

**MINUTES OF THE MEETING OF MARCH 8, 2004**

*The regular meeting of Canton City Council was held on Monday, March 8, 2004, at 7:30 P.M. in the Canton City Council Chamber. The meeting was called to order by President of Council Ray Denczak. The roll call was then taken (as follows) by Clerk of Council Debbie Vanckunas. The invocation was given by Ward 4 Councilmember Kelly Zachary, 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:***

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

**AGENDA CORRECTIONS & CHANGES**

PRESIDENT DENCZAK: Agenda corrections and changes, Member of Council. You're being asked to suspend Rule 22A to add second readings of Ordinances 3 through and including #6. You're being asked to suspend Rule 24B to add Resolutions 34 and 35. The Chair will now recognize Rule 22A, Member Casar.

MEMBER CASAR: Mr. President, I move that Rule 22A be suspended and add Ordinances 3 through 6 on tonight's agenda; seconded.

PRESIDENT DENCZAK: Moved and seconded to suspend Rule 22A. Are there any remarks...?

CLERK VANCKUNAS: Mr. President, is Ordinance #3 being retained in committee?

MEMBER CASAR: Mr. President, point of information. Yes, Ordinance #3 will be retained in committee. I'm sorry.

PRESIDENT DENCZAK: Any further remarks?... If not, roll call vote please.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

PRESIDENT DENCZAK: The Ordinances are a legal part of your agenda. The Chair will now recognize Rule 24B suspension, Member Casar.

MEMBER CASAR: Mr. President, I move that Rule 22B be suspended and add Ordinances Num-- Resolution #34 and 35 to the agenda; seconded.

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

**MINUTES OF THE MEETING OF MARCH 8, 2004**

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

PRESIDENT DENCZAK: The Resolutions are a legal part of your agenda.

**PUBLIC HEARINGS**

PRESIDENT DENCZAK: We have no scheduled public hearing at this time.

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

NO ONE SIGNED UP FOR PUBLIC SPEAKS (ORDINANCES OR RESOLUTIONS FOR ADOPTION ONLY)

**INFORMAL RESOLUTIONS**

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

***PRESIDENT DENCZAK CALLED UPON CLERK OF COUNCIL VANCKUNAS TO READ RESOLUTIONS #33 THROUGH AND INCLUDING #35 BY TITLE, AS SHOWN BELOW. THE RESOLUTIONS ARE ON FILE IN THEIR ENTIRETY IN THE COUNCIL OFFICE WITH THE AGENDA ITEMS FILE DATED MARCH 8, 2004.***

33. CASAR, DONALD E., COUNCIL VICE-PRESIDENT: AMENDING RULE #17 AND SECTION A OF RULE #47 OF THE RULES OF PROCEDURE FOR THE CANTON CITY COUNCIL BY ADDING CHIEF OF STAFF. - ADOPTED BY COUNCIL

MEMBER CASAR: Mr. President, I move we adopt Resolution #33; seconded.

PRESIDENT DENCZAK: Moved and seconded that you adopt Resolution #33. Are there any remarks?... If not, roll call vote please.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

PRESIDENT DENCZAK: Resolution #33 is adopted.

MEMBER CASAR: Mr. President, I request that Chief of Staff Concatto come forward...

PRESIDENT DENCZAK: Yes. Come on up here. (*SLIGHT PAUSE WHILE CHIEF OF STAFF TAKES HIS SEAT BEHIND THE RAILING*) Put it in the slot there. (*MAKING REFERENCE TO THE NAME SIGN*)CHIEF OF STAFF CONCATTO: (*MAKING REFERENCE TO NAME SIGN BEING PRESENTED TO HIM*) Thank you, Members of City Council.

**MINUTES OF THE MEETING OF MARCH 8, 2004**

PRESIDENT DENCZAK: At the risk of being sued by some people, the Law Director tells me that there are now three Italians named Joe up here on the dias.

CHIEF OF STAFF CONCATTO: We'll try to do better, Mr. President.

34. PERSONNEL COMMITTEE: APPROVING MAYOR'S REAPPOINTMENT OF ROBERT FAY TO THE INCOME TAX BOARD OF REVIEW FOR A 4 YEAR TERM EFFECTIVE 3/1/04 THROUGH 2/28/08. - ADOPTED BY COUNCIL

MEMBER CASAR: Mr. President, I move we adopt Resolution #34; seconded.

PRESIDENT DENCZAK: Moved and seconded that you adopt Resolution #34. Are there any remarks?... If not, by voice vote, all those in favor signify by saying aye. Those opposed no.

NO REMARKS

RESOLUTION #34 ADOPTED BY UNANIMOUS VOICE VOTE

PRESIDENT DENCZAK: Resolution #34 is adopted.

35. PERSONNEL COMMITTEE: APPROVING MAYOR'S APPOINTMENT OF BILL SHERER TO THE INCOME TAX BOARD OF REVIEW FOR A 4 YEAR TERM EFFECTIVE 3/1/04 THROUGH 2/28/08. - ADOPTED BY COUNCIL

MEMBER CASAR: Mr. President, I move we adopt Resolution #35; seconded.

PRESIDENT DENCZAK: Moved and seconded that you adopt Resolution #35. 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 #35 ADOPTED BY UNANIMOUS VOICE VOTE

PRESIDENT DENCZAK: Resolution #35 is adopted.

**COMMUNICATIONS**

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

***NOTE: ALL COMMUNICATIONS WHICH FOLLOW, LISTED BY AGENDA TITLE, ARE ON FILE IN THEIR ENTIRETY IN THE COUNCIL OFFICE WITH THE AGENDA ITEMS FILE DATED MARCH 8, 2004.***

136. AUDITOR KIM R. PEREZ, CITY OF CANTON: MONTHLY REPORT BY FUND FOR 2/1/04 - 2/27/04. - RECEIVED & FILED

137. AUDITOR KIM R. PEREZ, CITY OF CANTON: YEARLY REPORT BY FUND FOR 1/1/04 - 2/27/04. - RECEIVED & FILED

**MINUTES OF THE MEETING OF MARCH 8, 2004**

138. CANTON-STARK COUNTY CRIME LAB, 3530 CENTRAL AVE SE, CANTON, OHIO 44707: 2003 ANNUAL REPORT. - RECEIVED & FILED
139. LIQUOR CONTROL DIVISION, (STATE OF OHIO), 6606 TUSSING ROAD, PO BOX 4005, REYNOLDSBURG, OHIO 43068-9005: REQUEST FOR TRANSFER OF D5 PERMIT FROM CHILLIES LOUNGE, INC. TO PLATINUM DYNASTY LLC, dba CLUB BLUEPRINT LOCATED @ 1016 12<sup>TH</sup> ST NE. - INTERGOVERNMENTAL & PUBLIC SERVICE COMMITTEE
140. LIQUOR CONTROL DIVISION (STATE OF OHIO), 6606 TUSSING ROAD, PO BOX 4005, REYNOLDSBURG, OHIO 43068-9005: REQUEST FOR TRANSFER OF D2, D2X, D3 PERMIT FROM CYNTHIA PRITCHARD, dba CINDY'S PUB & DRIVE-THRU TO TANYA M. BEANS, dba GOODTIME POPS & DRIVE-THRU LOCATED @ 1907-11 HARRISBURG NE. - INTERGOVERNMENTAL & PUBLIC SERVICE COMMITTEE
141. MAYOR JANET WEIR-CREIGHTON, CITY OF CANTON: REQUESTING CONFIRMATION OF REAPPOINTMENT OF ROBERT FAY TO THE INCOME TAX BOARD OF REVIEW EFFECTIVE 3/1/04 THROUGH 2/28/08. - PERSONNEL COMMITTEE (See Re#34)
142. MAYOR JANET WEIR-CREIGHTON, CITY OF CANTON: REQUESTING CONFIRMATION OF APPOINTMENT OF BILL SHERER TO THE INCOME TAX BOARD OF REVIEW EFFECTIVE 3/1/04 THROUGH 2/28/08. - PERSONNEL COMMITTEE (See Re#35)
143. MAYOR JANET WEIR-CREIGHTON, CITY OF CANTON: ADVISING OF APPOINTMENT OF JOHN MROCKOWSKI TO THE CANTON CITY PLANNING COMMISSION EFFECTIVE 3/1/04 THROUGH 2/28/10. - RECEIVED & FILED
144. MAYOR JANET WEIR-CREIGHTON, CITY OF CANTON: REQUESTING AUTHORITY FOR MAYOR AND/OR CHIEF OF STAFF TO ENTER INTO CONTRACT WITH SMG PRIVATE MANAGEMENT FOR PUBLIC FACILITIES TO MANAGE THE CANTON CIVIC CENTER. - PUBLIC PROPERTY CAPITAL IMPROVEMENT & FINANCE COMMITTEES
145. PLANNING & COMMUNITY DEVELOPMENT DEPT., CITY OF CANTON, SHEILA K. THARP-BARRINO, DIRECTOR: REQUESTING AUTHORITY TO ACCEPT DONATION OF LAND FROM LEVASSER W. CONNOR, JR., SANDAL PLACE NE, PARCELS 02-06829 &, 02-06830 LOTS 2697 & 2698. - PUBLIC PROPERTY CAPITAL IMPROVEMENT COMMITTEE
146. PLANNING & COMMUNITY DEVELOPMENT DEPT., CITY OF CANTON, SHEILA K. THARP-BARRINO, DIRECTOR: REQUESTING AUTHORITY TO ACCEPT DONATION OF LAND FROM COOPER REALTY CORP., 8<sup>TH</sup> STREET NE, PARCEL 02-39591, LOT 14632. - PUBLIC PROPERTY CAPITAL IMPROVEMENT COMMITTEE
147. PLANNING & COMMUNITY DEVELOPMENT DEPT., CITY OF CANTON, SHEILA K. THARP-

**MINUTES OF THE MEETING OF MARCH 8, 2004**

BARRINO, DIRECTOR: REQUESTING AUTHORITY TO ACCEPT DONATION OF LAND FROM MARGUERITE L. HARTZELL, 5<sup>TH</sup> STREET NE, PARCEL 02-14275, LOT 3032. - PUBLIC PROPERTY CAPITAL IMPROVEMENT COMMITTEE

148. PLANNING & COMMUNITY DEVELOPMENT DEPT., CITY OF CANTON, SHEILA K. THARP-BARRINO, DIRECTOR: REQUESTING AUTHORITY TO ACCEPT DONATION OF LAND FROM BERNICE FIDELHOLTZ, 7<sup>TH</sup> STREET NE, SANDAL PL NE & MAHONING RD. NE, PARCELS 02-00651, 02-22408, 02-10730, 02-02200 & 02-05553, LOTS 2415, 2419, 2420 & 2421. - PUBLIC PROPERTY CAPITAL IMPROVEMENT COMMITTEE
149. PLANNING & COMMUNITY DEVELOPMENT DEPT., CITY OF CANTON, SHEILA K. THARP-BARRINO, DIRECTOR: REQUESTING AUTHORITY TO ACCEPT DONATION OF LAND FROM MOHAMMAD HNEIDAN, 2<sup>ND</sup> STREET NW, PARCEL 02-09502, LOT 157. - PUBLIC PROPERTY CAPITAL IMPROVEMENT COMMITTEE
150. PLANNING & COMMUNITY DEVELOPMENT DEPT., CITY OF CANTON, SHEILA K. THARP-BARRINO, DIRECTOR: REQUESTING AUTHORITY TO ACCEPT DONATION OF LAND FROM DARYL & CHERYL SMYTH, GROSS AVENE, PARCELS 02-28945, 02-28946, 02-28947, LOTS 9365, 9366, & 9367. - PUBLIC PROPERTY CAPITAL IMPROVEMENT COMMITTEE
151. PLANNING & COMMUNITY DEVELOPMENT DEPT., CITY OF CANTON, SHEILA K. THARP-BARRINO, DIRECTOR: RECOMMENDING APPROVAL OF REQUEST BY COOPER & ASSOCIATES FOR HABITAT FOR HUMANITY TO REPLAT SIX LOTS INTO TWO RECONFIGURED LOTS ON THE SOUTHEAST CORNER OF PURNEY & WATSON SE. - PUBLIC SAFETY & THOROUGHFARES COMMITTEE
152. SAFETY DIRECTOR BERNARD L. HUNT, CITY OF CANTON: REQUESTING AUTHORITY TO ADVERTISE, RECEIVE BIDS AND ENTER INTO CONTRACT FOR PURCHASE OF A LIVE-FIRE SHOOTING SIMULATION SYSTEM FOR THE CANTON POLICE DEPT. - PUBLIC PROPERTY CAPITAL IMPROVEMENT & FINANCE COMMITTEES
153. SAFETY DIRECTOR BERNARD L. HUNT, CITY OF CANTON: REQUESTING AUTHORITY TO ADVERTISE, RECEIVE BIDS AND ENTER INTO CONTRACT FOR PURCHASE OF TURNOUT GEAR, FIRE HOSE LINE AND SELF CONTAINED BREATHING APPARATUS FOR THE CANTON FIRE DEPT. - PUBLIC PROPERTY CAPITAL IMPROVEMENT & FINANCE COMMITTEES
154. SERVICE DIRECTOR TAD ELLSWORTH, CITY OF CANTON: REQUESTING AUTHORITY FOR MAYOR AND OR SERVICE DIRECTOR TO ENTER INTO WORK AGREEMENTS & ESTABLISH FAIR MARKET VALUE OF PROPERTY FOR THE 44<sup>TH</sup> STREET NE IMPROVEMENT PROJECT; REQUESTING AUTHORITY FOR MAYOR AND/OR SERVICE DIRECTOR TO NEGOTIATE SAME AT ESTABLISHED FAIR MARKET VALUE. - COMMUNITY & ECONOMIC DEVELOPMENT & FINANCE COMMITTEES

**MINUTES OF THE MEETING OF MARCH 8, 2004**

155. TREASURER ROBERT C. SCHIRACK, CITY OF CANTON: COMPARATIVE REPORT OF DEPOSITS AND PAY INS TO AMBULANCE LOCK BOX ACCOUNT AS OF FEBRUARY 27, 2004. - RECEIVED & FILED
156. TREASURER ROBERT C. SCHIRACK, CITY OF CANTON: COMPARATIVE REPORT OF PARKING METER REVENUE FOR MONTH OF FEBRUARY 2004. - RECEIVED & FILED
157. TREASURER ROBERT C. SCHIRACK, CITY OF CANTON: REPORT OF BANK RECONCILIATIONS & OUTSTANDING INVESTMENTS AS OF FEBRUARY 27, 2004. - RECEIVED & FILED

**ORDINANCES & FORMAL RESOLUTIONS FOR FIRST READING**

PRESIDENT DENCZAK: Ordinances and formal resolutions for the first reading. Let the journal show that all ordinances are being read according to State Law. Ordinance #1 please.

***NOTE: PRESIDENT DENCZAK CALLED UPON CLERK VANCKUNAS TO READ THE FOLLOWING ORDINANCES #1 THROUGH AND INCLUDING #2 FOR THE FIRST TIME BY TITLE & ANNOUNCED THE COMMITTEE REFERRAL, AS FOLLOWS.***

- #1 (1<sup>ST</sup> RDG) AN ORDINANCE VACATING A PORTION OF MADISON COURT SE; APPROVING AND ACCEPTING THE REPLATTING OF PARTS OF LOTS 1705 THROUGH 1710 AND A 14' VACATED ALLEY; APPROVING AND ACCEPTING THE DEDICATION PLAT OF MADISON COURT EXTENSION SE; AND DECLARING THE SAME TO BE AN EMERGENCY  
Referred to Public Safety & Thoroughfares Committee
- #2 (1<sup>ST</sup> RDG) AN ORDINANCE AMENDING SECTION 133.05, EMERGENCY MEDICAL SERVICES; CHARGES FOR SERVICES; REPORTING, OF THE CODIFIED ORDINANCES OF THE CITY OF CANTON  
Referred to Judiciary Committee

**ORDINANCES & FORMAL RESOLUTIONS FOR SECOND READING**

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

***NOTE: PRESIDENT DENCZAK CALLED UPON CLERK VANCKUNAS TO READ THE FOLLOWING ORDINANCES #4 THROUGH AND INCLUDING #6 FOR THE SECOND TIME BY TITLE, AS FOLLOWS.***

**RULE 22A WAS SUSPENDED TO ADD #4 THROUGH #6:**

- #4 (2<sup>ND</sup> RDG) AN ORDINANCE AUTHORIZING THE MAYOR TO FILE AN APPLICATION WITH HUD FOR COMMUNITY DEVELOPMENT FUNDS IN THE AMOUNT OF \$2,300,000.00 FOR PROPERTY ACQUISITION; AUTHORIZING THE MAYOR TO

**MINUTES OF THE MEETING OF MARCH 8, 2004**

EXECUTE APPLICATION AND GRANT AGREEMENTS WITH HUD AND TO ACCEPT AND ADMINISTER FUNDING; AUTHORIZING THE AUDITOR TO ESTABLISH THE 2233 FUND WITH NECESSARY APPROPRIATIONS AND TRANSFERS; AND DECLARING THE SAME TO BE AN EMERGENCY

- #5 (2<sup>ND</sup> RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ADVERTISE, RECEIVE BIDS AND ENTER INTO CONTRACT FOR THE LEASE OF TWO BACKHOE LOADERS FOR THE WATER DEPARTMENT; AND DECLARING THE SAME TO BE AN EMERGENCY
- #6 (2<sup>ND</sup> RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ADVERTISE, RECEIVE BIDS AND ENTER INTO CONTRACT FOR THE ROOF AND RETAINING WALL REPAIRS AT JACKSON POOL; AUTHORIZING THE CITY AUDITOR TO ESTABLISH THE 4560 JACKSON POOL IMPROVEMENT FUND; AMENDING APPROPRIATION ORDINANCE NO. 1/2004, AS AMENDED, BY MAKING THE SUPPLEMENTAL APPROPRIATIONS HEREIN DESCRIBED; AND DECLARING THE SAME TO BE AN EMERGENCY

**ORDINANCES AND FORMAL RESOLUTIONS FOR THIRD READING**

PRESIDENT DENCZAK: Ordinances or Formal Resolutions for the third and final reading.

***NOTE: PRESIDENT DENCZAK CALLED UPON CLERK VANCKUNAS TO READ THE FOLLOWING ORDINANCES #7 THROUGH AND INCLUDING #9 FOR THE THIRD & FINAL TIME BY TITLE, AS FOLLOWS.***

- #7 (3<sup>RD</sup> RDG) **ADOPTED AS ORDINANCE NO. 30/2004** AN ORDINANCE APPROVING AND ACCEPTING THE REPLATTING OF LOT 42208 AND OUTLOT 1035; APPROVING AND ACCEPTING THE DEDICATION OF PART OF 55<sup>TH</sup> STREET NE; AND DECLARING THE SAME TO BE AN EMERGENCY

MEMBER CASAR: Mr. President, I move we adopt Ordinance #7; seconded.

PRESIDENT DENCZAK: Moved and seconded that you adopt Ordinance #7. Are there any remarks under this Ordinance?... Very well, roll call vote please.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance #7 has been adopted. **#7 ADOPTED AS ORDINANCE NO. 30/2004**

- #8 (3<sup>RD</sup> RDG) **ADOPTED AS ORDINANCE NO. 31/2004** AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ADVERTISE AND RECEIVE BIDS FOR THE SALE OF ONE PARCEL OF CITY-OWNED REAL PROPERTY NO LONGER NEEDED

**MINUTES OF THE MEETING OF MARCH 8, 2004**

FOR MUNICIPAL PURPOSES AND AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO CONVEY SAID PROPERTY TO THE HIGHEST BIDDER

MEMBER CASAR: Mr. President, I move we adopt Ordinance #8; seconded.

PRESIDENT DENCZAK: Moved and seconded that you adopt Ordinance #8. Are there any remarks under this Ordinance?... Very well, roll call vote please.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance #8 is adopted.

**#8 ADOPTED AS ORDINANCE NO. 31/2004**

#9 (3<sup>RD</sup> RDG) **ADOPTED AS ORDINANCE NO. 32/2004** AN ORDINANCE APPROVING A CANTON CITY WATER MAIN EXTENSION TO PERRY 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

MEMBER CASAR: Mr. President, I move we adopt Ordinance #9; seconded.

PRESIDENT DENCZAK: Moved and seconded that you adopt Ordinance #9. Are there any remarks under this Ordinance?...

MEMBER CASAR: Mr. President, if I may ask the Service Director a question please. Service Director, last week at committee meetings we spoke with regards to tap fees. The City of Canton charges \$750.00 for a tap fee and our competition, although I hate to use that word competition, but they charge \$1100.00, and at that meeting I asked if there was a reason why we, you know, let that \$350.00 lie on the table. Do you have any answer for me for that particular question?

SERVICE DIRECTOR ELLSWORTH: Mr. President, I have begun a comprehensive review of all the rate structures in the City Water Department. The tap fees will be one of those items that I look at. I do not know why historically our tap fees are lower than the private water supplier that does charge the higher rate; however, I am in the process now of looking at the rate structure and seeing if there is maybe a competitive imbalance there. I do not want to commit to raising the tap fee at this time, but I can say that it will be reviewed and if it looks like it makes sense to increase the tap fee, we can do that.

MEMBER CASAR: Service Director, the other reason for that is, you know, our City of Canton water is less expensive for these developers to use our water versus the private entity out there, and I would think that for no other reason that \$350.00, I think they would be glad to pay it if they could get City water.

SERVICE DIRECTOR ELLSWORTH: Mr. President, I do not believe that increases in tap fees are off the table. I think they can be there. It's just that the issue needs some study and I'm not prepared to make a decision at this time.

**MINUTES OF THE MEETING OF MARCH 8, 2004**

MEMBER CASAR: Mr. President, and would this be considered in this ordinance tonight, for these 48, would you be going back and asking them or checking that we could increase our-- or is this something we cannot go back on now? Did we make a formal bid? I don't think we make formal bids, do we?

SERVICE DIRECTOR ELLSWORTH: No, we don't. I don't know that I would be comfortable for this particular extension raising the tap fee just because I-- when the request was made for the Water Department, it was their understanding that the tap fee would be the \$725.00 that we have charged historically.

MEMBER CASAR: Thank you.

PRESIDENT DENCZAK: Any further remarks?...

MEMBER WEST: Mr. President, last week I had an opportunity to talk to the guy, and he was not able to answer the question about the rates that consumers have. As we continue to extend our water lines out to Jackson-- or Perry, Meyers Lake, from what I understand it's supposed to reduce the consumers' fees, is that correct?

SERVICE DIRECTOR ELLSWORTH: Yeah. The way it works is when you extend water lines, because we charge people outside two and a half times what we charge people on the inside, if there were to be rate increases that would be necessary because of increased operational costs, this alleviates that. By charging outside customers a greater rate, it ends up subsidizing the overall inside rate which keeps the water rates low which is part of the reason why historically our water rates are much lower than just about any other place in the state.

MEMBER WEST: And as we increase industrial activity and different businesses like the Federal building and things like that, that will increase the water, which will then reduce rates, is that correct?

SERVICE DIRECTOR ELLSWORTH: Well, I don't know that we could reduce rates just because we've had declining water revenues over the last few years with the loss of some major industrial customers; however, what it does is it gives you the flexibility not to increase rates on an ongoing basis. As you know, costs do go up year to year with just standard inflation plus what happens with the wages and fringe benefits of the employees in the Water Department. However, by adding customers-- because adding customers does not increase operational costs to any measurable degree, it allows you to keep rates low to avoid rate increases if at all possible, and that's what we're looking at. Obviously we want to add as many customers as possible inside the City 'cause it not only helps our general fund with their income tax revenue but it also helps the Water Department.

MEMBER WEST: Thank you.

PRESIDENT DENCZAK: Any further remarks?... If not, roll call vote please.

NO REMARKS

ROLL CALL: 11 YEAS, 1 NAY  
(CASAR VOTED NO)

PRESIDENT DENCZAK: Ordinance #9 is adopted.

**#9 ADOPTED AS ORDINANCE NO. 32/2004**

**MINUTES OF THE MEETING OF MARCH 8, 2004****ANNOUNCEMENT OF COMMITTEE MEETINGS**

PRESIDENT DENCZAK: Announcement of Committee Meetings please.

MEMBER DIAMOND: Mr. President, Intergovernmental and Public Service Committee will meet on Monday, the 15<sup>th</sup> at 6:45.

MEMBER BABCOCK: *(MEMBER BABCOCK'S COMMENTS INAUDIBLE--SHE CALLS FOR A PUBLIC SAFETY & THOROUGHFARES COMMITTEE MEETING ON MONDAY, MARCH 15<sup>TH</sup> AT 6:45 P.M.)*

MEMBER HAWK: The Finance Committee will meet Monday, the 15<sup>th</sup> at 5:30. I think at that time we'll be sitting down to discuss the budget.

PRESIDENT DENCZAK: At 5:30. Any other committees?...

MEMBER BERNABEI: The Judiciary Committee will meet at 6:45 next Monday, and additionally, if I could announce another work session of the Judiciary Committee and that would be concerning demolition building code issues for Wednesday, that would be March 17, at 10:00 A.M. in the Council Caucus area.

PRESIDENT DENCZAK: Any other committees?...

PRESIDENT DENCZAK: Public Speaks, Open Forum. We have three people signed up this evening.

MEMBER CARBENIA: Mr. President, I'm sorry. I have one that we retained in committee that we're gonna bring up and talk about again, so we'll have it on Monday same time as everybody else.

PRESIDENT DENCZAK: That's the one that was retained...

MEMBER CARBENIA: Retained in committee.

PRESIDENT DENCZAK: Ordinance #3 on the agenda tonight?

MEMBER CARBENIA: Yes. But I think we better make it at, at least 6:30. Make it 6:30.

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

PRESIDENT DENCZAK: Public Speaks, Open Forum. We have three people signed up this evening. The first speaker, Guy Bertram.

MR. BERTRAM: Good evening. My name is Guy Bertram. I'm executive director of the First Tee Program of Canton, Ohio. I live at 3103 Cromer Avenue NW in Canton, so Mr. President can't chastise me for not giving my address. I'm here to thank you in behalf of the First Tee of Canton. You've gone out of your way the last couple years to help us with your time, money, property...

**MINUTES OF THE MEETING OF MARCH 8, 2004**

PRESIDENT DENCZAK: Your three minutes are up. (LAUGHTER) Go ahead.

MR. BERTRAM: And I just want to give you an update on where we are with the program and what we're doing. The grass was planted late last Fall. It's gonna delay us opening our summer program for kids until July. You're all invited on July 2<sup>nd</sup> to our ribbon cutting, and we will send you formal invitations, and that goes for the general public. We are in partnership with the Canton City Schools and I know our newly elected mayor, Janet, was excited about partnering with the schools and she and I coached together, so we have a fondness for Canton City Schools, and we have a program going in April and May and June with four middle schools in Canton. We're gonna try to service this summer 700 children from Canton in our First Tee Program. Again the First Tee is not just about golf, it's about teaching life skills. We have nine core values that we try to seamlessly include with the golf application. We're gonna create a safe haven on 25<sup>th</sup> Street where the kids can have fun. Our core values are responsibility, sportsmanship, perseverance, confidence, judgment, honesty, respect, courtesy and integrity. The real exciting thing I have to say is there's a major movie coming out in May, *Stroke of Genius* is the name of the movie. It's Hollywood, it's not a made-for-TV. The star is James Caviezel who stars as Jesus in *The Passion of Christ*. They have chosen the First Tee Chapters nationwide to be their poster boy for charity. They're offering us something that I don't think Canton, Ohio has ever had and that's a Hollywood premier of a movie before the movie's out in Stark County. Stark County wasn't good enough for me. I'm a Canton boy. The First Tee's located in Canton, so we are negotiating with the Palace to have a fun evening with this show like you had with the oldies that were there Saturday night. We want to have a nice dressy affair, wine and cheese, search lights cutting the sky, red carpet. We'd like to get a local high school band to play jazz, the music of that era. We have the support from some of the businesses in town to help us pay the minimum to get this on the agenda, and the Repository and I believe WHBC is gonna get on board, and I know if it comes to City Council and Mayor Creighton that we're gonna get some support on this. That's exciting, but I still wanted to let you know where we are with the First Tee and to say again thank you for those 700 kids that we're gonna serve this summer.

MEMBER DOUGHERTY: Mr. President, can I ask a question? Guy, you want to just elaborate a little bit more on the brick campaign so that people know about that, and that this is located in Ward 6, but that's alright.

MR. BERTRAM: (CHUCKLES) Okay. Well, we all know it's in Ward 6...

MEMBER CARBENIA: On the edge of 9.

MR. BERTRAM: (LAUGHS) Yes, we are selling bricks to commemorate a friend, a family member, whatever, and we have two price ranges, \$100.00 and \$250.00, and I guarantee if it rains on them we're not gonna tear them up. They're gonna be there forever, so -- I shouldn't have said that -- but anyhow this is a way to raise money. We'll also have three companies on board that's purchased a hole for \$5,000.00 that they will choose one of our core values, integrity, courtesy, whatever, and that'll be a two year lease on that hole and they'll pay for the maintenance, so we're gonna have a good time on July 2<sup>nd</sup>. We're trying to work with some people and maybe we'll even have fireworks up on the hill and I think that'd be great for the neighborhood, even though it's in Mr. Dougherty's ward. Thank you.

MAYOR CREIGHTON: Mr. President. Guy, I don't know if I heard you say the night at the Palace. What is that date so everybody can put it on their calendar?

MR. BERTRAM: Thank you, Mayor. It's Thursday, April 22<sup>nd</sup>, and we'd like to have it early enough or later so that

**MINUTES OF THE MEETING OF MARCH 8, 2004**

people can come downtown Canton and eat at some of the restaurants we have because the fine program you had Saturday, it ended so late that people couldn't get down and enjoy the food in Canton, so we want to put people in Canton and moving around. Any more questions before I try to sit down again?

PRESIDENT DENCZAK: Yeah, Mr. Bertram. Did you say you and the Mayor were cheerleaders together, or...? Oh, you coached together.

MR. BERTRAM: Do you need a Beltone? I'll get you a Beltone, Mr. President. (LAUGHTER) I said we coached track together at Timken High School.

PRESIDENT DENCZAK: Oh, I thought you said you were cheerleaders together.

MR. BERTRAM: Thank you.

MEMBER CARBENIA: Mr. President, I want to make sure I just stop him dead in his tracks. I wanted to thank him for all his hard work and I think he's the driving force in that First Tee over there, and I think the children in this community are going to enjoy it, and I'm not gonna ask him to say anymore even though he wants to. We need to get out of here whenever it's time.

MR. BERTRAM: Sounds good to me.

PRESIDENT DENCZAK: The next speaker is Sheila Fetterman.

MS. FETTERMAN: Hi, my name is Sheila Fetterman. I live at 1370 Margaret Avenue SW, and my complaint this evening is the vandalism that is going on over in my neighborhood, and my vehicle is getting vandalized, my home is being vandalized, and I've made numerous complaints to the police department and nothing has been done, and they told me to come and talk to you.

PRESIDENT DENCZAK: Who told you to come and talk?

MS. FETTERMAN: The police officer that I spoke to.

PRESIDENT DENCZAK: Said for you to come and talk to Council?

MS. FETTERMAN: Yes. He told me to come see City Council and make our complaint with them.

PRESIDENT DENCZAK: Do you have this police officer's name?

MS. FETTERMAN: No, I don't. Not right off. But, I was just told to come down and he explained to me that there aren't enough officers on the streets, and that we needed to speak to you about it. I'm really tired of my home being vandalized. I'm scared to death. At night my window got shot out of my van, and I'm just wondering what's next. Is it going to be my home or me?

**MINUTES OF THE MEETING OF MARCH 8, 2004**

PRESIDENT DENCZAK: Alright. The Mayor -- the Safety Director isn't here, but the Mayor wishes to respond. Mayor.

MAYOR CREIGHTON: Mr. President, thank you. Ma'am, could you give me your address again?

MS. FETTERMAN: 1370 Margaret Avenue SW. I live right on the end of the street, and I've been told that I'm back in a hole and nobody can see anything that goes on back there, and I have a parking lot right next to me that people like to sit in and hang out in. And there's been drugs done over there. My son was looking out the window and watched a man get a BJ from a hooker, and I would like to have something done about it.

PRESIDENT DENCZAK: Now, who's ward is this in?... Are you aware of this problem?

MS. FETTERMAN: And you can check the reports that have been made at the Police Department on this address.

MAYOR CREIGHTON: Ma'am, did the police officer come to your home or did you have-- did you file the report downstairs?

MS. FETTERMAN: Oh, that's another thing. When I have a broken window in one of my vehicles, they don't want to come out and look at it. They take the report over the phone. I had fingerprints on my window where somebody tried to get in my house. They tell me it's too smudged, they can't do nothing about it. So I'm just wondering what I'm supposed to do.

MAYOR CREIGHTON: I would like to chat with you when we're finished tonight to get a phone number and I will personally follow up for you.

MS. FETTERMAN: Please. Thank you.

PRESIDENT DENCZAK: The next speaker is David Cavelli.

MR. CAVELLI: Yeah. My name is David Cavelli. I am the owner of the lady that you just heard from...

PRESIDENT DENCZAK: State your address, sir.

MR. CAVELLI: 1370 Margaret Avenue SW. We are the owner. The lady that was just speaking is a renter there, and she has told me about the problems and I agreed to come here with her tonight to find out what can be done. It's her property too as well as mine that's being vandalized here, and I was just wondering what can be done with it and I'm sure she's already spoke with you about this now, and I guess that's it.

PRESIDENT DENCZAK: The Mayor will be looking into this and will be getting back to you.

MR. CAVELLI: Yes. Okay, thank you.

**MINUTES OF THE MEETING OF MARCH 8, 2004**

**MISCELLANEOUS BUSINESS**

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

MEMBER CASAR; Mr. President, 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: 8:08 P.M.

ATTEST:

APPROVED:

DEBRA VANCKUNAS  
CLERK OF COUNCIL

RAY DENCZAK  
PRESIDENT OF COUNCIL