replace this right away so that the contractor that was fixing the house could have access off of Vernon to the back of the house. As soon as we were aware of it last week that it needed to be replaced, we did replace it. We're not completed with it. We've got the guard rail in at this point in time. We will be getting the old guard rail out of the way and the Sign and Paint Division will come along and put the appropriate reflectors up on that guard rail.

PRESIDENT DENCZAK: Okay. Thank you. Next speaker is Mr. Cote..

MR. COTE: My name is Lee Cote. I live at 1225 - 41st Street NW. Mr. Mayor, Mr. President of the Board, Council members. I thank you for the invitation this evening. First let me say I sat where most of you are sitting for a number of years in another state, so I know the job you have. And I also realize out of all the monies collected, about 85 cents on the dollar goes for your schools, your police and your fire, and the other 50 departments are fighting for their 15 percent. But one department that's on the bottom of the food chain, to show you that we're not just here to complain, you people have an absolutely outstanding trash collection department. The people that pick up the trash in our neighborhood are the most wonderful people you ever want to meet and should be proud of them, and I hope the next time you have an opportunity to reward them you will do that. Now with that said, I would like to address the issue that's been stated. The trash in the -- I should say all of the debris, the erosion, the rocks and what have you have not been picked up in that alley and it should be. And I guess the way I could capsulize all of this is our neighborhood has a cancer, and because we don't have insurance, you're denying us chemotherapy. The band aids that you are applying in our situation are not working, and we're asking you please save our life, give us the chemotherapy we need. If the City needs to go out with a bond issue to take care of the top five or ten projects that have to be done, this should be looked into. And I want to thank you once again for allowing us your time. I realize how important it is to you, that you have families as well, but I think you can hear the frustration in our voices of how

we feel. You know, we take care of our property. We have a mix -- we have older people, we have younger people, we have all nationalities and color and races, and we all have a beautiful community and it's being destroyed. Some neighbors don't like company coming to their house because of the conditions of the roads and that's terrible. Shame on whoever's responsible. Thank you very much.

PRESIDENT DENCZAK: The final speaker is Mr. Keller.

MR. KELLER: Good evening, everybody. My name's Glenn Keller formerly of Canton. I have since moved to 163 Vine Street, Alliance, Ohio. I'm here on behalf of these folks that are having the sewer, the feces in their basement. I think they need to know that two years ago me and many of my neighbors brought the same information to you considering our neighborhood. Mr. Smuckler, you were here. The record shows you asked not one simple question concerning that, which I don't know where that will take you in the future with your aspirations to become Mayor. I presented to you folks the Ordinance 947.12 where you guys are -- you collect a sum of money and you are demanded by the UPS, EPA and the Ohio EPA to keep that sanitary system upgraded, working properly and upgraded if necessary. My neighborhood two years ago, all yours, with the exception of a few newcomers, have failed to address the problem. You come out, you use hours upon hours of water to flush it down, you charge me for the water you use, you charge me twice as much for the water going down the sewer to clean up your mess. Nobody is prepared to clean up that biohazard. Feces is -- I was tempted to bring a bucket in that night and maybe I should have. But the point is they folks, they're here same as I was here. What are you going to do for them? The same thing you did for my neighborhood? You give me a package on a backup thing, a backup valve and if I accept that then you're held harmless from my house out? My God, your faulty system undermined the whole basement of my home to where you can reach underneath and feel that there's no gravel left because it's been hauled out in buckets. This sewer problem is nothing new to these folks. Welcome to Canton, people, because when it's all said and done, there's a Federal disclosure law and to protect the home buyer the City has a list of several hundred people that have these kind of problems in their basement. Are they addressing them? No. Are they protecting the home buyer? No. I got screwed. I bought a house that holds feces. Four times, five times in a four year period, but it's a once in a hundred year flood. Something don't add up there. My neighbors have come through with the same thing. What are you guys gonna do for them? Continue to protect the home seller, and then have the home buyer, his American dream ruined? How would you like to come home to have your family in your new home, just to find out you've got several feet of feces in there, and the first lie told was it was a 100 year flood. Well, guess what? I did the history. It's been going on since the 20's. You have failed to address that particular neighborhood since the 20's. These people are foolish...

PRESIDENT DENCZAK: Mr. Keller...

MR. KELLER: ... if they think...

PRESIDENT DENCZAK: I'm sorry, but your three minutes are up. Bring your remarks to a close.

MR. KELLER: Okay. My three minutes are up and I would like to address one question to you, Mr. Denczak. You asked me if you -- two years ago, "Mr. Keller, last week you made a verbal attack against the Mayor. You used some caustic language. Let me ask you a question and I want an honest answer." My answer to you was, "sure." "Did I put you up to that?" Meaning you. Do you remember that conversation?

PRESIDENT DENCZAK: Yes.

MR. KELLER: Do you remember our meetings throughout the City?

PRESIDENT DENCZAK: Yes.

MR. KELLER: And what was the answer to that? Did you put me up to that?

PRESIDENT DENCZAK: Did I put you up to that?

MR. KELLER: Yeah.

PRESIDENT DENCZAK: I - I..

MR. KELLER: Ah, come on. If the answer's no, you'd spit it out like that. My -- I rest my case.

PRESIDENT DENCZAK: I don't even remember what I said yesterday. Now, what are you getting at?

MR. KELLER: Well, you remember when you get carried away and say for Christ's sake, in this body, for Christ's sake, I didn't fall out of a tree? I'll be happy today...

PRESIDENT DENCZAK: Go back to Alliance where you belong.

MR. KELLER: No. I'm coming back to Canton.

PRESIDENT DENCZAK: You -- you're out of here.

MR. KELLER: That's fine.

PRESIDENT DENCZAK: You're out of here.

MR. KELLER: You have a good day and I hope the voters put you out of here. Mr. Mayor, you've done a great job. You're the big man. You look up. You look down...

PRESIDENT DENCZAK: Do I have to get a policeman in here to get you out of here?

MR. KELLER: ...you can be proud.

PRESIDENT DENCZAK: I'd be very happy to call a cop up here right now.

MR. KELLER: You did it before. I'm out of here. Good luck, folks. (INAUDIBLE)

PRESIDENT DENCZAK: I pity the City of Alliance now.

MR. KELLER: Wait. I had to turn my -- couldn't sell my house.... (WALKING AWAY FROM PUBLIC SPEAKS MICROPHONE AT THIS POINT)

MISCELLANEOUS BUSINESS

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

MEMBER HART: Mr. Denczak, just a quick comment. This Spring the City completed a project up on 25th Street and according to many of the residents that lived along Woodland Avenue, they did not have the flooding and backup in their basement.

MR. KELLER: (SPEAKING UNRECOGNIZED FROM AUDIENCE) That's not true. They deny it cause it's jeopardizing...

PRESIDENT DENCZAK: Sir, you're out of order.

MR. KELLER: ...the ability to sell their home.

MEMBER HART: Again, I...

PRESIDENT DENCZAK: Safety Director, will you get me a policeman up here right now. I have that authority.

MEMBER HART: I represent part of the 7th Ward and Member Smuckler talked about, you know, flooding there. The City is completing a project or will be starting a project in I believe September along Market Avenue. For some of the residents that have experienced some of the problems, some of the residents have put in back flow preventers, and with the last rain that we had, one of the residents, Mr. Czech, went down and checked his basement at ten o'clock and everything was fine. Went to bed, and he had had back flow problems, you know, when we had the heavier rain, it worked. He got up at six thirty in the morning and his basement was full of water. Some of those worked for some of the residents, others didn't. The one thing I want to assure you is I've had nothing but cooperation from the Administration and again, it takes time to solve these problems and if you get it done, you don't want a quick fix, you want it done right. And given the time, at least for the residents in Ward 7, the Administration has done a good job. Service Director Miller's done a good job trying to find a good solution to the problem and they are out there, the solutions. I just ask for your patience cause again they work -- they worked for me. And we'll be seeing more improvements in my Ward.

MAYOR WATKINS: Mr. President, I empathize and sympathize and understand some of the stories and some of the problems I've listened to tonight because I've experienced it myself. I know that on my home on 26th Street NE we experienced some of the same flooding problems year after year after year, and found that some of them were the fault of the person who built the house. You can go back in our City for 50 years when people, contractors built homes. They tied storm and sanitary together. They did a lot of things they shouldn't have done, and now it's coming home to haunt us because down through the years it's been an important factor to say let's make it look good, we'll put some more blacktop down. That's not been the answer. We have ignored a lot of the infrastructure that wasn't handled properly in the first place. It's my intention to -- two things. Number one I intend to assemble my own staff, my department heads, within the next 24 hours and we will have a meeting with them. I will also ask that the majority and minority leaders of Council join me when I call that meeting, and will share that information along with the concerned ward council people. Our goal is to do several things. One, let's take a look at the immediacy of some of the problems that have been discussed, gravel, holes in the street, culverts that have collapsed. Those sort of things that are a danger to the health and well being of the kids. And as far as the lady, Mrs. Turkeltaub, I certainly understand your problem, and after that many years, you're not in a position nor do you have any desire to say I gotta leave now, I'll move. I can't wait for ten years for something to happen. And believe me, I'll tell you this, I'm at an age now where ten years seems like a long time. It becomes very important to me too. We're going to look and see what we can do in the immediacy to relieve some of these problems and to try to deal with them right now and go forward with the -- there's a task force already been assigned and they're doing the dye check and the smoke checks. We're doing a lot of other things here and going through and drawing, diagraming the whole area. We have

the diagrams now. We're gonna try to give you some immediacy as far as relief is concerned and determine if there is any methodology short of bonding where we might be able to obtain some funds that would speed up the process of making the necessary corrections that will have to be done. If you want to do the entire system in the City of Canton, both sanitary and storm sewer, you're talking about 150 million dollars minimum. So we know we can't do it. (INAUDIBLE REMARKS) ...Am I off? I'm close, am I not? I'm low? Even 150 million is a lot of money. We've got to find some other methodology to handle these problems, give you some relief and then cure them permanently on the basis that each job and each project we do is done properly.

PRESIDENT DENCZAK: Mayor, I'm sorry. Your three minutes are up.

MAYOR WATKINS: I'll wrap it up. In addition, we have an obligation to tell the contractors and builders, don't do it half way, don't hide your mistakes, don't hide your short cuts, do it right the first time. And we're going to insist upon that.

PRESIDENT DENCZAK: Is there any other miscellaneous business?

MEMBER MASSEY: Mr. President, I have a question of the Safety Director. The two police officers that were just acquitted, have they returned back to their jobs? If not, why, and will they receive back pay?

SAFETY DIRECTOR CONCATTO: Mr. President, Which officers are you speaking about?

MEMBER MASSEY: The two police officers that were just acquitted. Was it Cutts, Officer Cutts and the other police officer, Edmonds.

SAFETY DIRECTOR CONCATTO: Officer Cutts was terminated prior to his court case. For him to get his job back, he'll have to go to arbitration. I believe that Dave signed up for arbitration. I have ruled on Mr. Edmonds and that will come out tomorrow morning. At the present time, he is still suspended without pay.

PRESIDENT DENCZAK: You finished, Member Massey?

MEMBER MASSEY: I have another question for Mr. Miller. I, being a city employee, if I wanted to start a business in the City, let's say I wanted to put in driveways, would there be a conflict of interest?

SERVICE DIRECTOR MILLER: There's a conflict of interest. There's an employee who applied to do that. He was given a ruling by the Law Department. A ruling because any outside work has to be approved by the department head and/or the appointing authority and ultimately the Mayor. He was told that he could do blacktopping and that as long as he didn't use -- do any inside the City so there wasn't any appearance of impropriety or any appearance of conflict of interest.

MEMBER MASSEY: What would be the conflict of interest?

SERVICE DIRECTOR MILLER: Potential conflict of interest is that what has happened in the distant past is employees who had a side job would go out and say I can't do that apron, but I'll tell you what, when I knock off of work, I'll come back and get that for you. We had employees allegedly setting up side jobs while they were working and to avoid any appearance of impropriety. Because if you come out there either after work, before work, and you say I'm gonna do a job for you, people confuse that with your City job. That's one of the things that's set up in the City ordinance and also in the union rules, etc., you have to have that approved by the Mayor and the appointing

authority so that you don't end up with situations where somebody is wrongly accused or somebody is rightfully accused because they take advantage of the system and go out and get blacktop with their City uniform on and they, you know -- there's a lot of ways to take advantage of the system. That's why.

MEMBER MASSEY: Thank you.

PRESIDENT DENCZAK: Is there any other miscellaneous business?

MEMBER SMUCKLER: Mr. President, Just for the record, and I didn't want to interrupt the last gentleman while he was speaking. I know that I've been involved in the flooding process from my days as a ward councilman when I represented the, as I refer to, the Ed Czech area on 23rd and Market. As my days is that I had it happen in my own house on Colonial Boulevard and found out, as I expressed to Mr. Turkeltaub, that I had no insurance either. And that I had to get a rider 'cause the insurance company came out and said too bad. And I sympathize with what's going on in the City, and I'm prepared to help do this right any way that I can, but I will not grandstand down here either on every sewer problem that comes here. I made it my business when my neighborhood was directly affected two weeks ago to go to the various areas that were directly affected, but we do have ward council people that do their job and they do a good job at what they do and I expect the ward council people to handle their areas without me getting involved. However, I am always willing to help and I hope that besides addressing the sewer problems, that we also come up to some conclusions about the building problems of the issues that I raised. Because I think it's very important to note that in the last 40 years, we didn't have the water rushing across Market Avenue that's rushing across Market Avenue now, and I hope in that meeting that that issue was addressed. Another issue that I'd like to get some clarification on, I've had several private conversations with Mr. Miller. Mayor, last Friday there was a CIC meeting called, an emergency meeting. I'm not sure what the emergency was, but I'd like to get to the bottom of it. Is that we as a City purchased the C&T Credit Union off of Georgetown Road and it was due to not being able to have the ingress and egress out of Ford Motor Company. I've talked to Mr. Miller at least two or three times now and I've talked to Mr. Denczak who was an employee at Ford because I asked him the very important question of how did you get to work in the morning, Ray, and how did you get out of there if there was no ingress and egress before? Council was not present at that meeting due to it being a last minute meeting called. I understand you approved for 105 thousand dollars to buy that credit union, whatever it was. If it was a dollar, my question is not the amount of money. My question is can you enlighten us a little bit more on the project, enlighten us on why we needed it and enlighten us on how the people got to work at Ford in the morning before that.

MAYOR WATKINS: Mr. President...

PRESIDENT DENCZAK: First of all, Mayor, let me clear one point. Ford Motor Plant was located across the street from this particular issue. Mayor....?

MAYOR WATKINS: Thank you, Mr. President. Member Smuckler and Members of Council, the purchase was \$110,000.00 and we allowed them to have possession of the property through September of this year before we take it. The purchase price for the acreage that's involved here was reasonable and it does require that we utilize that area off of Georgetown Road for ingress and egress. The only other methodology, because this is a separate parcel of the Ford property, and it's been deeded to the City of Canton by the Ford Motor Company after we paid for the clean up, and we had to satisfy the Ohio EPA that it was cleaned up properly and it was done the way it ought to be. Quite a bit of work went into it. It's a nice development site. We could have entered into there from the Henrietta Avenue part of it, but that would have been very, very bad because we've got so many nice homes being developed out there, the Georgetown -- Georgeview Estates, that bringing that kind of traffic into an industrial park wouldn't have functioned very well. This allows us entry into the property from Georgetown Road and protects that for the

future on the development. We have some folks that are interested in the property now and going ahead with development, but they have to have the ingress and egress.

MEMBER SMUCKLER: Has this property been cleared at Ford by the EPA yet?

MAYOR WATKINS: Yes, sir, it has.

MEMBER SMUCKLER: It is now on the...

MAYOR WATKINS: It's a clean piece of property according to...

MEMBER SMUCKLER: Are we advertising to be able to sell people on using the industrial parks there?

MAYOR WATKINS: Stark Development Board is helping us to merchandise the property, yes.

MEMBER SMUCKLER: And there was no ingress or egress out on Georgetown Road before this?

MAYOR WATKINS: No. There would have been ingress and egress off of Henrietta Avenue, but -- Marietta Avenue, I'm sorry, Marietta Avenue. But because of the development of Georgeview Estates, we have homes out there that...

MEMBER SMUCKLER: I - I under...

MAYOR WATKINS: You're well aware...

MEMBER SMUCKLER: I'm well aware of that, and I've been down there. I understand that.

MAYOR WATKINS: ...anywhere from \$180 to \$250,000.00. You can't use that entryway, we've got to use the main entryway off of Georgetown. This allowed us the opportunity to have that ingress and egress and access to this site as an industrial site and there was a time line involved in it that we had to meet in order to make it happen and we did.

MEMBER SMUCKLER: What time line?

MAYOR WATKINS: The time line was that it had to be settled as far as T&C was concerned and there was immediacy to that.

PRESIDENT DENCZAK: Mayor, let me just clear one thing. That wasn't Henrietta Avenue, it's Marietta Avenue? ... Yeah..

MAYOR WATKINS: Yeah. Marietta. I apologize.

PRESIDENT DENCZAK: The problem is, Member Smuckler, the plot plan that I have here, there was two sections of Ford property. There's an Ohio Power right of way for the transmission lines and then a larger section of Ford property. The largest section is what the Mayor is intending to provide access to. What happened is the entire Ford property did border on Georgetown Road, but Ford, except the, where the T&C Credit Union is, except the two parcels on the east and west side of that parcel was given to Republic Steel people. So therefore that blocked

any access to the lot. The only access to this property now is through the T&C Credit Union property. I don't know if the entire property is necessary to provide the road, if that's all they need or what. But, I can see the problem here. I don't know how this problem developed, but you could -- this is land locked property here. There's no access to it.

MEMBER SMUCKLER: Mr. President...?

PRESIDENT DENCZAK: Member Smuckler.

MAYOR WATKINS: Mr. President....?

MEMBER SMUCKLER: My question to this is, and I understand and, no, I don't want the traffic on Marietta if you're going to have a saleable industrial park down there, and I'm sure the residents don't want that down in the area either, but my -- the question is with this, I would have hoped that a meeting called on Wednesday and voted on on Friday, that we could have gotten a little bit more notice of that to get some of these questions answered before.

MAYOR WATKINS: Had we had the opportunity to do so, we would have. We were up against the wall because there was another bidder on the property, on the T&C property which would have locked us away from the Ford property and we needed to move quickly on it in order to make it happen. And their Board was meeting on that Friday so they had to have an answer from us.

MEMBER SMUCKLER: This does not take any further Council action then I would assume. Is that correct?

MAYOR WATKINS: No, I don't believe it does. This was purchased through CIC.

MEMBER SMUCKLER: Who is tearing down the T&C Credit Union when you ultimately have to build a road through there?

MAYOR WATKINS: Nobody. We don't have to tear that building down to put the road in.

MEMBER SMUCKLER: What's going to happen to the building?... Since the City owns it now.

MAYOR WATKINS: We'll own it and we'll have to make a decision as to how we'll dispose of it. Will we sell it? Will we dispose of it in some other way? Will it become part of the industrial complex? As long as we've got ingress and egress to the Ford property, that was the key for us. With their Board meeting and making a decision on Friday, we had to give them a decision on the same day.

MEMBER SMUCKLER: Thank you, Mr. President.

PRESIDENT DENCZAK: Any other miscellaneous business?... Any other miscellaneous business?...

MEMBER SMUCKLER: 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: 10 YEAS, 0 NAYS

ADJOURNMENT TIME: 9:27 P.M.

ATTEST:

DEBRA VANCKUNAS
CLERK OF COUNCIL

APPROVED:

RAY DENCZAK
PRESIDENT OF COUNCIL