

**MINUTES OF THE MEETING OF JANUARY 26, 2004**

*The regular meeting of Canton City Council was held on Monday, January 26, 2004, at 7:30 P.M. in the Canton City Council Chamber. The meeting was called to order by President of Council Ray Denczak. The roll call was then taken (as follows) by Clerk of Council Debbie Vanckunas. The invocation was given by Councilmember at Large Mary Babcock followed by the Pledge of Allegiance led by President of Council Ray Denczak.*

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

***ROLL CALL TAKEN BY CLERK OF COUNCIL:***

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

**AGENDA CORRECTIONS & CHANGES**

PRESIDENT DENCZAK: Thank you, Member Babcock. Agenda corrections and changes, you're being asked to suspend Rule 24B to add Resolutions #13 to #16. The chair will now recognize that motion, Member Casar, to suspend Rule 24B.

MEMBER CASAR: Mr. President. Mr. President, I move we suspend Rule 24B and add Resolutions 13, 14, 15 and 16 to the Agenda; seconded.

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

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

PRESIDENT DENCZAK: Rule 24B has been suspended and the Resolutions 13, 14, 15 and 16 are a legal part of your agenda. You're being asked to adopt Ordinances 3 and 5 on the first reading this evening. This brings your agenda up to date.

**PUBLIC HEARINGS**

PRESIDENT DENCZAK: There is no public hearing at this time.

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

**MINUTES OF THE MEETING OF JANUARY 26, 2004**

PRESIDENT DENCZAK: No one has signed up for the Public Speaks under Ordinances or Resolutions for Adoption.

**INFORMAL RESOLUTIONS**

PRESIDENT DENCZAK: It will not be necessary to excuse members. Let the journal show that all members of Council are present. Resolution #13 please.

***PRESIDENT DENCZAK CALLED UPON CLERK OF COUNCIL VANCKUNAS TO READ RESOLUTIONS #13 THROUGH #17 BY TITLE, AS SHOWN BELOW. THE RESOLUTIONS ARE ON FILE IN THEIR ENTIRETY IN THE COUNCIL OFFICE WITH THE AGENDA ITEMS FILE DATED JANUARY 26, 2004.***

13. COUNCIL-AS-A-WHOLE COMMITTEE: APPOINTING WARD 2 COUNCILMEMBER THOMAS E. WEST TO THE DOWNTOWN CANTON SPECIAL IMPROVEMENT DISTRICT'S BOARD OF TRUSTEES FOR THE YEAR 2004. - ADOPTED BY COUNCIL

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

PRESIDENT DENCZAK: Moved and seconded that you adopt Resolution #13. Are there any remarks on this Resolution?... If not, by voice vote, all those in favor signify by saying aye. Those opposed, no.

NO REMARKS

RESOLUTION #13 ADOPTED BY UNANIMOUS VOICE VOTE

PRESIDENT DENCZAK: Resolution #13 is adopted.

14. INTERGOVERNMENTAL & PUBLIC SERVICE COMMITTEE: OBJECTING TO THE ISSUANCE OF A C1 & C2 LIQUOR PERMIT REQUESTED BY BELLA 7 LLC DBA AS MAGGIORE'S DRIVE THRU #15 AT 1037 DUEBER AVENUE SW. - ADOPTED BY COUNCIL

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

PRESIDENT DENCZAK: Moved and seconded that you adopt Ordinance 14. Are there any remarks under this Resolution?... If not, by voice vote, all those in favor, signify by saying aye. Those opposed, no.

NO REMARKS

RESOLUTION #14 ADOPTED BY UNANIMOUS VOICE VOTE

PRESIDENT DENCZAK: Resolution #14 is adopted.

15. INTERGOVERNMENTAL & PUBLIC SERVICE COMMITTEE: OBJECTING TO THE ISSUANCE OF

**MINUTES OF THE MEETING OF JANUARY 26, 2004**

A C1, C2 LIQUOR PERMIT REQUESTED BY WAYNE EDWARD MARION DBA DUEBER DRIVE THRU LOCATED AT 1037 DUEBER AVENUE SW. - ADOPTED BY COUNCIL

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

PRESIDENT DENCZAK: Moved and seconded that you adopt Resolution #15. Are there any remarks under this Resolution?... Very well, by voice vote, all those in favor, signify by saying aye. Those opposed, no.

NO REMARKS

RESOLUTION #15 ADOPTED BY UNANIMOUS VOICE VOTE

PRESIDENT DENCZAK: Resolution #15 is adopted.

16. PERSONNEL COMMITTEE: WAIVING SECTION 151.14(a) OF THE CANTON CODIFIED ORDINANCES TO PERMIT MAYOR'S ASSISTANT JENNIFER DRLIK TO TRANSFER ~~263.74~~ \*amended: 80.0 HOURS OF ACCUMULATED SICK LEAVE PREVIOUSLY EARNED AS AN EMPLOYEE OF STARK COUNTY TO THE CITY OF CANTON. - ADOPTED BY COUNCIL

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

PRESIDENT DENCZAK: Moved and seconded that you adopt Resolution #16. Are there any remarks under this Resolution?...

MEMBER ZACHARY: Mr. President. I move we amend Resolution #16 and substitute the figure of 80 hours for 263.74 hours and...

MEMBER CARBENIA: Seconded.

PRESIDENT DENCZAK: Is there some more to it?

LAW DIRECTOR MARTUCCIO: It needs, it needs "in the final paragraph."

MEMBER ZACHARY: Oh, that is the final paragraph, I'm sorry.

PRESIDENT DENCZAK: Moved and seconded to amend this Resolution #16. The question before you now is the amendment. Are there any 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 APPROVED BY UNANIMOUS VOICE VOTE

PRESIDENT DENCZAK: The amendment has passed. The question before you now is the Resolution as amended changing the number of hours in the last paragraph. Are there any remarks under the Personnel Committee Resolution

**MINUTES OF THE MEETING OF JANUARY 26, 2004**

as amended?.... If not, by voice vote, all those in favor signify by saying aye. Those opposed, no. The Chair has a question to ask. Is this amount being paid or is it being added to her benefits?

MEMBER ZACHARY: Mr. President, this amount is being substituted. She currently has 263.74 hours that she could transfer and we're amending that to 80 hours.

PRESIDENT DENCZAK: And, this is not costing the City any money at this time?

MEMBER ZACHARY: It is not costing us any money at this point.

PRESIDENT DENCZAK: Ok. Fine.

NO REMARKS

RESOLUTION #16 ADOPTED BY UNANIMOUS VOICE VOTE

PRESIDENT DENCZAK: Resolution #16 is adopted as amended.

17. PRATER, TERRY WARD 5 COUNCILMEMBER: COMMENDING ALL THE FIREFIGHTERS INVOLVED IN THE 12/23/03 FIRE AT 1381 ROSLYN AVENUE SW - ADOPTED BY COUNCIL

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

PRESIDENT DENCZAK: Moved and seconded that you adopt Resolution #17. Are there any remarks under this resolution?....

MEMBER PRATER: Mr. President, can we have the Resolution read please?

PRESIDENT DENCZAK: Yes, you may.

*RESOLUTION #17 READ BY CLERK OF COUNCIL VANCKUNAS:* Submitted by Terry Prater, Ward 5 Council Representative of the City of Canton, Ohio on this 26<sup>th</sup> day of January 2004. WHEREAS, Firefighters were nearing the end of their 24-hour shift when the call came in----a house fire at 1381 Roslyn Avenue SW with people trapped inside. Flames engulfed the first floor and smoke poured out of second-floor windows a few minutes past 4 a.m. on Tuesday, December 23<sup>rd</sup> when Engine 5, racing from the Canton Centre Mall area, got there first. Engine 2, Tower 8, Engine 7, Medic Unit 1, then 7 and 4 all arrived after that --along with a Perry Township medic unit and private ambulances. An experienced veteran, Canton Battalion Chief Ray Harple was in charge of fighting the fire; and WHEREAS, Firefighters began attacking flames on the first floor. At the same time, others hoisted a pair of ladders to two second-floor windows. Within minutes, firefighters found four people in two upstairs bedrooms. They handed them to others on the ladder, passing them down the line until each was inside an ambulance and bound for the hospital. A few hours after it was over, six people were dead and a seventh clung to life. By 9:30 p.m., December 23<sup>rd</sup>, that person was also gone. For some young firefighters, it was their first fatal fire, the first time they had ever picked up a lifeless body, the first time some paramedics ever worked on a fire burn victim; and WHEREAS, the loss may seem more poignant because it was

**MINUTES OF THE MEETING OF JANUARY 26, 2004**

Christmas week, but for the public servants who put their lives on the line to save others, it was frustrating and heart-breaking. Even in this age of advanced training and equipment, fire can get the upper hand. Firefighters witnessed the highest death toll in a city fire in more than 40 years. These public servants, without regard for their own safety, did all they could to save everyone in that house. They suffered a tragedy, but the outcome does not diminish their courage, determination and valiant efforts; NOW, THEREFORE, BE IT RESOLVED: That we the elected members of the Council of the City of Canton, Ohio, do hereby go on public record and join with all Cantonians in offering our commendation to ALL FIREFIGHTERS INVOLVED IN THE DECEMBER 23<sup>RD</sup>, 2003 FIRE AT 1381 ROSLYN AVENUE SW IN CANTON, OHIO for their heroism, their selfless determination to save the lives of others, and the example they have set for all citizens of Canton that care and concern for human life outweigh the threat of personal risk. We offer you our grateful thanks for a job well done.

PRESIDENT DENCZAK: Are there any remarks?... We'll vote on it first. Any remarks?... If not, by voice vote, all those in favor, signify by saying aye. Those opposed, no.

NO REMARKS

RESOLUTION #17 ADOPTED BY UNANIMOUS VOICE VOTE

PRESIDENT DENCZAK: The Resolution is adopted. Member Prater... Member Prater, hold up until we get you on the mike there.

MEMBER PRATER: Thank you. I'd like to thank all members of the Fire Department who were at the house that evening fighting the fire, though I live a few houses down, I was there and I witnessed first hand the courage the determination, dedication and the hard work and I wanted to make sure that that did not go unnoticed. I think you are the unsung heroes. Though the outcome of the fire was tragic, the effort by the Fire Department was first-class, and Canton City Council, myself and members, of the City of Canton, we thank you very much.

MEMBER DENCZAK: Do you wish to make a presentation to somebody?

MEMBER PRATER: Yes.

MEMBER DENCZAK: One of you guys do it. Don't let Joe Carbenia do it. *(Laughter)*

MEMBER CARBENIA: You don't have to call them that many times if a fire's burning.

*(PRESENTATION OF COMMENDATION RESOLUTION MADE TO A FIREFIGHTER ON BEHALF OF ALL FIREFIGHTERS INVOLVED IN HEROIC EFFORTS - APPLAUSE FROM THE AUDIENCE AND COUNCILMEMBERS)*

**COMMUNICATIONS**

PRESIDENT DENCZAK: All Communications are received as read and referred.

***NOTE: ALL COMMUNICATIONS WHICH FOLLOW, LISTED BY AGENDA TITLE, ARE ON FILE IN***

**MINUTES OF THE MEETING OF JANUARY 26, 2004*****THEIR ENTIRETY IN THE COUNCIL OFFICE WITH THE AGENDA ITEMS FILE DATED JANUARY 26, 2004.***

51. CD & PLANNING DEPARTMENT, CITY OF CANTON, SHEILA K. THARP-BARRINO, DIRECTOR: REQUESTING LEGISLATION RATIFYING ANDRE-AUTHORIZING 15 ORDINANCES (152/2002, ETC.). - COMMUNITY & ECONOMIC DEVELOPMENT & FINANCE COMMITTEES
52. CD & PLANNING DEPARTMENT, CITY OF CANTON, SHEILA K. THARP-BARRINO, DIRECTOR: REQUESTING LEGISLATION AUTHORIZING MAYOR AND/OR HER DESIGNEE TO FILE AN APPLICATION, APPLY FOR FINANCIAL ASSISTANCE & ADMINISTER FUNDS IN ACCORDANCE WITH PROGRAM GUIDELINES & ASSURANCES WITH STATE OF OHIO FOR PARTICIPATION IN CLEAN OHIO ASSISTANCE FUND, INCLUDING ENTERING INTO \$50,000 CONTRACT FOR PROFESSIONAL ENVIRONMENTAL SERVICES REQUIRED BY APPLICATION. - COMMUNITY & ECONOMIC DEVELOPMENT COMMITTEE
53. CITY PROSECUTOR FRANK FORCHIONE, CITY OF CANTON: SUMMARIES OF HOUSE BILL #12, CARRYING CONCEALED WEAPON, & SENATE BILL #50, NEW DOMESTIC VIOLENCE LAWS. - RECEIVED & FILED
54. HEALTH BENEFITS ADMINISTRATOR ROSE BRESSON, CITY OF CANTON: DECEMBER MONTHLY COMPARATIVE REPORT OF INSURANCE CLAIMS & JANUARY-DECEMBER 2003 PAID CLAIMS & COMPARATIVE REPORT. - RECEIVED & FILED
55. LAW DIRECTOR JOE MARTUCCIO, CITY OF CANTON: PROVIDING STATUS OF VACATION PORTIONS OF 14<sup>TH</sup> STREET SW & LAWN AVENUE SW AS REQUESTED BY DUMONT SEED CO., INCLUDING COUNCIL MEMBER PRATER'S REQUEST FOR AN ORDINANCE APPROVING ORIGINALLY PROPOSED VACATION. - PUBLIC SAFETY & THOROUGHFARES COMMITTEE
56. LIQUOR CONTROL DIVISION STATE OF OHIO, 6606 TUSSING ROAD, PO BOX 4005, REYNOLDSBURG, OHIO 43068-9005: CONTINUING HEARING SCHEDULED FOR 1/12/04 TO A DATE TO BE ANNOUNCED ON OBJECTION TO C1, C2 LIQUOR PERMIT REQUESTED BY R&S CONVENIENT MART, DBA B&B SUPERMARKET LOCATED @ 636 CHERRY AVE., NE. - INTERGOVERNMENTAL & PUBLIC SERVICE COMMITTEE
57. PLANNING COMMISSION, CITY OF CANTON, SHEILA K. THARP-BARRINO, SECRETARY: RECOMMENDING APPROVAL OF REQUEST BY K&S ASSOCIATES FOR WAL-MART TO REPLAT OUTLOTS 800 & 842 AT HARMONT & ATLANTIC BLVD. NE INTO NEW OUTLOT AND NEW LOT. - PUBLIC SAFETY & THOROUGHFARES COMMITTEE
58. PLANNING COMMISSION, CITY OF CANTON, SHEILA K. THARP-BARRINO, SECRETARY: RECOMMENDING APPROVAL OF FINAL RECORD PLAT OF VIENNA WOODS II REQUESTED BY HETTLER-LARGENT ENGINEERING FOR SUNAMERICA AFFORDABLE HOUSING

**MINUTES OF THE MEETING OF JANUARY 26, 2004**

PARTNERS. - PUBLIC SAFETY & THOROUGHFARES COMMITTEE

59. PLANNING COMMISSION, CITY OF CANTON, SHEILA K. THARP-BARRINO, SECRETARY: RECOMMENDING APPROVAL OF REQUEST BY COOPER & ASSOCIATES FOR GROFFRE INVESTMENTS TO REPLAT PARTS OF OUTLOTS 41 & 315 ON ALLEN AVENUE SE INTO A NEW OUTLOT. - PUBLIC SAFETY & THOROUGHFARES COMMITTEE
60. PLANNING COMMISSION, CITY OF CANTON, SHEILA K. THARP-BARRINO, SECRETARY: RECOMMENDING APPROVAL OF REQUEST BY ACCURATE TECHNOLOGIES FOR THE TIMKEN CO. TO REPLAT LOTS 5720, 5721, 5722, 5723 ON GARFIELD AVENUE SW INTO TWO NEW LOTS. - PUBLIC SAFETY & THOROUGHFARES COMMITTEE
61. SAFETY DIRECTOR JOSEPH J. CONCATTO, CITY OF CANTON: REQUEST FOR APPROVAL OF DEMOLITION OF 19 PARCELS (1136 5<sup>TH</sup> STREET NW, ETC). - COMMUNITY & ECONOMIC DEVELOPMENT & FINANCE COMMITTEES
62. SAFETY DIRECTOR JOSEPH J. CONCATTO, CITY OF CANTON: NOTIFICATION THAT CITY & CPFFA HAVE REACHED ONE-YEAR TENTATIVE AGREEMENT, PROVISIONS & SEVERAL NON-ECONOMIC TENTATIVE AGREEMENTS WILL BE FORWARDED WITH PROPOSED ORDINANCE APPROVING CONTRACT, COUNCIL WILL HAVE 30 DAYS TO APPROVE OR REJECT & IF REJECTED, WILL GO TO FACT-FINDING; REQUESTING TO MEET WITH COUNCIL IN EXECUTIVE SESSION ON 1/26/04. - PERSONNEL COMMITTEE
63. SERVICE DIRECTOR TAD ELLSWORTH, CITY OF CANTON: DECLARING THE FORMER EXECUTIVE GARAGE AS THE ONLY AUTHORIZED SMOKING AREA IN CITY HALL. - RECEIVED & FILED
64. SERVICE DIRECTOR TAD ELLSWORTH, CITY OF CANTON: REQUEST TO AUTHORIZE & DIRECT PUBLIC SERVICE DIRECTOR TO ENTER INTO SANITARY SEWER EASEMENT WITH CAROL S. WARSTLER, TRUSTEE OF THE CAROL S. WARSTLER REVOCABLE TRUST, AS PART OF THE I-77 (STA-77-9.46) WIDENING PROJECT. - ENVIRONMENTAL & PUBLIC UTILITIES COMMITTEE
65. SERVICE DIRECTOR ELLSWORTH, CITY OF CANTON: REQUESTING CERTIFICATION OF LIST OF 53 PROPERTY OWNERS TO STARK COUNTY AUDITOR FOR LIENS ON REAL ESTATE TAXES FOR GRASS MOWING PERFORMED BY THE STREET DEPT. - INTERGOVERNMENTAL & PUBLIC SERVICE COMMITTEE
66. STARK COUNTY COMMISSIONERS GAYLE A JACKSON, RICHARD REGULA & JANE VIGNOS: RESOLUTION GRANTING ANNEXATION OF 176.280 ACRES IN CANTON TOWNSHIP KNOWN AS FORD/REPUBLIC GEORGETOWN BROTHERS ANNEXATION AREA. - ANNEXATION COMMITTEE & PLANNING COMMISSION

**MINUTES OF THE MEETING OF JANUARY 26, 2004**

67. UNITED FOUNDRIES, INC., 1400 GRACE AVENUE NE, CANTON, OHIO: REQUEST TO VACATE A PORTION OF 13<sup>TH</sup> STREET NE, GRACE AVENUE NE, & CRYSTAL PLACE NE FOR COMMERCIAL USE BY THE PROPERTY OWNERS. - PLANNING COMMISSION

**ORDINANCES & FORMAL RESOLUTIONS FOR FIRST READING**

PRESIDENT DENCZAK: Before the Chair forgets, the Chair's been notified by Mr. Concatto that the Plaza outside is very icy. They're trying to salt it down. They don't know if it's going to work or not, so, be very careful when you leave here this evening. That's on the plaza and the stairway. Ordinances and Formal Resolutions for their first reading. Let the journal show that all ordinances are being given their reading as required by State Law. Ordinance #1 please.

***NOTE: PRESIDENT DENCZAK CALLED UPON CLERK VANCKUNAS TO READ THE FOLLOWING ORDINANCES #1 THROUGH #11 FOR THE FIRST TIME BY TITLE & ANNOUNCED THE REFERRAL, AS FOLLOWS. ORDINANCES #2 AND #5 WERE ADOPTED FOLLOWING THEIR FIRST READING.***

- #1 (1<sup>ST</sup> RDG) AN ORDINANCE AUTHORIZING DIRECTOR OF PUBLIC SERVICE DIRECTOR TO ADVERTISE, RECEIVE BIDS & ENTER INTO CONTRACT FOR THE REMOVAL OF ASBESTOS & DEMOLITION OF THE KRESGE BLOCK BUILDINGS; AUTHORIZING THE CITY AUDITOR TO ESTABLISH THE 2814 CLEAN OHIO REVITALIZATION FUND; AND DECLARING THE SAME TO BE AN EMERGENCY  
Referred to Community Economic Development & Finance Committees
- #2 (1<sup>ST</sup> RDG) **ADOPTED AS ORDINANCE NO. 2/2004** AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO PROFESSIONAL SERVICES CONTRACTS FOR HEALTH CARE BENEFITS ADMINISTRATION & STOP-LOSS INSURANCE FOR CITY EMPLOYEES AND THEIR DEPENDENTS; AND DECLARING THE SAME TO BE AN EMERGENCY  
Referred to Finance Committee
- #3 (1<sup>ST</sup> RDG) AN ORDINANCE AUTHORIZING PARTICIPATION BY THE CITY OF CANTON IN STATE CONTRACTS PURSUANT TO OHIO REVISED CODE SECTION 5513.01; AND DECLARING THE SAME TO BE AN EMERGENCY  
Referred to Public Property Capital Improvement & Finance Committees
- #4 (1<sup>ST</sup> RDG) AN ORDINANCE AUTHORIZING PARTICIPATION BY THE CITY OF CANTON AND THE STATE OF OHIO COOPERATIVE PURCHASING; AND DECLARING THE SAME TO BE AN EMERGENCY

**MINUTES OF THE MEETING OF JANUARY 26, 2004**Referred to Public Property Capital Improvement & Finance Committees

- #5 (1<sup>ST</sup> RDG) **ADOPTED AS ORDINANCE NO. 3/2004** AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A CONTRACT RENEWAL WITH THE OHIO MUNICIPAL LEAGUE JOINT SELF-INSURANCE POOL IN AN AMOUNT NOT TO EXCEED \$168,710.00 FOR GENERAL LIABILITY & COMPREHENSIVE AUTOMOBILE LIABILITY INSURANCE COVERAGES; AND DECLARING THE SAME TO BE AN EMERGENCY  
Referred to Finance Committee
- #6 (1<sup>ST</sup> RDG) AN ORDINANCE AMENDING EXHIBIT A TO O.164/2001 AS AMENDED, THE CLASSIFICATION PLAN & GENERAL SALARIES FOR ALL MANAGEMENT & NON-BARGAINING UNIT EMPLOYEES OF THE CITY OF CANTON; AND DECLARING THE SAME TO BE AN EMERGENCY  
Referred to Personnel Committee
- #7 (1<sup>ST</sup> RDG) AN ORDINANCE WAIVING THE RESIDENCY REQUIREMENT OF SECTION 737.01 OF THE OHIO REVISED CODE FOR THE DIRECTOR OF PUBLIC SAFETY  
Referred to Personnel Committee
- #8 (1<sup>ST</sup> RDG) AN ORDINANCE APPROVING A CANTON CITY WATER MAIN EXTENSION TO THE VILLAGE OF MEYERS LAKE; AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CONTRACT FOR THE EXTENSION OF SAID WATER MAIN; AND DECLARING THE SAME TO BE AN EMERGENCY  
Referred to Environmental & Public Utilities Committee
- #9 (1<sup>ST</sup> RDG) AN ORDINANCE AUTHORIZING THE MAYOR AND/OR DIRECTOR OF PUBLIC SERVICE & SAFETY TO COMPLETE THE CONTRACTING PROCESS FOR VARIOUS CONTRACTS PREVIOUSLY AUTHORIZED BUT NOT COMPLETED BY JANUARY 1, 2004; AND DECLARING THE SAME TO BE AN EMERGENCY  
Referred to Finance Committee
- #10 (1<sup>ST</sup> RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE AND/OR DIRECTOR OF PUBLIC SAFETY TO ADVERTISE, RECEIVE BIDS & ENTER INTO CONTRACT FOR SUPPLY ITEMS, MATERIALS & PROFESSIONAL SERVICES FOR THE CITY OF CANTON OPERATIONS DURING THE 2004 CALENDAR YEAR; AUTHORIZING ALTERNATIVELY THE PURCHASE OF SAID ITEMS PURSUANT TO THE STATE COOPERATIVE PURCHASING AGREEMENT AND/OR ODOT PURCHASING AGREEMENT; AND DECLARING THE SAME TO BE AN EMERGENCY  
Referred to Finance Committee
- #11 (1<sup>ST</sup> RDG) AN ORDINANCE AMENDING SECTION 181.05, RETURN AND PAYMENT OF TAX

**MINUTES OF THE MEETING OF JANUARY 26, 2004**

REFUND; AND DECLARING THE SAME TO BE AN EMERGENCY  
Referred to Judiciary Committee

PRESIDENT DENCZAK: The Chair is going to declare an in-house recess for the Finance Committee to meet in regards to Ordinances 2 and 5 on your agenda this evening. We are now in recess.

*(COUNCIL RECESSED AT 7:48 PM FOR A COMMITTEE MEETING ON ORDINANCES #2 & 5 WHICH WERE RETURNED TO THE AGENDA FOR ADOPTION. THE MEETING WAS RECONVENED BY PRESIDENT DENCZAK AT 8:04 PM)*

PRESIDENT DENCZAK: Council is re-convening after the recess for the Committee Hearing. Member Casar, the Chair will now recognize motions to put Ordinance 2 and 5 back on the Agenda. Member Casar.

MEMBER CASAR: Mr. President, I would like to place Ordinances 2 and 5 back on the agenda.

PRESIDENT DENCZAK: Specify the Rule please, 22A.

MEMBER CASAR: 22A; seconded

PRESIDENT DENCZAK: Moved and seconded that Council suspend the Rule 22A to add Ordinances 2 and 5 to the agenda. Are there any remarks?.... If not, roll call vote please.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinances 2 and 5 are a legal part of your agenda. Member Casar.

#2 **ADOPTED AS ORDINANCE NO. 2/2004** AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO PROFESSIONAL SERVICES CONTRACTS FOR HEALTH CARE BENEFITS ADMINISTRATION & STOP-LOSS INSURANCE FOR CITY EMPLOYEES AND THEIR DEPENDENTS; AND DECLARING THE SAME TO BE AN EMERGENCY

MEMBER CASAR: I move the Statutory Rules be suspended; seconded.

PRESIDENT DENCZAK: Moved and seconded to dispense with the 3 readings of Ordinance #2. Are there any remarks?.... If not, roll call vote please.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

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

**MINUTES OF THE MEETING OF JANUARY 26, 2004**

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

PRESIDENT DENCZAK: Moved and seconded that you adopt Ordinance #2. Are there any remarks under this Ordinance?.... Very well, roll call vote.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance #2 is adopted.

**#2 ADOPTED AS ORDINANCE NO. 2/2004**

#5 **ADOPTED AS ORDINANCE NO. 3/2004** AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A CONTRACT RENEWAL WITH THE OHIO MUNICIPAL LEAGUE JOINT SELF-INSURANCE POOL IN AN AMOUNT NOT TO EXCEED \$168,710.00 FOR GENERAL LIABILITY & COMPREHENSIVE AUTOMOBILE LIABILITY INSURANCE COVERAGES; AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT DENCZAK: Ordinance #5, Member Casar.

MEMBER CASAR: Mr. President, I move that the Statutory rules be suspended for Ordinance #5; seconded.

PRESIDENT DENCZAK: Moved and seconded to dispense with the 3 readings of Ordinance #5. Are there any remarks?.... If not, roll call vote please.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

PRESIDENT DENCZAK: You've heard the 3 readings of....

MEMBER CASAR: I move we adopt Ordinance #5; seconded.

PRESIDENT DENCZAK: Moved and seconded that you adopt Ordinance #5. Are there any remarks under this ordinance?.... Very well, roll call vote please.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance #5 is adopted.

**#5 ADOPTED AS ORDINANCE NO. 3/2004**

**ORDINANCES & FORMAL RESOLUTIONS FOR SECOND READING**

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

***NOTE: PRESIDENT DENCZAK CALLED UPON CLERK VANCKUNAS TO READ THE FOLLOWING***

**MINUTES OF THE MEETING OF JANUARY 26, 2004*****ORDINANCE #12 FOR THE SECOND TIME BY TITLE.***

#12 (2<sup>ND</sup> RDG) AN ORDINANCE AMENDING O.55/77 AS AMENDED KNOWN AS THE CITY OF CANTON ZONING ORDINANCE; AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT DENCZAK: The public hearing is scheduled for February 2, 2004 at 7:30pm.

**ORDINANCES AND FORMAL RESOLUTIONS FOR THIRD READING**

PRESIDENT DENCZAK: There are no Ordinances for the third and final reading.

**ANNOUNCEMENT OF COMMITTEE MEETINGS**

PRESIDENT DENCZAK: Announcement of Committee Meetings.

MEMBER MALLONN: Mr. President, yes, Environmental & Public Utilities will meet February 2 at 6:00.

MEMBER HAWK: Mr. President, Finance Committee will meet February 2 at 6:00.

MEMBER DOUGHERTY: Mr. President, Public Property Capital Improvement will also meet at 6:00 on the 2<sup>nd</sup>.

MEMBER BERNABEI: Mr. President, Judiciary will meet February 2 at 6:00.

MEMBER ZACHARY: Mr. President, the Personnel Committee will meet February 2<sup>nd</sup> at 6:15.

MEMBER CARBENIA: Mr. President, Community & Economic Development will meet same time, same place.

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

PRESIDENT DENCZAK: Public Speaks, Open Forum, City Business only. We have 2 people signed up to speak. The first person is Vincent Watts.

MR. WATTS: Good evening to the governing body to President of Council. My name is Vincent Watts and I'm here to speak as a resident of the City of Canton.....

PRESIDENT DENCZAK: State your address, sir.

MR. WATTS: My address, 1445 - 15<sup>th</sup> Street NW in the City of Canton.

**MINUTES OF THE MEETING OF JANUARY 26, 2004**

PRESIDENT DENCZAK: Okay.

MR. WATTS: Thank you. I sat in the back of City Council meeting when we met on the issue of residency when it came up for safety forces and I listened as the argument was made for and against the residency requirement. Councilman Ede spoke passionately that residency should be an expectation for city employees and now we have the issue of residency on the table for our Public Safety Director, and a waiver of that residency requirement. As I've said before in articles to the paper and to those who have known me, I believe that the people who live in the City of Canton should control what happens in the City of Canton. More and more I believe we are becoming a community of less significant people and I've met with Mr. Hunt, had an opportunity to talk with him and I believe he would be a very capable individual. But, I don't believe that we should waive residency. I think if you draw a paycheck from the City of Canton, you should live in the City of Canton. I don't believe we've heard this discussion in many of the other communities surrounding Canton. I believe it's important because residency for them is an automatic expectation. If you want the job in that community, they expect you to live in that community. I think it should be the same in the City of Canton. I believe it is that, that we the citizens of Canton are taking an apathetic approach to who's at the helm. I think Councilman Ede would have taken the same stance with this issue as he did before. Residency should remain an expectation for officials of the city. I think that if we don't do this, that we will begin to lose the importance of living within the city. Those people who host business clients that come in to consider relocating to Canton, you can't take them to a place that you don't know. So those that host those businesses will take them to Perry and Belden Village and anywhere except the City of Canton. The best case scenario is to hire people who live in the city to a city job. An acceptable medium would be to hire the person you feel is best for the job and then require them to move into the city. Waiving residency, I believe, is a bad precedent and a bad idea. There's a lot of communities right now that are focusing on the issue of residency. Many states have taken it up as a state requirement or a state debate but I believe in the City of Canton, we ought to take a stand and say that we want our elected officials, especially those that have an office on the 8<sup>th</sup> floor to live in the City of Canton. I think that's only a.....an expectation that is not unreasonable.

PRESIDENT DENCZAK: Sir, your 3 minutes are up. I'm going to ask that you bring your remarks to a close.

MR. WATTS: Thank you. As a resident of Canton, I chose to stay here when opportunities were for me to leave here. I think that those who are drawing a paycheck from Canton ought to remember that and they ought to come back into the City. Thank you.

PRESIDENT DENCZAK: The next speaker is Randy Bailey.

MR. BAILEY: I didn't realize that 3 minutes was that long. I really don't have a whole lot to say. This is my first council meeting. I've lived in Canton, grew up here. I've been reading....

PRESIDENT DENCZAK: State your name and address.

MR. BAILEY: I'm sorry. Randy Bailey, 207 3- 4<sup>th</sup> Street NW. I've grown up in Canton. I've lived here all but about 3 years and the 4 years I was in college. The last 10 years I've rehabed about 40 properties in the City of Canton and I keep reading about Councilman Hawk wanting to streamline the process to tear down homes. Okay. I put together a company 2 years ago and I've been working with the City of Cleveland. The City of Cleveland has some

**MINUTES OF THE MEETING OF JANUARY 26, 2004**

excellent, excellent ideas on how to get new housing in the city. They have a land bank where you can buy property that the city's taken back. The city takes it back a number of ways. They will allow the delinquent tax owner to deed the property back to the city in lieu of foreclosure as a giftee. They have this land bank, you can buy the property for \$100. As a builder, which is what I put my company together for, that's a great incentive, to have city utilities, buy a lot for \$100, be able to improve that lot and get my value out of the house. What I'm offering is, I will give you contacts to the people I've been working with in the City of Cleveland, I will volunteer my time to help, I mean there's tons of stuff. This is the book written by Linda Hootacheck who is the Director for the Development, Community, the Department of Community Development for the City of Cleveland. The Economic Chief Officer for the City of Cleveland is one of my fraternity brothers and that's how I got to be working with the City of Cleveland. But, please, my number, my phone number is 492-6189 or 492-6187 if I'm on the computer, that will be busy. So, ring me any time you want. That's all I have.....I would encourage you, please call me so I can give you information - I will be happy to help. Okay? Thank you.

**MISCELLANEOUS BUSINESS**

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

MEMBER MALLONN: Mr. President, I just have a question for Mayor Creighton. Madam Mayor, as Chairman of the Parks & Recreation Committee, as I was driving downtown this afternoon, and on a number of Saturdays, including this evening, it came to my attention and with great concern that I don't see anyone using the skating rink on a regular basis and I inquired with Member Hawk and he explained to me that they're not cleaning that off when we have a significant snowfall. I was just wondering, is it the Street Department's responsibility or is it the Park Department's or can we get somebody from Community Service to clear that? We're always looking for things for our youth to do and I think that's a great avenue for them to go down there and skate and spend some time downtown. I was just wondering if we can...if maybe you know who's responsibility, responsible for that or if you could let me know.

PRESIDENT DENCZAK: Madam Mayor.

MAYOR CREIGHTON: Mr. President, I don't know exactly who's responsible to clear it but just so all of Council and the public knows, we have weekly staff meetings now with all department heads and it will be addressed tomorrow at the staff meeting. Those meetings are held once a week and we can clear up issues like that and I will get you an answer Councilman Mallonn.

MEMBER MALLONN: Thank you.

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

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

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

NO REMARKS PERMITTED ON THE MOTION TO ADJOURN

ROLL CALL: 12 YEAS, 0 NAYS

ADJOURNMENT TIME: 8:17 P.M.

**MINUTES OF THE MEETING OF JANUARY 26, 2004**

ATTEST:

APPROVED:

DEBRA VANCKUNAS  
CLERK OF COUNCIL

RAY DENCZAK  
PRESIDENT OF COUNCIL

