

MINUTES OF THE MEETING OF APRIL 26, 2004

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

The regular meeting of Canton City Council was held on Monday, April 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 Thomas Bernabei, followed by the Pledge of Allegiance led by President of Council Ray Denczak.

PRESIDENT DENCZAK: Roll call please.

ROLL CALL TAKEN BY CLERK OF COUNCIL VANCKUNAS:

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

AGENDA CORRECTIONS & CHANGES

PRESIDENT DENCZAK: Thank you Member Bernabei. Members of Council, to bring your agenda up to date, you're being asked to suspend Rule 22A to add second reading Ordinance #4. Member Casar, the Chair will recognize that motion now.

MEMBER CASAR: Mr. President, I move we suspend Rule 22A and add Ordinance #4 to this evening's agenda; seconded.

PRESIDENT DENCZAK: Moved and seconded that you suspend Rule 22A to add Ordinance 4 to the agenda. Are there any remarks?... If not, roll call vote please.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance #4 is a legal part of your agenda. You're being asked to suspend Rule 22B to add Ordinance 3 to the agenda. Member Casar?

MEMBER CASAR: Mr. President, I move we suspend Rule 22B to add Ordinance #3 to the agenda this evening; seconded.

PRESIDENT DENCZAK: Moved and seconded to suspend Rule 22B to add Ordinance 3 to the agenda. Are there any remarks?... If not, roll call vote please.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

PRESIDENT DENCZAK: Resolution #3 is a legal part of your agenda. You're being asked to suspend Rule 24B to add Resolution #56 to the agenda. Member, Council, Resolution #56 is from Member West. It's commending Gerry

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Radcliffe. The Chair will recognize 24B, Member Casar.

MEMBER CASAR: Mr. President, I move we suspend Rule 24B to add Resolution #56; seconded.

PRESIDENT DENCZAK: Moved and seconded that you suspend Rule 24B to add Resolution #56 to the agenda. Are there any remarks?... Roll call vote, please.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

PRESIDENT DENCZAK: Resolution 24B is adopted and Resolution 56 is a legal part of your agenda. This brings your agenda up to date, Members of Council.

PUBLIC HEARINGS**PUBLIC HEARING #1 ZONE CHANGE REQUEST BY DENNIS & CAROL REED**

PRESIDENT DENCZAK: We had a scheduled Public Hearing for 7:30 PM. The Chair opens the public hearing at this time in regards to a request by Dennis & Carol Reed to rezone lot 30741 located at 3801 Greenwood Place SW to permit a family support services facility in an existing house adjacent to the Reed Funeral Home complex. The Planning Commission recommends approval. Is there anybody in the audience wishing to speak for or against this rezoning, please come forward....

MR. SANDROCK: Ladies & Gentlemen, my name is Scott Sandrock. I'm the attorney for Mr. & Mrs. Reed. My office address is 220 Market Avenue South here in the City of Canton. I'll try to keep this brief. Just for the benefit of the Council and I know that each of you have already had a chance to see the summary of this, but in short, the Reeds operate a family support service, which is in essence a no charge, group exchange of families who are suffering grief with the loss of a loved one. Due to the expansion of services at the home, there is inadequate space at the home for a private session for these family members. Again, this is a no charge, voluntary group. They own the house immediately next door to the facility and have requested the change to permit the group to meet at that facility. Again, it's not retail, no sales are made, no charges are made. Now, this was submitted to the City Planning Commission and after hearing consideration, the Planning Commission recommended its adoption. Mrs. Carol Reed is with us here this evening and can certainly answer the details of any questions that you may have better than I, but would ask the favorable action of this Body on this request. Again, I'm happy to answer any questions that, that anyone would have concerning that item. Any questions?

PRESIDENT DENCZAK: I think the Councilman took care of that.

MR. SANDROCK: Thank you very much.

PRESIDENT DENCZAK: Is there anyone else in the audience wishing to speak for or against this rezoning, please come forward?... Is there anyone else in the audience wishing to speak for or against this rezoning, please come forward?... Is there anyone else in the audience wishing to speak for or against this rezoning, please come forward?... Apparently not, the Chair declares the Public Hearing over in regards to this matter. The matter now rests in the hands of Council. The ordinance will follow later on this evening.

MINUTES OF THE MEETING OF APRIL 26, 2004**PUBLIC HEARING #2 ZONE CHANGE REQUEST BY JOE WARD FOR VFW**

PRESIDENT DENCZAK: We have a scheduled Public Hearing for 7:31 pm. It's a request by Joe Ward for Joseph Matthews Post 3417, Veterans of Foreign Wars, to rezone lots #14325 and 14326 and parts of outlots 181 and 182 located at 1836 8th Street NE to permit a new Veterans of Foreign Wars Post and parking. The Planning Commission recommends approval. Is there anyone in the audience wishing to speak for or against this rezoning, please come forward....?

MS. BOWLES: I am not against, I'm not against, the zoning, the rezoning, but all I want is for them to make sure (*microphone adjustment*) Thank you. I want them to make sure that they put up fence around the back of my yard.

PRESIDENT DENCZAK: Ma'am, would you give your name and address please.

MS. BOWLES: Sarah Bowles - B as in boy. 1837 Penn Place NE. I'm right in, I'm right in back of it, right in back of it, and I have had problems with people cutting through my hard and so if they would mark off the yard and put a fence, a good fence around that, it'll stop that. So, that's all I got against, I don't have anything against them building, so they can build anything, I just want a fence for my yard. Okay.

PRESIDENT DENCZAK: Thank you. Is there anyone else in the audience wishing to speak for or against this rezoning, please come forward....? Is there anyone else in the audience wishing to speak for or against this rezoning, please come forward....? Is there anyone else in the audience wishing to speak for or against this rezoning, 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. Through Council's expediency, the Chair's now going to exercise its prerogative here to go to the Ordinances immediately to take care of these two particular ordinances which are Ordinance #5 and Ordinance #6 under third readings.

ORDINANCES AND FORMAL RESOLUTIONS FOR THIRD READING

PRESIDENT DENCZAK: At this time, we're under Ordinances for the third reading.

NOTE: PRESIDENT DENCZAK CALLED UPON CLERK VANCKUNAS TO READ THE FOLLOWING ORDINANCES #5 & #6 FOR THE THIRD & FINAL TIME BY TITLE, AS FOLLOWS.

#5 (3rd RDG) **ADOPTED AS ORDINANCE NO. 66/2004** AMENDING ORDINANCE 55/77, AS AMENDED, KNOWN AS THE CITY OF CANTON ZONING ORDINANCE; AND DECLARING THE SAME TO BE AN EMERGENCY

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

PRESIDENT DENCZAK: Moved and seconded that you adopt Ordinance #5. Are there any remarks under this ordinance?... If not, roll call vote please.

NO REMARKS

ROLL CALL VOTE: 12 YEAS, 0 NAYS

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PRESIDENT DENCZAK: Ordinance #5 is adopted.

#5 ADOPTED AS ORDINANCE NO. 66/2004

#6 (3RD RDG) **ADOPTED AS ORDINANCE NO. 67/2004** AMENDING ORDINANCE 55/77, AS AMENDED, KNOWN AS THE CITY OF CANTON ZONING ORDINANCE; AND DECLARING THE SAME TO BE AN EMERGENCY

MEMBER CASAR: Mr. President, I move we adopt Ordinance #6; seconded

PRESIDENT DENCZAK: Moved and seconded that you adopt Ordinance #6; are there any remarks under this ordinance?...

MEMBER ZACHARY: Mr. President, I did speak with the developers of this project and they more than willing to put up a fence for Mrs. Bowles.

PRESIDENT DENCZAK: Very Good. Are there any other remarks?... If not, roll call vote please.

NO REMARKS

ROLL CALL VOTE: 12 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance #6 is adopted.

#6 ADOPTED AS ORDINANCE NO. 67/2004

PRESIDENT DENCZAK: Let the Journal show that all ordinances have been given their reading as required by State Law. We'll go back to the original place on the agenda now.

PUBLIC SPEAKS (ORDINANCES OR RESOLUTIONS FOR ADOPTION ONLY):

PRESIDENT DENCZAK: Public Speaks on Ordinances or Resolutions for adoption. We have two people signed up under this portion of Public Speaks. The first person is Craig Massey. How many meetings do we got going over there?... Go ahead Craig.

MR. MASSEY: My name is Craig Massey. I live at 1927 4th Street SE here in Canton and today I'm here to speak about Jackson swimming pool. I have been hearing and seeing a lot of negative press about Jackson Swimming Pool, when in fact, hundreds of children use that pool each day, not 40 which was stated by Mr. Milsap. Senior citizens also utilize that swimming pool for aerobics and children are bussed in every day to utilize that swimming pool. The pool itself is okay; now I understand the housing where the kids go in to change their clothing, there may be some problems there. But, there's really no reason for that pool not to open this summer at all. I feel if we can get money together to open up a skating rink, we can get money together to fix up the housing over at Jackson Swimming Pool. Also, I understand there's going to be a committee formed and I would like to sit on that committee, if possible Mr. Casar, about Jackson Swimming Pool. If that's out of your hands, I'm asking the Mayor to sit on that committee, for the Jackson Swimming Pool. And, I also understand, or heard Mr. Casar say, if the pool is going to be closed, it has nothing to do with Council, it has something to do with the Administration. So, we need to do all that we can do to make sure that that pool opens today, excuse me...we need to do all that we can do to make sure that pool opens this summer. Thank you.

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PRESIDENT DENCZAK: The next speaker is Dr. Chris Smith.

DR. SMITH: Good afternoon. I'm Dr. Chris Smith, 458 Waynesburg Road SE and I'm here also to speak in regards to Jackson Pool. You know, I think back, when I was coming up as a product of the southeast area, I look at Allen Park, which was closed, and the kids had nowhere to go; I look at Jackson Park which was closed with a railroad track coming through it; I look at Nimisilla Park where they put stipulations on that and the kids had nowhere to really play at certain times, certain areas, certain things that they can do, we closed Cook Park. Then we had Crenshaw Park that, I understand that was done in an era that never was corrected, so that was a park that was left undone. So now when you read the papers, and you hear about Cook, I mean Jackson Park being closed, that sort of puts a damper on me because I think about the summer jobs that it would not create for college kids and also summer jobs for the kids. There are also camp sights that come down to Jackson Park also and I feel that it would be so unfair if Jackson Pool closes.

This pool has been a part of the community for many, many decades and as far as what the cost to repair, that really shouldn't be an issue. The issue should be the children of the community of the southeast end and of Canton and contrary to what many of you think, children from all over, not just the southeast end, comes to that pool and, it's not only just for blacks, I know that's what people might say that it's the blacks closin', but if you notice the picture that was in the paper that day, it was a mixture of kids. Also, I really close into saying that I really hate to see that the pool would close. I should hope that we could find money for repairs so that it can stay open for the summer to create jobs and give the kids something to do. And, I also would like to say in closing, that I think it would be in the best interest of the City to not close the pool. Thank you. (APPLAUSE)

PRESIDENT DENCZAK: No one else has signed up to speak in regards to this matter. The Ordinance will come up later this evening.

INFORMAL RESOLUTIONS

PRESIDENT DENCZAK: Information Resolutions. 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 RESOLUTION #56, AS SHOWN BELOW. THE RESOLUTION IS ON FILE IN ITS ENTIRETY IN THE COUNCIL OFFICE WITH THE AGENDA ITEMS DATED April 26, 2004.

RULE 24B WAS SUSPENDED TO ADD Re#56:

56. WEST, THOMAS, WARD 2 COUNCILMEMBER, CITY OF CANTON: COMMENDING GERRY RADCLIFFE FOR HER CONTRIBUTIONS DURING MINORITY HEALTH MONTH.- ADOPTED BY COUNCIL

MEMBER WEST: Mr. President, could I please have that read?

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

RESOLUTION #56 READ BY CLERK OF COUNCIL VANCKUNAS: An Informal Resolution Respectfully Submitted by Thomas E. West, Ward 2 Councilmember on this 26th day of April 2004. WHEREAS, Canton, Ohio is recognized

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as being the 8th city in the State to promote healthy living among the minority population and therefore lends its support to those, who by their interest in minority health, strive to eliminate health disparities. Today the opportunity presents itself to officially commend an individual with an uncompromising commitment to closing the health gaps that exist between minorities and non-minorities; and, WHEREAS the Ohio Commission on minority health asks each community participating in minority health month activities, to select

a local 'Hero or Shero'. This recognition goes to a person within the community who has made a significant impact and contribution to minority health issues in the community; and, WHEREAS, Gerry Radcliffe was unanimously selected by her peers as the Stark County local 'Shero' of Minority Health Month because of her long list of contributions to the advancement of minority health over the years. Among her many accomplishments was establishing the first cancer support group in Stark County, founding the Arthritis Board of Stark County and as a long time community health nurse, championing health issues in the minority community; and WHEREAS as a registered nurse and co-chair for the Minority Affairs Advisory council for Kent State University School of Nursing, Gerry continues to have an influence on shaping the future of health care issues for minority populations.

NOW, THEREFORE, BE IT RESOLVED that I, Thomas E. West, Ward 2 Councilmember for the City of Canton, along with my colleagues on the City Council, do hereby recognize, give special tribute to, and comment most highly GERRY RADCLIFFE for her uncompromising commitment to uplift the minority community towards better health outcomes and to decrease health disparities in the City of Canton. (APPLAUSE)

PRESIDENT DENCZAK: I hate to disappoint you Gerry, but this hasn't been voted on and...(LAUGHTER) in case it's not adopted.... I hope that camera didn't have any film in it. But, yes, Member West, this has to be adopted first and then you can make the presentation.

MEMBER CASAR: Mr. President, I move we adopt Resolution #56; seconded.

PRESIDENT DENCZAK: Moved and seconded that you adopt Resolution #56. Are there any remarks under this Resolution?... If not, by voice vote, all those in favor signify by saying aye. Those opposed no. Now, Member West, you can make the presentation.

NO REMARKS

RESOLUTION #56 ADOPTED UNANIMOUSLY BY VOICE VOTE

MEMBER WEST: Go ahead Gerry.

MS. RADCLIFFE: Mr. President, thank you very much and thank, thank you to Thomas West and the Council. You know, in 1987, I remember sitting on the Governor's Task Force looking at the conditions of filth in Canton, Ohio and as a result of our testimony of witnesses of the things that were happening in Canton, the Ohio Commission of Minority Health was established. It was the first Commission in Ohio, in the United States, because there was a need, that there needed to be monies put aside for minority communities to eliminate some of the disparities in health. I just recently moved back to Canton and I found a copy of that testimony and it seems as if the more we change, the more things stay the same. But, one good thing I can say that one of the things that I had spoke on, that if you had mental health in this Community, you'd better have it before 5:00 because there were no buses and I'm here today to say that SARTA does run 24 hours. There are buses now. We do have our foundations who have made funds available to take care of health issues where it's inaccessible to people. We have the Sisters of Charity Foundation, we have the Stark County Community Foundation and other foundations who have generously given money to help us in this cause. And, not only

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that, we have many, many groups who are looking at so, looking at the health issues in the, in Stark County. Our job is not done yet, there's still a lot of issues here but we're making a little bit of a headway and I want to thank you all who have made a contribution for the health of minorities in our community. Thank you. (APPLAUSE)

COMMUNICATIONS

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 April 26, 2004.

PRESIDENT DENCZAK: Under Communications, all communications are received as read and have been referred to committees.

MEMBER CASAR: Mr. President. Mr. President, if I may, please, on Communication #224, a couple comments and a question of yourself.

PRESIDENT DENCZAK: You want to make a comment on that communication?

MEMBER CASAR: I would like to, if I may please?

PRESIDENT DENCZAK: Under Robert's Rules, you can request that a communication can be read, but there can be no discussion. What are you going, is it information....is it going.....?

MEMBER CASAR: It's really not a discussion, it's in regards to the, we're planning on postponing that ordinance this evening and I wanted to let the audience know, I was going to ask you if you would, if you would refer to that part of the ordinance now and we could do it.....

PRESIDENT DENCZAK: Okay, so it's a point of information. I know, Mr. Casar, this is a point of information. It cannot be discussed but you can make your point of information, under Communication #224.

MEMBER CASAR: Mr. President, I move that you use the President's prerogative to refer to Ordinance #14 so we can dispense of that at the present time.

PRESIDENT DENCZAK: The Chair was, Member Casar. Members of the audience, Council's going to postpone Ordinance #14, which refers to the Jackson Pool emergency repairs. So, we're going to act on that now, to postpone it until next meeting. However, you are invited to stay if you want to, for the rest of the meeting or you can leave because of this matter being dispensed with at this time. So, Member Casar it's not necessary, I'll use the prerogative to refer now to Ordinance #14 for Council's action.

MEMBER CASAR: Thank you, Mr. President.

MINUTES OF THE MEETING OF APRIL 26, 2004**ORDINANCES AND FORMAL RESOLUTIONS FOR THIRD READING**

NOTE: PRESIDENT DENCZAK CALLED UPON CLERK VANCKUNAS TO READ THE FOLLOWING ORDINANCE #14 FOR THE THIRD & FINAL TIME BY TITLE, AS FOLLOWS.

PRESIDENT DENCZAK: Under Ordinance 14, Madam Clerk, will you please read the ordinance?

#14 (3rd RDG) **POSTPONED TO 5/3/04** AN ORDINANCE AMENDING APPROPRIATION O.1/2004 AS AMENDED BY MAKING THE SUPPLEMENTAL APPROPRIATION HEREIN DESCRIBED; AND DECLARING THE SAME TO BE AN EMERGENCY

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

PRESIDENT DENCZAK: Moved and seconded that you adopt Ordinance #14. Are there any remarks under this Ordinance?

MEMBER CASAR: Mr. President, Communication #224 which is in regards to Jackson Pool; the Mayor, through the Chief of Staff, Mr. Concatto, asked myself as Majority Leader to appoint members of Council to a committee to investigate the status of Jackson Pool and also investigate the possibility, feasibility of erection of a new pool in the City of Canton. I want to make it clear that this Committee is part of the Committee formed by the Mayor. We are only members of the Committee. At this present time, I would like the Mayor to serve on that Committee because I feel it is a very important issue and I would hope that she would be, would accept that.

MAYOR CREIGHTON: Mr. President, absolutely, and my cabinet will also be members of that Committee.

MEMBER CASAR: Thank you and that's basically, so we will act on this next Monday.

PRESIDENT DENCZAK: Now, a motion to postpone is in order now.

MEMBER CASAR: Mr. President, I move we postpone the Ordinance to May 3, 2004; seconded.

PRESIDENT DENCZAK: Moved and seconded that Ordinance #14 be postponed until May 3rd, 2004. Are there any remarks?... Member Bernabei.

MEMBER BERNABEI: Mr. President, Member Casar, perhaps you could explain to the members of the audience the reason for the postponement until next week since there are people here on this issue here tonight.

MEMBER CASAR: Thank you Member Bernabei. I will do that. According to... Thank you, Mr. President. According to Service Director Tad Ellsworth, he informed myself that on Friday afternoon, the structural engineer will be making his final determination of Jackson Pool whether he feels it is safe to open or not to open. So, we felt with not having that information it would be worth, wouldn't be worthwhile to pass this legislation until we get the final approval.

So, when they meet on Friday, and then by next Monday, we'll have everything that we need, and hopefully if it is deemed that it would be opened, we can pass this legislation and hopefully also, that they can get construction so that we

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can have this pool open Labor Day... or Memorial Day weekend when it should be. We'll have a full summer, not just a partial summer to open up in July or whatever, so, if we do, do in fact open this pool, meaning the Administration, that it would be a full season.

PRESIDENT DENCZAK: Okay. The question before Councilmembers is motion to postpone. Are there any further remarks?...

CHIEF OF STAFF CONCATTO: Mr. President, the members of this Committee when they meet, which will be some time next week, will then decide if there's any public sector members or from the public sector that needs to be a member, that'll be decided by that Committee, at that time. I know member, Mr. Massey has asked, there's other people that asked to be on this Committee, and that'll be a Committee decision.

PRESIDENT DENCZAK: Are there any other comments?... The question you're voting on now is to postpone Ordinance #14 until May 3rd. By voice vote, all those in favor signify by saying aye. Those opposed no.

NO REMARKS

ORDINANCE #14 POSTPONED BY UNANIMOUS VOICE VOTE

PRESIDENT DENCZAK: Ordinance 14 is postponed until May the 3rd.

COMMUNICATIONS

PRESIDENT DENCZAK: Back to the original place on the agenda. As stated before, the Chair states that all communications are received as read, filed and referred to committee.

224. CASAR, DON, COUNCILMEMBER-AT-LARGE & MAJORITY LEADER, CITY OF CANTON: APPOINTING COMMITTEE OF FIVE COUNCILMEMBERS TO ADDRESS JACKSON POOL SITUATION & POSSIBILITY OF BUILDING A NEW SWIMMING POOL IN THE CITY - RECEIVED & FILED
225. CHIEF OF STAFF JOSEPH J. CONCATTO, CITY OF CANTON: REQUESTING LEGISLATION ESTABLISHING THE FAIR MARKET VALUE OF CERTAIN REAL PROPERTY IN CONJUNCTION WITH THE FEDERAL CAMPUS PROJECT; AUTHORIZING MAYOR &/OR CHIEF OF STAFF TO NEGOTIATE & PURCHASE SAID PARCELS AT THE ESTABLISHED FMV - PUBLIC PROPERTY CAPITAL IMPROVEMENT & FINANCE COMMITTEES
226. CHIEF OF STAFF JOSEPH J. CONCATTO, CITY OF CANTON: REQUESTING EXECUTIVE SESSION ON 4/26/04 TO DISCUSS THE FACTFINDER'S REPORT REGARDING THE COLLECTIVE BARGAINING AGREEMENT BETWEEN CANTON PROFESSIONAL FIREFIGHTERS ASSOCIATION (CPFFA) & CITY OF CANTON. - PERSONNEL COMMITTEE - **RULE 22B SUSPENDED TO ADD O#3**
227. LIQUOR CONTROL DIVISION, STATE OF OHIO, 6606 TUSSING ROAD, PO BOX 4005, REYNOLDSBURG, OHIO 43068-9005: NOTICE OF HEARING SET FOR 5/3/04 AT 11:00 AM AT

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STARK COUNTY OFFICE OF JOB & FAMILY SERVICES, 220 ETUSC, CANTON, ON OBJECTION TO C2, C2X, D6 STOCK TRANSFER REQUESTED BY CANTON HORIZON PETROLEUM, DBA GASCO EXPRESS MART, 3325 HARMONT AVE NE - INTERGOVERNMENTAL & PUBLIC SERVICE COMMITTEE

228. LIQUOR CONTROL DIVISION, STATE OF OHIO, 6606 TUSSING ROAD, PO BOX 4005, REYNOLDSBURG, OHIO 43068-9005: NOTICE OF HEARING SET FOR 5/3/04 AT 10:00 AM AT STARK COUNTY OFFICE OF JOB & FAMILY SERVICES, 220 ETUSC, CANTON, ON OBJECTION TO C2, C2X, D6 STOCK TRANSFER REQUESTED BY CANTON HORIZON PETROLEUM, DBA GASCO EXPRESS MART, 3325 HARMONT AVE NE - INTERGOVERNMENTAL & PUBLIC SERVICE COMMITTEE
229. LIQUOR CONTROL DIVISION, STATE OF OHIO, 6606 TUSSING ROAD, PO BOX 4005, REYNOLDSBURG, OHIO 43068-9005: NOTICE OF HEARING SET FOR 5/3/04 AT 9 :00 AM AT STARK COUNTY OFFICE OF JOB & FAMILY SERVICES, 220 ETUSC, CANTON, ON OBJECTION TO C1-2, PERMIT REQUESTED BY JENNINGS ENTERPRISES, DBA RJ'S 2417 4TH STREET NW - INTERGOVERNMENTAL & PUBLIC SERVICE COMMITTEE
230. LIQUOR CONTROL DIVISION, STATE OF OHIO, 6606 TUSSING ROAD, PO BOX 4005, REYNOLDSBURG, OHIO 43068-9005: NOTICE OF HEARING SET FOR 5/3/04 AT 11:00 AM AT STARK COUNTY OFFICE OF JOB & FAMILY SERVICES, 220 ETUSC, CANTON, ON OBJECTION TO RENEWAL C2, 2X, D6 PERMIT REQUESTED BY CANTON HORIZON PETROLEUM, DBA GASCO EXPRESS MART, 3325 HARMONT AVE NE - INTERGOVERNMENTAL & PUBLIC SERVICE COMMITTEE
231. LIQUOR CONTROL DIVISION, STATE OF OHIO, 6606 TUSSING ROAD, PO BOX 4005, REYNOLDSBURG, OHIO 43068-9005: NOTICE OF HEARING SET FOR 5/3/04 AT 11:00 AM AT STARK COUNTY OFFICE OF JOB & FAMILY SERVICES, 220 ETUSC, CANTON, ON OBJECTION TO C2, 2X, D6 TRANSFER OF OWNERSHIP REQUESTED BY M&K SUPER SERVICE, DBA GASCO EXPRESS MART, 3325 HARMONT AVE NE - INTERGOVERNMENTAL & PUBLIC SERVICE COMMITTEE
232. LIQUOR CONTROL DIVISION, STATE OF OHIO, 6606 TUSSING ROAD, PO BOX 4005, REYNOLDSBURG, OHIO 43068-9005: REQUEST FOR TRANSFER OF C1, C2 LIQUOR PERMIT CURRENTLY HELD BY SALEH & HATTAR, INC. TO BAIT NABALAH, INC. DBA BEST FOR LESS @ 1100 12TH STREET NW - INTERGOVERNMENTAL & PUBLIC SERVICE COMMITTEE
233. PLANNING COMMISSION, CITY OF CANTON, SHEILA K THARP-BARRINO, SECRETARY: RECOMMENDING DENIAL OF ZONE CHANGE REQUESTED BY CHARLES WEBSTER FOR EARL LUTTNER FROM R-1A TO PI-1 LOCATED AT 516 MCGREGOR AVE NW TO PERMIT UNSPECIFIED INDUSTRIAL & STORAGE USES - LAW DEPARTMENT . PUB HRG SCHEDULED FOR 6/7/04 @ 7:30

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234. PLANNING COMMISSION, CITY OF CANTON, SHEILA K THARP-BARRINO, SECRETARY: RECOMMENDING APPROVAL OF ZONE CHANGE REQUESTED BY NANCY RALLS FOR NATIONAL DRIVER TRAINING SCHOOL FROM PB-3 TO PB-1 AT 3319 WEST TUSCARAWAS STREET TO PERMIT AN OFFICE BUILDING - LAW DEPARTMENT, PUB HRG SCHEDULED FOR 6/7/04 @ 7:31
235. PLANNING COMMISSION, CITY OF CANTON, SHEILA K THARP-BARRINO, SECRETARY: RECOMMENDING APPROVAL OF REQUEST BY CONSTITUTION LANDSURVEYING FOR DSM ENTERPRISES TO REPLAT PARTS OF TWO OUTLOTS (397 & 405), PARTS OF LOTS 3304, 3305 & 13039, & A PREVIOUSLY VACATED ALLEY AT BELDEN AVE NE INTO TWO NEW LOTS - PUBLIC SAFETY & THOROUGHFARES COMMITTEE
236. PLANNING COMMISSION, CITY OF CANTON, SHEILA K THARP-BARRINO, SECRETARY: RECOMMENDING APPROVAL OF REQUEST BY DEMPSEY SURVEYING FOR KENNETH & PATRICIA KENDAL & CHERYL LIPFORD TO REPLAT PARTS OF TWO OUTLOTS (808 & 809) INTO TWO NEW LOTS FOR A BOBEVANS RESTAURANT *CONTINGENT ON PLAT CORRECTION BEING MADE TO THE SATISFACTION OF THE CITY CIVIL ENGINEER* - PUBLIC SAFETY & THOROUGHFARES COMMITTEE
237. PLANNING COMMISSION, CITY OF CANTON, SHEILA K THARP-BARRINO, SECRETARY: RECOMMENDING APPROVAL OF REQUEST BY COOPER & ASSOC FOR HABITAT FOR HUMANITY TO REPLAT THREE PARCELS INTO TWO RECONFIGURED LOTS (LOTS 1674-1676) LOCATED NORTH OF 2ND ST SE BETWEEN ROWLAND AVE & LYMAN CT SE - PUBLIC SAFETY & THOROUGHFARES COMMITTEE
238. SERVICE DIRECTOR TAD ELLSWORTH & SAFETY DIRECTOR BERNARD HUNT, CITY OF CANTON: REQUESTING AUTHORIZATION TO ADVERTISE, RECEIVE BIDS & ENTER INTO CONTRACT IN ACCORDANCE WITH ORC SEC 125.04, STATE COOPERATIVE PURCHASING AGREEMENT, &/OR ENTER INTO CONTRACT IN ACCORDANCE WITH ORC SEC 5513.01, OHIO DEPT OF TRANSPORTATION PURCHASING AGREEMENT, FOR THE PURCHASE OF VARIOUS VEHICLES & EQUIPMENT IN CITY'S 2004 VEHICLE 4502 PROGRAM - PUBLIC PROPERTY CAPITAL IMPROVEMENT & FINANCE COMMITTEES
239. SERVICE DIRECTOR TAD ELLSWORTH, CITY OF CANTON: REQUESTING APPROVAL OF FINAL LEGISLATION FOR THE ODOT PROJECT FOR MILLING AND RESURFACING ST RT 43 FROM CHERRY AVE BRIDGE TO 19TH ST NE & ST RT 153 FROM MAPLE AVE TO WOOSTER AVE NE, A FINAL RESOLUTION, FISCAL OFFICER'S CERTIFICATE, EXECUTE CONTRACT & OFFICIAL HIGHWAY INVOICE - PUBLIC SAFETY & THOROUGHFARES COMMITTEE.
240. SERVICE DIRECTOR TAD ELLSWORTH, CITY OF CANTON: REQUESTING A RESOLUTION AMENDING RESOLUTION 59/2004 TO INCLUDE LANGUAGE REGARDING A PERMANENT EASEMENT FOR SANITARY SEWER PURPOSES IN THE 4TH ST NE RECONSTRUCTION PROJ - COMMUNITY ECONOMIC DEVELOPMENT & FINANCE COMMITTEES

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241. TAX INCENTIVE REVIEW COUNCIL, SHEILA K THARP-BARRINO, MANAGER, CITY OF CANTON: MINUTES OF MEETING HELD 3/4/04 & COPY OF ENTERPRISE ZONE ANNUAL SUMMARY REPORT FOR THE 2003 REPORTING YEAR - RECEIVED & FILED.

ORDINANCES & FORMAL RESOLUTIONS FOR FIRST READING

PRESIDENT DENCZAK: We are now under Ordinances for the first reading.

NOTE: PRESIDENT DENCZAK CALLED UPON CLERK VANCKUNAS TO READ THE FOLLOWING ORDINANCE #1 THROUGH AND INCLUDING #3 FOR THE FIRST TIME BY TITLE & ANNOUNCED THE COMMITTEE REFERRAL, AS FOLLOWS. ORDINANCES #3 WAS ADOPTED FOLLOWING ITS FIRST READING.

- #1 (1ST RDG) AN ORDINANCE AMENDING SECTIONS 131.06 AND 131.09 OF THE ELECTRICAL AND PLUMBING CODES OF THE CODIFIED ORDINANCES OF THE CITY OF CANTON; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Judiciary Committee
- #2 (1ST RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ADVERTISE, RECEIVE BIDS AND ENTER INTO CONTRACT FOR THE CONSTRUCTION OF THE MARKET AVENUE N. SANITARY SEWER REPLACEMENT PROJECT; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Public Safety & Thoroughfares & Finance Committees

RULE 22B SUSPENDED TO ADD RE#3

- #3 (1ST RDG) **ADOPTED AS ORDINANCE NO. 68/2004** A RESOLUTION APPROVING THE RECOMMENDATIONS OF THE FACT-FINDER'S REPORT, DATED APRIL 20, 2004, CONCERNING SETTLEMENT OF CONTRACTUAL DISPUTES BETWEEN THE CITY OF CANTON AND THE CPFFA LOCAL 249
Referred to Personnel Committee

PRESIDENT DENCZAK: At this time, the Chair is going to declare an in-house recess for the Personnel Committee to meet in regards to ordinance #3 on your agenda tonight. The Personnel Committee is now in session, Member Zachary.

(COUNCIL RECESSED AT 8:01 PM FOR A COMMITTEE MEETING ON ORDINANCE #3, WHICH WAS RETURNED TO THE AGENDA FOR ADOPTION. THE MEETING RECONVENED BY PRESIDENT DENCZAK AT 8:03PM).

PRESIDENT DENCZAK: Council is reconvening after the recess. The Chair will now recognize a motion to have the Ordinance number, Resolution number 3 added to the agenda.

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MEMBER CASAR: Mr. President, I move that we suspend Rule 22A to add Resolution #3 back on the agenda; seconded.

PRESIDENT DENCZAK: Moved and seconded to suspend Rule 22A to add Resolution #3 back to the agenda. Are there any remarks?....If not, roll call vote please.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance #3 is a legal part of your agenda. This ordinance, or this resolution, under State Statutes requires only one reading, Member Casar.

#3 **ADOPTED AS ORDINANCE NO. 68/2004** A RESOLUTION APPROVING THE RECOMMENDATIONS OF THE FACT-FINDER'S REPORT, DATED APRIL 20, 2004, CONCERNING SETTLEMENT OF CONTRACTUAL DISPUTES BETWEEN THE CITY OF CANTON AND THE CPFFA LOCAL 249

MEMBER CASAR: Mr. President, I move we adopt Resolution #3; seconded.

PRESIDENT DENCZAK: Moved and seconded that you adopt Resolution #3. Are there any remarks under this Resolution?

LAW DIRECTOR MARTUCCIO: Mr. President. Thank you Mr. President. Members of Council and the Administration, I wanted to commend the chief spokesperson for the Mayor. The Mayor, Service Director Ellsworth and Assistant Law Director Kevin L'Hommedieu for doing an excellent job of educating the fact finder as to the City's point of view on these issues. The Union, of course, is in a position of advocating for raises and they even have their own financial expert. Our city representatives did an outstanding job through computer, through testimony, through advocacy, to explain fully and fairly the situation that the city was in and yet, one more fact finder, in addition to the pile of others and reconciliations, understood our situation and, this was a bitter-sweet victory for the city but clearly a victory for our financial condition and I wanted to commend them for that.

MEMBER BERNABEI: Mr. President, question for Chief of Staff Concatto. Are you recommending that Council adopt this Resolution?

CHIEF OF STAFF CONCATTO: Mr. President, yes, the Administration is recommending that Council adopt this Resolution.

PRESIDENT DENCZAK: Any other remarks?.... The question you're voting on now is Resolution #3. Roll call vote please.

NO REMARKS

ROLL CALL: 11 YEAS, 1 NAY (CARBENIA)

PRESIDENT DENCZAK: Resolution #3 is adopted.

#3 ADOPTED AS ORDINANCE NO. 68/2004

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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 ORDINANCE #4 FOR THE SECOND TIME BY TITLE, AS FOLLOWS.

RULE 22A WAS SUSPENDED TO ADD #4:

#4 (2ND RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CONTRACT WITH CONTEC SYSTEMS FOR A FOUR-YEAR SOFTWARE MAINTENANCE AGREEMENT, DAS UPGRADE AND NEW DAS COMPUTER FOR THE WPPC; AMENDING APPROPRIATION O.1/2004 AS AMENDED BY MAKING THE SUPPLEMENTAL APPROPRIATION HEREIN DESCRIBED; AND DECLARING THE SAME TO BE AN EMERGENCY

ORDINANCES AND FORMAL RESOLUTIONS FOR THIRD READING

PRESIDENT DENCZAK: At this time, we're under Ordinances for the third reading.

NOTE: PRESIDENT DENCZAK CALLED UPON CLERK VANCKUNAS TO READ THE FOLLOWING ORDINANCES #7 THROUGH AND INCLUDING #13 FOR THE THIRD & FINAL TIME BY TITLE, AS FOLLOWS. (ORDINANCES 5 & 6 WERE PREVIOUSLY ADOPTED—SEE JOURNAL PAGES #230 & 231 HEREIN. ORDINANCE #14 WAS PREVIOUSLY ACTED UPON & POSTPONED TO MAY 3RD, 2004—SEE JOURNAL PAGE #235 HEREIN)

#7 (3RD RDG) **ADOPTED, AS AMENDED, AS ORDINANCE NO. 69/2004** AUTHORIZING MAYOR TO ACCEPT A GRANT FROM THE CANTON REGIONAL CHAMBER OF COMMERCE FOUNDATION; AUTHORIZING THE MAYOR &/OR CHIEF OF STAFF TO ENTER INTO CONTRACT WITH DHR INTERNATIONAL TO RECRUIT A COMMUNITY & ECONOMIC DEVELOPMENT DIRECTOR; & AMENDING APPROPRIATION O.1/2004; 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?

MEMBER CASAR: Mr. President, I move we amend Ordinance #7 by the copy everyone has in their place in front of them; seconded.

AMENDMENT: Pursuant to Rule 36, I hereby move to amend Section 2 of Agenda Item No. 7 as follows: Substitute the dollar figures of \$41,000.00 and \$11,000.00 for the figures of \$50,000.00 and \$20,000.00 respectively.

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PRESIDENT DENCZAK: Moved and seconded to amend this Ordinance by the copy before each of you. Are there any remarks on the amendment?... The question you're voting on now is the amendment. By voice vote, all those in favor signify by saying aye. All those opposed no.

NO REMARKS

AMENDMENT ADOPTED BY UNANIMOUS VOICE VOTE

PRESIDENT DENCZAK: The amendment has passed. The question you're voting on now is the Ordinance as amended. Are there any remarks under this Ordinance as amended?

MEMBER BERNABEI: A question for the Mayor. Do we have a date by which the Committee hopes to make a final selection and recommend the hiring of this person?

MAYOR CREIGHTON: Mr. President, I have asked the Committee through... Mr. Chairman, the Chairman Chuck West, to expedite as soon as possible. I'm hoping that within 60 to 90 days at the most that they have someone, that they are conducting the interviews and they will report back to the Mayor after they get down to the final three. And, if I may too, Joe sits on, Chief of Staff Concatto, sits on that Committee. I've taken myself off of that Committee because I do not want it tainted in any way that it's a political favor or someone that I know. So, unless Joe has more information, because I don't sit in on the meetings.

CHIEF OF STAFF CONCATTO: Mr. President. Member Bernabei, the time table is pretty close to the 60 days.

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

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance #7 as amended is adopted.

#7 ADOPTED AS AMENDED AS ORDINANCE NO. 69/2004

#8 (3rd RDG) **ADOPTED AS ORDINANCE NO. 70/2004** AN ORDINANCE AMENDING O. 50/2003; AND DECLARING THE SAME TO BE AN EMERGENCY.

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. 70/2004

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#9 (3rd RDG) **ADOPTED, AS AMENDED, AS ORDINANCE NO. 71/2004** A RESOLUTION ESTABLISHING AND DESIGNATING THE SUMMIT NEIGHBORHOOD COMMUNITY REINVESTMENT AREA; AUTHORIZING TAX EXEMPTIONS FOR QUALIFYING PROJECTS WITHIN THE COMMUNITY REINVESTMENT AREA; ESTABLISHING PROGRAM CONDITIONS; 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, I move to amend Ordinance #9 by the copy that is placed in front of each one of us; seconded.

AMENDMENT: Pursuant to Rule 36, I hereby move to amend Section 4(c) of Agenda Item No. 9 to read as follows: (c) The State of Ohio assesses a fee for commercial and industrial property projects which must be submitted to the State with the application. The owner of commercial and industrial property shall pay to the City of Canton fifty percent (50%) of the application fee charged at the time of application. There shall be no application fee for residential projects. The City of Canton shall match the application fee for commercial and industrial projects with an additional fifty percent (50%) from Community Development Funds. The total balance of the fees collected, along with the City's matching funds, shall be remitted for deposit in the state treasury as required by Ohio Revised Code 3735.762(C). The City shall waive the additional annual fee it is permitted to collect under state law.

PRESIDENT DENCZAK: Moved and seconded to amend Ordinance #9 by the copy before each of you. 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 ADOPTED BY UNANIMOUS VOICE VOTE

PRESIDENT DENCZAK: The amendment has passed. The question you're voting 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: 12 YEAS, 0 HAYS

PRESIDENT DENCZAK: Ordinance #9 as amended is adopted.

#9 ADOPTED AS AMENDED AS ORDINANCE NO. 71/2004

#10 (3rd RDG) **ADOPTED AS ORDINANCE NO. 72/2004** AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN ENTERPRISE ZONE AGREEMENT WITH MCGRANN PAPER CORP TO PROVIDE REAL & PERSONAL PROPERTY TAX EXEMPTIONS FOR CONSOLIDATION AND RELOCATION OF ITS FACILITIES; AUTHORIZING THE GRANTING OF 100% OF 10 YEAR REAL & PERSONAL PROPERTY TAX

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EXEMPTIONS; AUTHORIZING AUDITOR TO MAKE PAYMENTS TO THE CANTON BOARD OF EDUCATION AS REQUIRED TO BE PAID PURSUANT TO SECTION 5709.82 (C) & (D) OF THE REVISED CODE; AND DECLARING THE SAME TO BE AN EMERGENCY

MEMBER CASAR: Mr. President, I move we adopt Ordinance #10; seconded.

PRESIDENT DENCZAK: Moved and seconded that you adopt Ordinance #10. Are there any remarks under this ordinance?... Very well, roll call vote please.

NO REMARKS

ROLL CALL: 12 YEAS, 0 HAYS

PRESIDENT DENCZAK: Ordinance #10 is adopted.

#10 ADOPTED AS ORDINANCE NO. 72/2004

#11 (3rd RDG) **ADOPTED AS ORDINANCE NO. 73/2004** AN ORDINANCE THE MAYOR &/OR DIRECTORS OF SERVICE AND SAFETY TO COMPLETE THE CONTRACTING PROCESS FOR VARIOUS CONTRACTS PREVIOUSLY AUTHORIZED BUT NOT COMPLETED BY JANUARY 1, 2004; AND DECLARING THE SAME TO BE AN EMERGENCY

MEMBER CASAR: Mr. President, I move we adopt Ordinance #11; seconded.

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

NO REMARKS

ROLL CALL: 12 YEAS, 0 HAYS

PRESIDENT DENCZAK: Ordinance #11 is adopted.

#11 ADOPTED AS ORDINANCE NO. 73/2004

#12 (3rd RDG) **ADOPTED AS ORDINANCE NO. 74/2004** AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A THREE YEAR CONTRACT WITH US HEALTHWORKS OF OHIO INCORPORATED FOR PROFESSIONAL MEDICAL SERVICES FOR THE CITY OF CANTON JOB APPLICANTS AND EMPLOYEES; AND DECLARING THE SAME TO BE AN EMERGENCY

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

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

NO REMARKS

ROLL CALL: 12 YEAS, 0 HAYS

PRESIDENT DENCZAK: Ordinance #12 is adopted.

#12 ADOPTED AS ORDINANCE NO. 74/2004

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#13 (3rd RDG) **ADOPTED AS ORDINANCE NO. 75/2004** AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ADVERTISE, RECEIVE BIDS & ENTER INTO CONTRACT FOR THE LIFT STATIONS REPLACEMENT PROJECT; AMENDING APPROPRIATION ORDINANCE NO. 1/2004 AS AMENDED BY MAKING THE SUPPLEMENTAL APPROPRIATION HEREIN DESCRIBED; AND DECLARING THE SAME TO BE AN EMERGENCY

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

PRESIDENT DENCZAK: Moved and seconded that you adopt Ordinance #13. Are there any remarks under this ordinance?... Very well, roll call vote please.

NO REMARKS

ROLL CALL: 12 YEAS, 0 HAYS

PRESIDENT DENCZAK: Ordinance #13 is adopted.

#13 ADOPTED AS ORDINANCE NO. 75/2004

PRESIDENT DENCZAK: Ordinance #14 was previously postponed.

POSTPONED MATTER FROM 4/19/04

PRESIDENT DENCZAK: We have a postponed matter now, Member Casar. Ordinance #15 was previously postponed.

#15 (3rd RDG) **ADOPTED AS ORDINANCE NO. 76/2004** A RESOLUTION APPROVING STATEMENT OF SERVICES TO BE PROVIDED TO PROPERTY OWNERS IN MCKINLEY DEVELOPMENT/PLAIN TOWNSHIP CEDA ANNEXATION, DATE OF PROVIDED SERVICES & PROCEDURE FOR INCOMPATIBLE ZONING USES UPON ANNEXATION TO THE CITY OF CANTON; AND DECLARING THE SAME TO BE AN EMERGENCY

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

PRESIDENT DENCZAK: Moved and seconded that you adopt Ordinance #15. Are there any remarks under this ordinance?... Very well, roll call vote please.

NO REMARKS

ROLL CALL: 12 YEAS, 0 HAYS

PRESIDENT DENCZAK: Ordinance #15 is adopted.

#15 ADOPTED AS ORDINANCE NO. 76/2004

ANNOUNCEMENT OF COMMITTEE MEETINGS

PRESIDENT DENCZAK: Announcement of Committee Meetings please.

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MEMBER BERNABEI: Mr. President, there will be a Judiciary Committee meeting next Monday evening, at 6:30 pm.

MEMBER BABCOCK: Mr. President, Public Safety and Thoroughfares will also meet next Monday evening at 6:30.

PRESIDENT DENCZAK: Any other committees?... Finance Committee?... Ordinance #2?

MEMBER HAWK: Mr. President, Finance Committee will meet also at 6:30 next Monday. Thank you very much.

PRESIDENT DENCZAK: Members of Council, 5:30 next Monday, the Chamber of Commerce will be here too to make a presentation on downtown development.

PUBLIC SPEAKS (OPEN FORUM--CITY BUSINESS ONLY)

PRESIDENT DENCZAK: Public Speaks Open Forum. We have several people signed up to speak. The first speaker is Sandi Belliveau. Am I pronouncing that correctly?

MS. BELLIVEAU: Thank you. This is my first time up here so, please bear with me. My name is Sandi Belliveau. I live at 1022 5th Street NW in Canton. I'm here representing part of the Summit Neighborhood. The boundaries that I'm representing here tonight are Newton to, I mean, I'm sorry, are Brown to Fulton and Tusc to 7th. On the agenda tonight, our main issue is what we received in the mail last Thursday is that we now have 6, 6 convicted sexual predators that now have been released in our neighborhood who are now, all six are living at the 1218 2nd Street NW house. It's a lime green, two story house close to the intersection of 2nd Street NW and Brown. With me tonight representing me is Cindy Cox, Vickie Perrin and Lisa Stalder, all in the neighborhood that I just spoke of. We have a Joseph E. Gibbons, 1 count of sexual battery, 1 count of gross sexual imposition; we have Ty B. Young, 2 counts of rape, 1 count of gross sexual imposition; we have Neal McMasters, 1 count of rape; Christopher Gilliot, 1 count of rape, 1 count gross sexual imposition; Phillip Brink, 1 count gross sexual imposition; and Frederick A. McIntyre, 3 counts of attempted rape. We're here tonight because the neighbor, our neighborhood is in a uproar. I just brought, just a few tonight, I'm not quite sure where to go with this but I do want to make it known that all of us are very concerned. We're on a target list for bringing our area back and not to discredit any other neighbor hood, but, if we're going to try to do that, that would be the last place that you would want something like that to be housed. I mean, I understand when people are rehabilitated and everybody needs a chance. I actually have another sex predator, "ex" sex predator in my neighborhood, who I have no problem with at all. He's good to everybody, he's trying, he's on his way up so, I have no problem with that at all. I have neighbors who have young children, have grandchildren, single parents and we now have some of the gentlemen in this house actually staring at the women and gawking at the women. That's one of the major problems. The other major problem at my corner, at 5th and Newton is a man who not only loiters, but in my opinion is actually stalking the neighborhood. He is there constantly. I'm not sure what his name is, I think it's Robert or Roberto. Chief McKimm does have email pictures of him. I've also made it very clear who he is, what he does. The Canton City Police Department has helped us immensely so far, really, really, I'm really impressed with the way the city has come to our aide, and they've really just put a big hole in everything going on back there. We still have the prostitution problem. On my way here tonight, I did pass an old prostitute that's back again named Cindy with short hair now and a pair of shorts up to here. She's back on the street again which we're not at all happy with. That's my two main issues here tonight is

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fighting for my neighborhood, trying to maintain a normal life style for the people who are living there, people being able to sleep all night, people, women being able to come out and plant a garden without 3 or 4 guys stalking them, loitering at my intersection right at my corner there, 2, 3, 4 o'clock in the morning, walking, standing, walking across the street and standing for 10 minutes; walking to the alley standing for 10 minutes; it's almost like it's a mind game just to try to push the neighborhood over the edge. So, those are our 2 main concerns tonight. Thank you. I appreciate the time.

PRESIDENT DENCZAK: The next speaker is Cindy Cox.

MS. COX: I only wanted to add one thing to Sandi's.....

PRESIDENT DENCZAK: State your name and address please for the record.

MS. COX: Cindy Cox, 201 Brown Avenue NW. The house that these men are living in, they are unsupervised, they are free to come and go as they want and we have neighbors that are concerned. Their kids are afraid to go outside and play now. That's all I wanted to say. Thank you.

MAYOR CREIGHTON: Mr. President and to members of that community, I had a call late Friday afternoon from a, from another one of your neighbors. I called her back Sunday and I drove by today to look at the house just so I had a visual where, where it was, I know which house you're speaking of. I am not sure yet, I'm going to do some homework as we did on the other house on Arch Court, which is not in your area and in that particular case, they had sexual predators within a thousand feet of a school. I know this is not within 1,000 feet of a school, but my question will be, is it zoned that 6 people can live in the house, is it a placement home, how did they get there? We're going to do our investigation just as we did on the one on Arch Court. So, I don't have an answer for you tonight, but I will be checking it out tomorrow.

PRESIDENT DENCZAK: The next speaker is Vickie Perrin. (*SHE DECLINES TO SPEAK*)

MS. PERRIN: The next speaker is Craig Massey.

MR. MASSEY: My name is Craig Massey. I live at 1927 4th Street SE, Canton. My question is for the Mayor. For some time now, the City has been trying to get rid of some of its property and I'm speaking about the Peel Coleman Center. If you're able to sell that building, what will happen to Youth Development? Will it be housed or will we still be in the business of youth development? If you're able to sell that building, will the name Peel Coleman remain on that building, because as an African/American, it makes me feel good to see that we contribute to this community as well.

MAYOR CREIGHTON: Mr. President and Mr. Massey, first of all, I don't want to put the cart before the horse. I was engaged in an interview with WHBC on my first 100 days, you need to know how that whole issue came up and they asked me about real estate that the City owned. My goal is to see a Stark County Urban League developed for the entire County. My goal would be to give it to the Stark County Urban League. As far as Youth Development, that is not even on the screen right now. I am not talking about closing any place down so let's just stop the rumors in the community. I am not closing the Peel Coleman Center, I simply made a statement that the city owns far too much real estate. We are not real estate brokers, but we need to house programs that cater to our citizens and we need to get the best bang for our buck. So, Craig, I don't have an answer for your tonight, because I haven't even thought about Youth

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Development--what I was talking about was the physical structure.

MR. MASSEY: Right. Thank you very much.

PRESIDENT DENCZAK: The final speaker is Lisa Stalder. (*SHE DECLINES TO SPEAK*)

MISCELLANEOUS BUSINESS

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

MEMBER BERNABEI: Mr. President, going back to Ordinance #10 which was McGrann Paper for tax exemption. Question....whoever can answer this from the Administration. Do we have a policy in place that determines, or how do we determine whether we grant 5 year, 10 year real property, personal property, or whatever kind of tax exemption and are we doing enough to tie these tax exemptions to job creations? I think this is the conversation we had in committee last week. I omitted to bring it up at the time of the adoption of the Ordinance. I think it's a subject that several members of Council discussed last week.

MAYOR CREIGHTON: Mr. President, Mr. Bernabei, I'm trying to recall on this one. First of all, the law dictates that you can only go so many years for personal or with real. And, I just, I can't, I can't draw to my memory, Tom, I'm sorry, Councilman Bernabei, if they requested that or if that was the recommendation when they came to us. So, if you wouldn't mind, if I could check it out tomorrow, I, I, I just, I can't remember, but the honest, the other answer to your question is there is not a set policy. It's normally what, it's the need of that corporation and up to the maximum amount allowed by law.

PRESIDENT DENCZAK: Do you yield, Member Bernabei?... You yield?... Member Casar.

MEMBER CASAR: Mr. President, Member Bernabei. When it came before the CIC committee, that was what their request was and we acted on it accordingly with their request and that was the recommendation of the staff and the committee, I mean the Board, accepted it as recommended and it came to Council.

PRESIDENT DENCZAK: Is there any other miscellaneous business?

MEMBER ZACHARY: Mr. President, I'd like to direct this to the Safety Director and ask for his assistance with something that I have going on in my ward right now. We're very happy that the people on the northwest end there are starting to clean up their problem but it's starting to creep into areas of ward 4 and I have people who are afraid to come out of their homes because of the drug problem on 2nd and 3rd Streets NE as well as 6th Street SW, and I'm asking for an increased police presence in those areas so that we can start addressing some of the problems that are over there.

SAFETY DIRECTOR HUNT: Mr. President, Member Zachary, if we can speak later, after this meeting, if you can give me some addresses, I will make sure that our zone cars are notified and that our vice department knows these addresses.

PRESIDENT DENCZAK: Do you yield Member Zachary?... Member Zachary, you finished?....

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MEMBER ZACHARY: Oh yes, I'm sorry.

PRESIDENT DENCZAK: Any other miscellaneous business?

MEMBER HAWK: Mr. President, one final comment on the sexual predators on 2nd Street. This morning, Sandi and Cindy and Vickie and Chief of Staff Concatto and I met on this. We are working diligently on it. Director Hunt's working on it, the Mayor's working with it. We're going to address this problem in the appropriate fashion. We had a very good response to it very early this morning. We got together, we got something accomplished and I'm very happy that you take the time and you're concerned for your neighborhood and you bring this to our attention. You are the eyes and ears of us, of City Council, of the Administration and of the Police Department. Thank you for your concern for your neighborhood. We truly appreciate it.

PRESIDENT DENCZAK: Is there any other miscellaneous business?

MEMBER WEST: Mr. President. Mr. President, last week I had made some comments in reference to Jackson Pool and I just wanted to make the record clear that there's nothing that would please me more than to have Jackson Pool open, and I'm very thankful to Tad Ellsworth for getting someone there to make sure that the pool is structurally sound, that we have the data that we can make an informed decision. Thank you.

PRESIDENT DENCZAK: Is there any more miscellaneous business?

MEMBER HAWK: Mr. President.....

PRESIDENT DENCZAK: One moment. Mayor....Madame Mayor. When you first took office, January 1st, you made the statement that you was gonna have, in 100 days, you was gonna have Canton go on a new....can you somehow give Council a communication as to what direction we're taking now after the 100 days are up? Thank you Mayor. Yeah, send it to Council. Okay. Member Casar.

MEMBER CASAR: Mr. President, yes. Last week was a Clean Up Canton. I want to commend the Mayor and her staff and all the volunteers that went out and physically, Saturday, Friday morning which wasn't that great a morning and proceeded to pick up trash around the immediate city area, city hall area, up, down, I think around Cherry Avenue over to McKinley and over to West Tusc and so forth and I understand that they gathered around 350 plastic trash bags and I think it was a, something well-deserved, that we should commend the Mayor for this because it, it's just a, it's a small thing at the present time, but if they can get 350 bags in such a small area, imagine what else is out there in our city and that we should be conscientious of the fact is that we all should look for this and if we see a piece of paper, whatever, pick it up. If we see someone throw it down, tell them about it also but I would, I want to commend the Mayor and her staff and all the volunteers that went out and worked Friday morning. *(APPLAUSE)*

PRESIDENT DENCZAK: And as a footnote to that Mayor, you missed one place - 2416 38th Street. I got all kind of beer bottles, McDonald paper bags, milkshake containers, laying in my yard every morning. So, next time you have this civic duty, would you pick up 2416 38th Street? *(LAUGHTER)*

MAYOR CREIGHTON: Mr. President, it's great exercise to bend over and pick it up. *(LAUGHTER &*

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APPLAUSE)

PRESIDENT DENCZAK: Now don't encourage her for cryin' out loud. You're starting to get on my nerves, you know that?

MAYOR CREIGHTON: Well, you know, while we're on...I have to also...I want to thank Councilman Bernabei for helping. I know that I've received calls from some of the rest of the Councilmen and they couldn't join us for a variety of reasons and, it demonstrates that we all work together. Treasurer Schirack helped clean up trash. I appreciated that, and, a lot of city employees and I want to make one thing perfectly clear, it doesn't matter to me whether you spend your 8 hours on city time picking up trash or sitting behind a desk, it's that you're making a difference in our community. So, to those who shook their head about why we asked city employees, we got the job done and we ain't done yet.

PRESIDENT DENCZAK: Is there any other, is there any other miscellaneous business?

MEMBER DOUGHERTY: Mr. President. Yeah, on that same note, Saturday from 9 to 12, the NEAR group in my ward will be having a clean up and we'll be going along the trail and planting flowers and cleaning up that area too.

PRESIDENT DENCZAK: Hit 2416 38th Street, will ya?.... (*LAUGHTER*) Is there any other miscellaneous business?

MEMBER HART: Mr. President, just on the same line, I'd like to, on behalf of many of the students at Crenshaw Middle School. This past week, we were all out picking up, you know, a little community service, making our, you know, the school neighborhood a little bit better and I guess for the ladies from Greg's ward, I guess it's a sad commentary when you go on to the Sheriff's website and I think if you were to probably download all the names of the sexual predators, and it's all over the city, you would probably be up, my guess would be close to 40 pages.

LAW DIRECTOR MARTUCCIO: Mr. President, while we're sharing notes on a positive note, members of Council may take note they have a cover girl celebrity among them. Member Zachary was honored by *Walsh Times* and appears on their cover for her accomplishments. (*APPLAUSE*)

PRESIDENT DENCZAK: Where did I lose control of this? (*LAUGHTER*)

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

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

NO REMARKS

ROLL CALL: 12 YEAS, 0 HAYS

ADJOURNMENT TIME: 8:34 P.M.

ATTEST:

APPROVED:

MINUTES OF THE MEETING OF APRIL 26, 2004

DEBRA VANCKUNAS
CLERK OF COUNCIL

RAY DENCZAK
PRESIDENT OF COUNCIL