

**MINUTES OF THE MEETING OF OCTOBER 18, 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, October 18, 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 5th Ward Councilmember Terry Prater, 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:*

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

1 COUNCILMEMBER ABSENT: (MARY M. BABCOCK)

**AGENDA CORRECTIONS & CHANGES**

PRESIDENT DENCZAK: Thank you, Member Prater (*referring to giving invocation*). Members of Council, to bring your agenda up to date, you're being asked to suspend Rule 22A to add the second readings of Ordinance 6 through and including #12. Member Casar, the Chair will recognize that Motion at this time.

MEMBER CASAR: Mr. President, I move that Rule 22A be suspended on Ordinances 6 through and including #11. Number 12 at the Chairman's request will remain in committee also; seconded.

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

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

PRESIDENT DENCZAK: Rule 22A is suspended and Ordinances 6 through and including #11 are a legal part of your agenda. Members of Council, to bring your agenda up to date, as stated before, Ordinance #12 under Second Readings is held in committee. You're being asked to postpone Ordinance #17 until 10/25. You're being asked to postpone Ordinance #22 until 10/25. This brings your agenda up to date.

**PUBLIC HEARINGS****7:30 P.M. LAMBOS INVESTMENT PARTNERS REZONING:**

PRESIDENT DENCZAK: We had a scheduled public hearing for 7:30 PM. The Chair opens the public hearing in regards to this matter. It's a request by Lambos Investment Partners to rezone six lots located at 2303 West Tuscarawas Street for the KFC Restaurant. The Planning Commission recommends approval. Is there anyone in the audience wishing to speak for or against this rezoning, please come forward... Is there anyone in the audience wishing to speak

**MINUTES OF THE MEETING OF OCTOBER 18, 2004**

for or against this rezoning, please come forward... Is there anyone 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 ordinance will follow later this evening. I'm gonna ask a question of the audience. Can you hear okay in the back there now? (*UNINTELLIGIBLE RESPONSE FROM MEMBERS OF AUDIENCE*) Okay.

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

PRESIDENT DENCZAK: No one signed up for Public Speaks under Ordinances and Resolutions for adoption. Two people did sign that sheet, however, I think they're referring to the later portion of Public Speaks, so the Chair will recognize them at that time.

**INFORMAL RESOLUTIONS**

PRESIDENT DENCZAK: Informal Resolutions, excusing Members. Member Casar.

MEMBER CASAR: Mr. President, I move that Member Babcock be excused from this evening's meeting; seconded.

PRESIDENT DENCZAK: Moved and seconded that Member Babcock be excused. Are there any remarks?... If not, roll call vote please.

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

PRESIDENT DENCZAK: Let the journal show that Member Babcock has been excused.

***PRESIDENT DENCZAK CALLED UPON CLERK OF COUNCIL VANCKUNAS TO READ RESOLUTION #83 BY TITLE, AS SHOWN BELOW. THE RESOLUTION IS ON FILE IN ITS ENTIRETY IN THE COUNCIL OFFICE WITH THE AGENDA ITEMS DATED OCTOBER 18, 2004.***

83. HAWK, GREG, WARD 1 COUNCILMEMBER AND COUNCIL-AS-A-WHOLE: REQUESTING THE COMMUNITY DEVELOPMENT DEPARTMENT BEGIN SOLICITING DEVELOPERS TO PRESENT PLANS FOR USE OF THE KRESGE BLOCK IN DOWNTOWN CANTON - ADOPTED BY COUNCIL

MEMBER CASAR: Mr. President, I move we adopt Resolution #83; seconded.

PRESIDENT DENCZAK: Moved and seconded that you adopt Ordinance #83-- or Resolution #83. Are there any remarks?... If not, by voice vote, all those in favor signify by saying aye. Those opposed no.

NO REMARKS

RESOLUTION #83 ADOPTED BY UNANIMOUS VOICE VOTE

PRESIDENT DENCZAK: Resolution #83 is adopted.

**COMMUNICATIONS**

**MINUTES OF THE MEETING OF OCTOBER 18, 2004**

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

***NOTE: ALL COMMUNICATIONS WHICH FOLLOW, LISTED BY AGENDA TITLE, ARE ON FILE IN THEIR ENTIRETY IN THE COUNCIL OFFICE WITH THE AGENDA ITEMS FILE DATED OCTOBER 18, 2004.***

534. AUDITOR KIM R. PEREZ, CITY OF CANTON: CERTIFICATE OF THE TOTAL AMOUNT FROM ALL SOURCES FOR 2004 DATED 10/7/04 - CLERK OF COUNCIL
535. BERNABEI, TOM, JUDICIARY COMMITTEE CHAIRMAN: LETTER TO MAYOR, CHIEF OF STAFF & CD DIRECTOR REQUESTING THE ESTABLISHMENT OF FIXED CRITERIA WHICH ESTABLISHES HOW MUCH CITY ASSISTANCE ANY PROJECT MAY RECEIVE - RECEIVED & FILED
536. CANTON CITY SCHOOLS BOARD OF EDUCATION: REQUEST TO VACATE HIGH AVENUE NW FROM WEST TUSC TO 4<sup>TH</sup> STREET NW FOR SCHOOL USE - PLANNING COMMISSION (See C#545)
537. CHIEF OF STAFF JOSEPH CONCATTO, CITY OF CANTON: REQUESTING LEGISLATION AUTHORIZING MAYOR OR CHIEF OF STAFF TO NEGOTIATE & SELL CARNEGIE PARKING LOT FOR ESTABLISHED \$378,000 FAIR MARKET VALUE - COMMUNITY & ECONOMIC DEVELOPMENT AND FINANCE COMMITTEES
538. CHIEF OF STAFF JOSEPH CONCATTO, CITY OF CANTON: REQUEST TO ADVERTISE, RECEIVE BIDS & ENTER INTO CONTRACT FOR A NUMBER OF ROOF REPLACEMENTS AT CIVIC CENTER; REQUESTING \$290,000 SUPPLEMENTAL APPROPRIATION FROM THE 4541 CIVIC CENTER IMPROVEMENT FUND. - PUBLIC PROPERTY CAPITAL IMPROVEMENT AND FINANCE COMMITTEES
539. CD & PLANNING DEPARTMENT, MARGY POORMAN, DIRECTOR, CITY OF CANTON: REQUESTING LEGISLATION AUTHORIZING THE MAYOR TO ENTER INTO AN ENTERPRISE ZONE AGREEMENT WITH THE HARTVILLE GROUP INC & HEIN CONSTRUCTION TO CONSTRUCT A FACILITY AT 3840 GREENTREE AVENUE SW TO BE LEASED BY THE HARTVILLE GROUP - COMMUNITY & ECONOMIC DEVELOPMENT AND FINANCE COMMITTEES
540. CD & PLANNING DEPARTMENT, MARGY POORMAN, DIRECTOR, CITY OF CANTON: REQUESTING LEGISLATION AUTHORIZING THE MAYOR &/OR SERVICE DIRECTOR TO CONVEY 2 PARCELS LOCATED ON 5<sup>TH</sup> STREET SW TO THE COMMUNITY IMPROVEMENT CORPORATION - COMMUNITY & ECONOMIC DEVELOPMENT AND FINANCE COMMITTEES
541. HEALTH ADMINISTRATOR ROSE BRESSON, CITY OF CANTON: SEPT 2004 MONTHLY COMPARATIVE REPORT OF INSURANCE CLAIMS & JAN-SEPT 2004 PAID CLAIMS & COMPARATIVE REPORT - RECEIVED & FILED

**MINUTES OF THE MEETING OF OCTOBER 18, 2004**

542. LIQUOR CONTROL DIVISION (STATE OF OHIO), 6606 TUSSING ROAD, P O BOX 4005, REYNOLDSBURG, OHIO 43068-9005: APPLICATION BY SHAHNIL CANTON INC FOR A NEW C1, C2 LIQUOR PERMIT AT 2201 9<sup>TH</sup> STREET SW - INTERGOVERNMENTAL & PUBLIC SERVICE CMTE
543. MAYOR JANET CREIGHTON, CITY OF CANTON: REQUEST TO AMEND MANAGEMENT/NON-BARGAINING PERSONNEL ORDINANCE TO INCREASE SALARY RANGES IN SERVICE DIRECTOR'S DIVISION OF PART-TIME SEASONAL EMPLOYEES. - PERSONNEL COMMITTEE
544. PLATINUM DYNASTY CORPORATION, 1016 12<sup>TH</sup> STREET NE, CANTON, OHIO 44704: REQUEST TO VACATE ARCH COURT NE BETWEEN 12<sup>TH</sup> & AMERMAN PLACE NE FOR MAINTENANCE & PARKING. - PLANNING COMMISSION
545. PLANNING COMMISSION, TAD ELLSWORTH, VICE CHAIRMAN, CITY OF CANTON: RECOMMENDING APPROVAL OF REQUEST BY CANTON CITY SCHOOLS TO VACATE PARTS OF HIGH AVENUE NW SOUTH OF 4<sup>TH</sup> STREET NW FOR THE TIMKEN CAMPUS. - PUBLIC SAFETY & THOROUGHFARES COMMITTEE (See C#536)
546. SAFETY DIRECTOR BERNARD HUNT, CITY OF CANTON: REQUEST TO RESCIND SECTIONS (b) & (c) OF CITY CODE SEC. 539.15, WHICH DEAL WITH AUTHORITY OF SAFETY DIRECTOR TO CONFER UPON PARK POLICE THE RIGHT TO CARRY A FIREARM. - JUDICIARY COMMITTEE
547. SAFETY DIRECTOR BERNARD HUNT, CITY OF CANTON: REQUEST FOR APPROVAL OF DEMOLITION OF 26 PROPERTIES (1315 OXFORD AVE NW & ETC). - COMMUNITY & ECONOMIC DEVELOPMENT AND FINANCE COMMITTEES
548. SERVICE DIRECTOR ELLSWORTH: REQUEST \$16,318 MORAL OB PAYMENT TO HANNON ELECTRIC FOR EMERGENCY REPAIR OF #2 RAS PUMP AT THE WPCC. - FINANCE COMMITTEE
549. SERVICE DIRECTOR TAD ELLSWORTH, CITY OF CANTON: REQUEST TO ENTER INTO \$34,053.44 CONTRACT W/L3 COMMUNICATIONS SECURITY & DETECTION SYSTEMS TO PURCHASE ENHANCED X-RAY SCANNER W/CONVEYOR FOR JUDGES OFFICE. - PUBLIC PROPERTY CAPITAL IMPROVEMENTS AND FINANCE COMMITTEES
550. SLIMAN, SAM, AGENT FOR PETITIONER: SUBMITTING COPY OF STARK COUNTY'S ANNEXATION PUBLIC HEARING FOR THE K-MART/EASTRIDGE ANNEXATION AREA SCHEDULED FOR 11/18/04 @ 11 AM IN COUNTY OFFICE BUILDING. - RECEIVED & FILED
551. STARK COUNTY CLERK OF COURTS PHIL G. GIAVASIS: NOTIFICATION THAT AN ENTRY WHICH MAY BE A FINAL APPEALABLE ORDER RE: AMC LAND VS CANTON CITY COUNCIL HAS BEEN FILED WITH THE CLERK OF COMMON PLEAS COURT ON 9/29/04. - LAW DIRECTOR

**MINUTES OF THE MEETING OF OCTOBER 18, 2004**

552. STARK COUNTY COMMISSIONERS: RESOLUTION GRANTING ANNEXATION OF 15.013 ACRES IN PLAIN TOWNSHIP KNOWN AS CITY OF CANTON/RAILROAD ANNEXATION AREA. - ANNEXATION COMMITTEE AND PLANNING COMMISSION
553. STARK COUNTY COMMISSIONERS: SUBMITTING ALL ANNEXATION MATERIALS RE: CANTON/RAILROAD ANNEXATION AREA. - ANNEXATION COMMITTEE
554. THRISTINO, FRANK, PARK POLICE SERGEANT, CITY OF CANTON: LETTER TO PRESIDENT OF COUNCIL REQUESTING NO ACTION BE TAKEN RE: SAFETY DIRECTOR'S REQUEST TO RESCIND SECTIONS (b) & (c) OF CANTON CITY CODE SEC. 539.15 RE: PARK POLICE DUE TO LITIGATION IN COMMON PLEAS COURT. - JUDICIARY COMMITTEE
555. TREASURER ROBERT SCHIRACK, CITY OF CANTON: LETTER TO PRESIDENT OF COUNCIL REQUESTING A COUNCIL RESOLUTION FORMALLY ENDORSING ISSUE 14 RE: S CORPORATION DISTRIBUTIONS & ENCOURAGING VOTER SUPPORT AT THE POLLS. - MAJORITY LEADER
556. TREASURER ROBERT SCHIRACK, CITY OF CANTON: COMPARATIVE REPORT OF INCOME TAX CASH RECEIPTS AS OF 9/30/04. - RECEIVED & FILED
557. TREASURER ROBERT SCHIRACK, CITY OF CANTON: COMPARATIVE REPORT OF AMBULANCE LOCK BOX FOR SEPTEMBER 2004. - RECEIVED & FILED
558. TREASURER ROBERT SCHIRACK, CITY OF CANTON: COMPARATIVE REPORT OF PARKING METER REVENUE FOR SEPTEMBER 2004. - RECEIVED & FILED
559. TREASURER ROBERT SCHIRACK, CITY OF CANTON: REPORT OF BANK RECONCILIATIONS AND OUTSTANDING INVESTMENTS AS OF 9/30/04. - RECEIVED & FILED
560. TRINITY GOSPEL TEMPLE, 1612 WEST TUSCARAWAS STREET, CANTON, OHIO 44708: LETTER INVITING PRESIDENT & MEMBERS OF COUNCIL TO THE 40<sup>TH</sup> ANNIVERSARY CELEBRATION DINNER ON 12/5/04 & INVITING NOTES OF CONGRATULATIONS TO BROTHER DAVE & THE TRINITY GOSPEL TEMPLE. - MAJORITY LEADER

**ORDINANCES & FORMAL RESOLUTIONS FOR FIRST READING**

PRESIDENT DENCZAK: We're now under Ordinances 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 AND INCLUDING #5 FOR THE FIRST TIME BY TITLE & ANNOUNCED THE COMMITTEE REFERRALS, AS FOLLOWS.***

#1 (1<sup>ST</sup> RDG) AN ORDINANCE AUTHORIZING THE MAYOR TO FILE WITH THE U.S. DEPARTMENT

**MINUTES OF THE MEETING OF OCTOBER 18, 2004**

OF HOUSING AND URBAN DEVELOPMENT A 2005 CONSOLIDATED PLAN FOR THE 2005 COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM, 2005 HOME INVESTMENT PARTNERSHIP PROGRAM AND 2005 EMERGENCY SHELTER GRANT PROGRAM; RATIFYING SUBMISSION AND FILING OF SAID PLAN; AUTHORIZING THE MAYOR TO EXECUTE GRANT AGREEMENTS WITH THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT AND TO ACCEPT FUNDING FOR THE THREE PROGRAMS; AND DECLARING THE SAME TO BE AN EMERGENCY

Referred to Community & Economic Development Committee

- #2 (1<sup>ST</sup> RDG) AN ORDINANCE ESTABLISHING THE FAIR REUSE VALUE OF TWO PARCELS OF CITY-OWNED REAL PROPERTY; AUTHORIZING THE SALE AND CONVEYANCE OF SAID PROPERTY PURSUANT TO THE CITY'S RESIDENTIAL LAND DISPOSITION PROGRAM; AND DECLARING THE SAME TO BE AN EMERGENCY (Lot #4576 on 8<sup>th</sup> St SE)

Referred to Community & Economic Development Committee

- #3 (1<sup>ST</sup> RDG) AN ORDINANCE ESTABLISHING THE FAIR MARKET VALUE OF REAL PROPERTY IN CONJUNCTION WITH THE FEDERAL CAMPUS PROJECT; AUTHORIZING THE MAYOR OR CHIEF OF STAFF TO NEGOTIATE AND PURCHASE SAID PARCELS AT THE ESTABLISHED FAIR MARKET VALUES; AND DECLARING THE SAME TO BE AN EMERGENCY

Referred to Community & Economic Development and Finance Committees

- #4 (1<sup>ST</sup> RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO FUNDING AGREEMENTS WITH METRO AND PLAIN TOWNSHIP FOR PROFESSIONAL SERVICES CONTRACTS FOR THE NEWLY ANNEXED SECTION OF RAILROAD; AND DECLARING THE SAME TO BE AN EMERGENCY

Referred to Intergovernmental & Public Service & Finance Committees

- #5 (1<sup>ST</sup> RDG) AN ORDINANCE AUTHORIZING THE ACQUISITION OF TAX DELINQUENT REAL PROPERTY PURSUANT TO H.B. 127; AND DECLARING THE SAME TO BE AN EMERGENCY

Referred to Community & Economic Development 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 #6 THROUGH AND INCLUDING #11 FOR THE SECOND TIME BY TITLE, AS FOLLOWS. ORDINANCE #12 WAS RETAINED IN COMMITTEE.***

**RULE 22A WAS SUSPENDED TO ADD # 6 THROUGH #11:**

- #6 (2<sup>ND</sup> RDG) AN ORDINANCE AUTHORIZING CANTON TO ANNEX THE TERRITORY KNOWN AS

MINUTES OF THE MEETING OF OCTOBER 18, 2004

THE AUTO ELECTRIC SERVICE COMPANY ANNEXATION AREA CONTAINING APPROXIMATELY 1.92 ACRES; ASSIGNING SAID TERRITORY TO WARD 8 OF THE CITY; ZONING SAID TERRITORY AS B-3 (GENERAL BUSINESS DISTRICT); AND DECLARING THE SAME TO BE AN EMERGENCY

- #7 (2<sup>ND</sup> RDG) AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO FILE AN APPLICATION WITH THE STATE OF OHIO TO PARTICIPATE IN THE CLEAN OHIO ASSISTANCE FUND, APPLY FOR FINANCIAL ASSISTANCE AND ADMINISTER THE FUNDS RECEIVED; AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CONTRACT FOR PROFESSIONAL SERVICES IN AN AMOUNT NOT TO EXCEED \$50,000.00 IN ACCORDANCE WITH THE REQUIREMENTS OF THE CLEAN OHIO ASSISTANCE FUND APPLICATION; AND DECLARING THE SAME TO BE AN EMERGENCY
- #8 (2<sup>ND</sup> RDG) AN ORDINANCE AMENDING SECTION 1305.04, 1305.05, 1307.03 AND 1353.21 OF THE CODIFIED ORDINANCES OF THE CITY OF CANTON; AND DECLARING THE SAME TO BE AN EMERGENCY
- #9 (2<sup>ND</sup> RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY TO ACCEPT AND EXECUTE THE FEDERAL EMERGENCY MANAGEMENT AGENCY'S ASSISTANCE TO FIREFIGHTERS GRANT; AUTHORIZING THE CITY AUDITOR TO DEPOSIT THE PROCEEDS OF SAID GRANT INTO THE 2813 FIREFIGHTERS ASSISTANCE GRANT FUND; AMENDING APPROPRIATION ORDINANCE NO. 1/2004, AS AMENDED, BY MAKING THE SUPPLEMENTAL APPROPRIATION HEREIN DESCRIBED; AND DECLARING THE SAME TO BE AN EMERGENCY
- #10 (2<sup>ND</sup> RDG) AN ORDINANCE RE-AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO COMPLETE THE CONTRACTING PROCESS FOR ORDINANCE NO. 205/2003; AND DECLARING THE SAME TO BE AN EMERGENCY
- #11 (2<sup>ND</sup> RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A SUPPLEMENTAL SEWER AGREEMENT WITH STARK COUNTY; AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO MAKE PAYMENT IN AN AMOUNT NOT TO EXCEED \$86,678.00 TO STARK COUNTY FOR SANITARY SEWER CONVEYANCE FOR THE MILLS FARM PROPERTY; AMENDING APPROPRIATION ORDINANCE NO. 1/2004, AS AMENDED, BY MAKING THE SUPPLEMENTAL APPROPRIATION HEREIN DESCRIBED; AND DECLARING THE SAME TO BE AN EMERGENCY
- #12 **RETAINED IN COMMITTEE** A RESOLUTION ESTABLISHING AND DESIGNATING THE CANTON CENTRAL NEIGHBORHOODS 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

**MINUTES OF THE MEETING OF OCTOBER 18, 2004**

**ORDINANCES AND FORMAL RESOLUTIONS FOR THIRD READING**

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

***NOTE: PRESIDENT DENCZAK CALLED UPON CLERK VANCKUNAS TO READ THE FOLLOWING ORDINANCES #13 THROUGH AND INCLUDING #21 FOR THE THIRD & FINAL TIME BY TITLE, AS FOLLOWS. ALL 3<sup>RD</sup> READING ORDINANCES WERE ADOPTED .***

#13 (3<sup>RD</sup> RDG) **ADOPTED AS ORDINANCE NO. 207/2004** AN ORDINANCE AMENDING O.55/77 AS AMENDED KNOWN AS THE CITY OF CANTON ZONING ORDINANCE; AND DECLARING THE SAME TO BE AN EMERGENCY (Lambos Investment Partners for KFC)

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: 11 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance #13 is adopted. **#13 ADOPTED AS ORDINANCE NO. 207/2004**

#14 (3<sup>RD</sup> RDG) **ADOPTED AS ORDINANCE NO. 208/2004** AN ORDINANCE ESTABLISHING THE FAIR REUSE VALUE OF ONE PARCEL OF CITY OWNED PROPERTY; AUTHORIZING THE SALE AND CONVEYANCE OF SAID PROPERTY PURSUANT TO THE CITY'S COMMUNITY DEVELOPMENT PROGRAM; 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.... Very well, roll call vote please.

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance #14 is adopted. **#14 ADOPTED AS ORDINANCE NO. 208/2004**

#15 (3<sup>RD</sup> RDG) **ADOPTED AS ORDINANCE NO. 209/2004** AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CHANGE ORDER #2 WITH CARDINAL ENVIRONMENTAL SERVICES IN AN AMOUNT NOT TO EXCEED \$36,859.77 FOR ADDITIONAL EXPENSES OF THE REMOVAL OF ASBESTOS AT THE KRESGE BLOCK; AND DECLARING THE SAME TO BE AN EMERGENCY

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

**MINUTES OF THE MEETING OF OCTOBER 18, 2004**

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: 10 YEAS, 1 NAY (R.A. MALLONN)

PRESIDENT DENCZAK: Ordinance #15 is adopted.

**#15 ADOPTED AS ORDINANCE NO. 209/2004**

#16 (3<sup>RD</sup> RDG) **ADOPTED AS ORDINANCE NO. 210/2004** AN ORDINANCE AMENDING CHAPTER 971, CANTON MEMORIAL CIVIC CENTER, OF THE CODIFIED ORDINANCES OF THE CITY OF CANTON; AND DECLARING THE SAME TO BE AN EMERGENCY

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

PRESIDENT DENCZAK: Moved and seconded that you adopt Ordinance #16. Are there any remarks under this Ordinance.... Very well, roll call vote please.

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance #16 is adopted.

**#16 ADOPTED AS ORDINANCE NO. 210/2004**

#17 **POSTPONED TO 10/25/04** AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NUMBER 1/2004, AS AMENDED, BY MAKING THE SUPPLEMENTAL APPROPRIATIONS AND REDUCTIONS IN APPROPRIATIONS HEREIN DESCRIBED; AND DECLARING THE SAME TO BE AN EMERGENCY

MEMBER CASAR: I move we adopt Ordinance #17; seconded

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

MEMBER CASAR: Mr. President, I move we postpone Ordinance #17 until 10/25/04; seconded

PRESIDENT DENCZAK: Moved and seconded to postpone Ordinance #17 until October 25, 2004. Are there any remarks?... If not, by voice vote, all those in favor signify by saying aye. Those opposed no.

NO REMARKS

ADOPTED BY UNANIMOUS VOICE VOTE

PRESIDENT DENCZAK: Ordinance 17 is postponed until October 25<sup>th</sup>, the year 2004.

#18 (3<sup>RD</sup> RDG) **ADOPTED AS ORDINANCE NO. 211/2004** AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO AN EASEMENT AGREEMENT WITH RALPH D. DAYTON, NANCY R. DAYTON AND PATRICIA J. PARKS FOR THE GRANTING OF AN EASEMENT AND A PORTION OF 25<sup>TH</sup> STREET SW FOR THE

**MINUTES OF THE MEETING OF OCTOBER 18, 2004**

CONSTRUCTION OF A GARAGE; AND DECLARING THE SAME TO BE AN EMERGENCY

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

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

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance #18 is adopted. **#18 ADOPTED AS ORDINANCE NO. 211/2004**

#19 (3<sup>RD</sup> RDG) **ADOPTED AS ORDINANCE NO. 212/2004** AN ORDINANCE AUTHORIZING THE CITY AUDITOR TO PAY A MORAL OBLIGATION IN AN AMOUNT NOT TO EXCEED \$20,979.59 TO NORTH AMERICA SALT COMPANY; AND DECLARING THE SAME TO BE AN EMERGENCY

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

PRESIDENT DENCZAK: Moved and seconded that you adopt Ordinance #19. Are there any remarks under this Ordinance.... Very well, roll call vote please.

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance #19 is adopted. **#19 ADOPTED AS ORDINANCE NO. 212/2004**

#20 (3<sup>RD</sup> RDG) **ADOPTED AS ORDINANCE NO. 213/2004** 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

MEMBER CASAR: Mr. President, I move we adopt Ordinance #20; seconded.

PRESIDENT DENCZAK: Moved and seconded that you adopt Ordinance #20. Are there any remarks under this Ordinance.... Very well, roll call vote please.

NO REMARKS

ROLL CALL: 8 YEAS, 3 NAYS  
(CASAR, CARBENIA & WEST VOTED NO)

PRESIDENT DENCZAK: The Ordinance passes with the emergency. **#20 ADOPTED AS ORDINANCE NO. 213/2004**

**MINUTES OF THE MEETING OF OCTOBER 18, 2004**

#21 (3<sup>RD</sup> RDG) **ADOPTED AS ORDINANCE NO. 214/2004** AN ORDINANCE AUTHORIZING THE DIRECTORS OF PUBLIC SERVICE AND PUBLIC SAFETY TO ENTER INTO LICENSE AGREEMENTS WITH BP PRODUCTS NORTH AMERICA INCORPORATED, TO PERMIT INSTALLATION OF TWO MONITORING WELLS ON A TEMPORARY BASIS; AND DECLARING THE SAME TO BE AN EMERGENCY.

MEMBER CASAR: Mr. President, I move we adopt Ordinance #21; seconded.

PRESIDENT DENCZAK: Moved and seconded that you adopt Ordinance #21. Are there any remarks under this Ordinance.... Very well, roll call vote please.

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance #21 is adopted.

**#21 ADOPTED AS ORDINANCE NO. 214/2004**

**ORDINANCES AND FORMAL RESOLUTIONS – POSTPONED MATTER:**

PRESIDENT DENCZAK: Postponed Matters. Ordinance #22, Member Casar?....

#22 (RECEIVED ALL 3 RDGS: POSTPONED FROM 9/13, 20, 27 & 10/4)

**POSTPONED TO 10/25/04** AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO CONVEY CITY-OWNED REAL PROPERTY, NO LONGER NEEDED FOR MUNICIPAL PURPOSES, TO THE CANTON COMMUNITY IMPROVEMENT CORPORATION; AND DECLARING THE SAME TO BE AN EMERGENCY

MEMBER CASAR: Mr. President, I move we adopt Ordinance #22; seconded.

PRESIDENT DENCZAK: Moved and seconded that you adopt Ordinance 22. Are there any remarks under this Ordinance?

MEMBER CASAR: Mr. President, once again I ask this ordinance be postponed until next Monday's meeting October 25<sup>th</sup>, 04.

PRESIDENT DENCZAK: Make it in the form of a motion.

MEMBER CASAR: I so move; seconded

PRESIDENT DENCZAK: Moved and seconded that you postpone Ordinance #22 until October 25, 2004. Are there any remarks?

MEMBER DIAMOND: Mr. President, I have a question. This ordinance has been postponed week after week after week and I'm just wondering if the Majority Leader has requested information that has not been provided to him or is there another reason why we continue to postpone it. I know we haven't discussed it in any committee meetings, and

**MINUTES OF THE MEETING OF OCTOBER 18, 2004**

perhaps it was discussed in Democratic Caucus, but I have no idea why we continue to postpone it week after week.

MEMBER CASAR: Mr. President...

PRESIDENT DENCZAK: One moment. Are you asking for the floor?... Member Casar.

MEMBER CASAR: Mr. President, yes it was discussed in Committee when this ordinance was first brought up and then I think, 2 weeks ago, maybe 3 weeks ago, when I first asked for the postponement, I gave the reason why and that reason was we were waiting for the Law Department to come through with the Ordinance that we met with the proposed--that offered this property. I saw the ordinance this evening and I didn't have a chance, I mean the amendment, not really having a chance to go over it--I figured one more week. And also if you read Communication #535 from Member Bernabei, Chairman of the Community, I mean, Chairman of the Judiciary Committee, he asked, he asked some good questions and he sent it in the form of a memo to Chief of Staff... the Mayor, Chief of Staff and also the Community Development Director Ms. Poorman. I think that those questions he asked afforded him the courtesy that hopefully, the Administration will come back with the answer because it all relates to Ordinance #22 that I'm asking for to postpone again this week.

MEMBER DIAMOND: Mr. President, when you received the information that both you and Member Bernabei have requested, will you be sharing that information in a committee meeting with all of Council?

PRESIDENT DENCZAK: Do you have an answer?...

MEMBER CASAR: Mr. President, that information will be to...the fact is that Ordinance has already been through the process of the Committee meetings and also 3 readings. Any discussion will be made on it on the floor so it will be a matter of public record whenever that is given up, comes up for final adoption, which hopefully, it may be next week.

MEMBER DIAMOND: Mr. President, I would like, as Minority Leader, and on behalf of Member Hart, to make a request to the Majority Leader that any information provided by the Administration to either Member Bernabei or Member Casar be made available to us, not on the floor when we're going to vote on it 5 minutes later, but certainly when they do receive it so that we can digest it and ask any question we may have prior to the vote on a Monday evening.

MEMBER CASAR: Mr. President, I have no real problem with that. The fact is that's why this Council is not adopt, acting on Ordinance #17, the amendment, because we just received that amendment this evening which has a lot to do with the finances of the City of Canton. So, we postponed Ordinance #17 for that reason. I don't have any problem with it. Hopefully the Administration will, if they answer these questions within the next week, will afford the opportunity or courtesy to send a copy to all Council persons.

PRESIDENT DENCZAK: Mayor and then Member Bernabei.

MAYOR CREIGHTON: Mr. President, the Administration will carbon everyone on the Council.

PRESIDENT DENCZAK: Member Bernabei.

**MINUTES OF THE MEETING OF OCTOBER 18, 2004**

MEMBER BERNABEI: Mr. President, I just wanted to inquire of the Mayor and Chief of Staff as to when we can anticipate receiving a response to that. I know that it's, those are not necessarily easy questions to answer, they require some policy discussion and thoughts. I don't know whether or not that can even be available by next week or not, but, in line with Member Diamond's request, I'm just asking if you anticipate that we will have some response by next week?

PRESIDENT DENCZAK: Mayor, do you wish to respond to that, or?...

CHIEF OF STAFF CONCATTO: Mr. President, we will certainly try to get it done this week but, obviously if it's not completed we would expect you to postpone it a week until it is complete. We understand that you do not want to pass this until you have the answers to those questions. We respect that and will give you the answers before we expect you to address it in Council.

MEMBER BERNABEI: And please, Mr. President, and please also for us recognize the minority leaders interested in receiving this information as well, in advance, also if possible.

CHIEF OF STAFF CONCATTO: We'll copy everybody.

MEMBER CASAR: Mr. President, if I may, Member Bernabei's memo, all the questions he asked have been around for quite a while and I don't think it would be, take too much research, I mean, they, it's not something that just came up with in the last week, so I think once that they, if they haven't read the memo yet, when they do read it, I think they should be able to come up with some type of answer within a week's time.

PRESIDENT DENCZAK: All right, the question before you now is the postponement. Are there any further remarks?... If not, by voice vote, all those in favor signify by saying aye. All those opposed no.

NO REMARKS #22 POSTPONED TO 10/25/04 BY UNANIMOUS VOICE VOTE

PRESIDENT DENCZAK: Ordinance #22 is postponed until October 25, 2004.

#23 (RECEIVED ALL 3 RDGS; POSTPONED FROM 10/4/04)

**ADOPTED AS ORDINANCE 215/2004** AN ORDINANCE RE-AUTHORIZING ORDINANCE NO. 185/2002; CONSENTING TO AND APPROVING THE PERMANENT CLOSURE AND UPGRADING OF PUBLIC GRADERAILROAD CROSSINGS; AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY TO ENTER INTO SUBSIDY AGREEMENT WITH THE OHIO RAIL DEVELOPMENT COMMISSION; AND DECLARING THE SAME TO BE AN EMERGENCY

MEMBER CASAR: Mr. President, I move we adopt Ordinance #23; seconded.

PRESIDENT DENCZAK: Moved and seconded that you adopt Ordinance #23. Are there any remarks under this ordinance? Very well, roll call vote please.

NO REMARKS

ROLL CALL VOTE: 11 YEAS, 0 NAYS

**MINUTES OF THE MEETING OF OCTOBER 18, 2004**

PRESIDENT DENCZAK: Ordinance #23 is adopted

**#23 ADOPTED AS ORDINANCE 215/2004**

**ANNOUNCEMENT OF COMMITTEE MEETINGS**

PRESIDENT DENCZAK: Announcement of Committee Meetings please.

MEMBER BERNABEI: Mr. President, Judiciary Committee will hold a meeting on November 1 which is two weeks from today's date at 1:00 PM to continue our review of the proposed Architectural Review Board legislation.

PRESIDENT DENCZAK: Any other committees?

MEMBER CARBENIA: Mr. President, Community & Economic Development Committee will meet 10/25 at 6:30.

MEMBER DIAMOND: Mr. President, Intergovernmental & Public Service will meet at 6:30 also on the 25<sup>th</sup>.

MEMBER HAWK: Mr. President, Finance will meet 10/25 at 6:30. In addition to that, on 10/25 at 11:00 A.M. there will be a budget discussion in the caucus room for the Finance Committee and anyone else who wishes to attend.

**MINUTES OF THE MEETING OF OCTOBER 18, 2004****PUBLIC SPEAKS (OPEN FORUM--CITY BUSINESS ONLY)**

PRESIDENT DENCZAK: Public Speaks, Open Forum, we have several people signed up to speak this evening. The first speaker is Kelvin Miles.

MR. MILES: Good evening. This is based on a tree...

PRESIDENT DENCZAK: State your name and address, please.

MR. MILES: Oh, I'm sorry. Kelvin Miles, 115 Tyler Ave SE, Canton, Ohio 44707. Subject is on tree and tree limbs. I have some pictures. May I pass them out...?

PRESIDENT DENCZAK: Yes.

MR. MILES: ...while I'm reading. (*PAUSE WHILE SPEAKER HANDS PICTURES TO COUNCIL*) This is concerning the property on 1309, possibly 1309 3<sup>rd</sup> Street NE next to my business, 306 Rowland, Miles Body Shop. I am concerned about the tree on the property on 1309 3<sup>rd</sup> Street NE. It's split in several places and it's possible to fall anytime. It's not safe for the community, and it's definitely-- I definitely don't want it to fall on my business. So, I would like to have this tree cut down as soon as possible. There's limbs and trash that you'll see on the photos that have been there since the week of July 31<sup>st</sup>, 2004. And, I would like once again to get this picked up and cleaned up as soon as possible. It looks very bad. And, as soon as everyone's seen the pictures, I have some questions that I'd like to ask and maybe they can be answered.

PRESIDENT DENCZAK: Sir, you only have three minutes under Council rules, so...

MR. MILES: Okay.

PRESIDENT DENCZAK: Are these trees on the devil strip, or are they on the property?

MR. MILES: They're on the property.

LAW DIRECTOR MARTUCCIO: Mr. President. Mr. Miles, is it?

MR. MILES: Yes, sir.

LAW DIRECTOR MARTUCCIO: Trees-- we get a lot of calls about trees in the Law Department, and it's not an easy answer, so bear with me for a minute.

MR. MILES: Okay.

LAW DIRECTOR MARTUCCIO: If a tree or its limbs pose a danger to the public, if they hang out over a street and they might fall on a passing or parked car, or they hang over the sidewalk and they might hit a pedestrian, we may have a right to assist the owner. If they don't cut it, we maybe can cut it and charge them what we charge the fee, assess it

**MINUTES OF THE MEETING OF OCTOBER 18, 2004**

as a lien if they don't pay it. If it's on a private property, border line, like in a back yard between Mr. Smith and Mr. Jones, if it's right on that border line, that's a private dispute between two private parties and we in the City cannot get involved. We cannot use taxpayer money to fix a nuisance that's a private nuisance. We get a lot of calls-- if this for example that you're passing around may pose a threat to the public, we can take a look at it. Otherwise, we can help you perhaps find out who the owner is, if you don't know, and then you can notify him in writing, or her, that this tree is a nuisance, it could pose a lawsuit in the future if it damages your business and then if the tree does fall and it hurts your business or your property, you can file a lawsuit and probably prevail.

MR. MILES: Okay. Thank you.

MEMBER ZACHARY: Mr. President. I do believe this is a vacant property, and as I had discussed with Member-- or Safety Director Bernabei\*\* before, this is one of those properties that was turned in on the list of Ward 4 properties. I know I gave you a humongous list a while ago, but nothing has been done. So, I know Mr. Miles, his dad had called me months ago because he took it upon himself to clean up a lot of the brush and debris around his shop, and no one from the City, even though I called, has had the decency to come pick the mess up even though someone else has done their job and cleaned it up. I don't understand that. I would like to see Mr. Miles get the assistance that he needs as far as getting this nuisance abated. If this is a property that the City owns, then I do believe we should take care of the problem for him, and he's not the only person here from Ward 4 to speak tonight, and I do want to thank you right now for coming because it is important and it shows that we do care about our community, but we are paying taxes and not getting the same services that maybe some areas of the City are getting, so I would like to see something be done about the problem. He's a business owner in the City and he pays taxes like everyone else.

\*\* (*Transcriber's Note: It is believed that Member Zachary meant to say Safety Director Hunt*)

MAYOR CREIGHTON: Mr. President. I will have someone personally come out tomorrow and take a look at it.

MR. MILES: Thank you.

PRESIDENT DENCZAK: Okay. Member Casar, once the pictures make it around here, will you see to it that he gets them back? Thank you. The next speaker is Roger Zachary.

MR. ZACHARY: Good afternoon. My name is Roger Zachary. I live at 2621 Wood Owl Street NE, Canton, Ohio 44704. This is to the President of Canton City Council, the Honorable Mayor, Members of Council, City managers and associates. I stand before you tonight again to express my feeling and desire along with the feeling and desire of my surrounding neighbors that the water drainage issue that plagues Georgeview Estates located off of Marietta NE, Canton, Ohio will be addressed. This is a new neighborhood in the City of Canton. Infrastructure started in 1999. We recognize that some things were missed or were an oversight by City inspectors doing the installation of the infrastructure that is contributing to this water drainage issue. One issue is the sump pumps that continually pumps water onto the streets. This is not only dirty, it's a safety issue in the winter months. Last year, I personally watched a child slide up under a school bus while he came out to board the bus because the water from the sumps had created a pool of water and it had frozen on the street. Give me and my neighborhood the same expedience you gave the Walton family, owners of WalMart. Don't read me wrong. We admire the way you have taken care of our neighbors, our new neighbors, and applaud you for it. We ask that because we have lived here longer, and we have paid taxes to the City of Canton longer, and please don't tell us the City's broke. You found money for the Walton family, and we asked first. Thank you.

**MINUTES OF THE MEETING OF OCTOBER 18, 2004**

SAFETY DIRECTOR HUNT: I gave Mr. Zachary a letter today that I addressed to our Civil Engineer requesting that he provide some information to me relative to his water problem. I'm hopeful we'll have something from the civil engineer within several weeks.

PRESIDENT DENCZAK: Next speaker-- well, two people signed, John and Sharon Johnson. However, under Council rules, I can only recognize one speaker, so will it be John or Sharon? (*SLIGHT PAUSE AS SPEAKER SHARON JOHNSON APPROACHES THE MIC*) I guess the woman wins again, John.

MRS. JOHNSON: (*CHUCKLES*) Good evening. My name is Sharon R. Johnson, 2348 East Tuscarawas Street, Canton, Ohio. And, my issue is my business at 355 Belden Ave NE was broken into on Thursday and my telephone call to the police department was at 9:00, and I didn't get a response till a quarter to ten. I had customers and myself standing outside waiting on the police to arrive, and not only was I waiting, but my customers also was waiting, and it also delayed time with getting in to see what was going on in my business. I don't know if someone had drug someone in there and killed them or what have you, not knowing anything, just standing there waiting, and I also made a couple other calls and they kept saying, "well, they're on their way, they're on their way." I could have walked down here two or three times by the time I got a response, and I'd just, you know, like to know if the Safety Director or whoever is over the department or who deals with that, I'd like to address that person.

SAFETY DIRECTOR HUNT: Mr. President. Ma'am, if you will wait til after Council and give me your phone number, I'll find out what happened and get back to you.

MRS. JOHNSON: Okay. And, I'm also in the 4<sup>th</sup> Ward and Ms. Zachary is my Councilwoman.

MEMBER ZACHARY: Mr. President. Ms. Johnson, I am glad you came to speak tonight because I was made aware of your problem Saturday evening. However, this is another growing concern that is happening in the 4<sup>th</sup> Ward. I get allot of calls, not only from business owners but from residents who say I called the police and it took them a very long time to show up, and that is an inherent problem. I do know we're short staffed in the police department, and believe you me, my husband has explained to me on more than one occasion how the call system works. However, I do believe that if we have guys out in zones on patrol that are available to take these calls, if it's a nuisance to them, it's not a nuisance to the person that's on the receiving end. Ms. Johnson once again is a business owner in Ward 4, and she deserves better than that. She really does.

MRS. JOHNSON: Thank you.

PRESIDENT DENCZAK: The next speaker is Bettie Bell.

MS. BELL: Good afternoon. My name is Bettie Bell. I live at 1613 2<sup>nd</sup> Street NE in Canton, Ohio 44704. I'm also a precinct committeeman for forty years. On October the 5<sup>th</sup> I left home at 2:30 in the morning taking my grandson to the hospital. I got back home, it was at 5:00. Someone had broke into my home, and I thought all of it would be in the Family Dollar. You can't-- at one time you could see from East Tusc over where I live. It's the garage that-- a coal bin is there. You cannot see anything. Someone broke two windows, taken my air conditioner out, taken the chair, and when it's my home...stole my coats, leather coats, leather suits, all my jewelry, my necklace and my money.

**MINUTES OF THE MEETING OF OCTOBER 18, 2004**

PRESIDENT DENCZAK: When did this happen?

MS. BELL: October the 5<sup>th</sup>. I have a police report.

PRESIDENT DENCZAK: Safety Director, are you aware of this case?

SAFETY DIRECTOR HUNT: I spoke to Ms. Bell earlier concerning this break in. I will follow up with the police, but I believe her complaint has to do with the business that's moved in in front of you, is that correct, ma'am?

MS. BELL: Yes, that Family Dollar. At one time you could see the street. Now where that coal bin is, it completely blocks the street. You cannot see anything plus the Family Dollar, and someone was nice enough at that time of morning after they saw me leave supposedly to walk into my home. And I feel that this is not fair. They went all under my mattress and everything, and you feel now like you have been raped in your own home, and I am 83 years old.

PRESIDENT DENCZAK: Well, you'll look into that police matter. It's not just the Dollar Store, it's the fact that somebody broke into her home.

SAFETY DIRECTOR HUNT: That's correct. She indicated that she does have a police report. I will follow up and find out what we're doing on that.

PRESIDENT DENCZAK: Good. Okay.

MS. BELL: I also have my house up for sale, and I can't wait to move from down there.

PRESIDENT DENCZAK: I'll have to charge you for that commercial. (LAUGHTER) Are you a democrat or a republican precinct committee person? (LAUGHTER)

MS. BELL: I'm a democrat.

PRESIDENT DENCZAK: Okay. You take care of that problem right away. (LAUGHTER)

SAFETY DIRECTOR HUNT: I will.

MS. BELL: I been a registered voter ever since 1942 in Canton, Ohio. I never missed a primary. I never missed an election. I'm also a presiding juror. I've been for 18 years. (APPLAUSE)

PRESIDENT DENCZAK: My name is Ray Denczak, and I approve that message. (LAUGHTER) The next speaker is Ruby Brogdon.

MS. BROGDON: My name is Ruby Brogdon. I live at 1617 3<sup>rd</sup> Street NE. I am tired of waiting for things to be done in the 4<sup>th</sup> Ward. We ask for things to be done, and they never be done. We haven't had anything done where I live since Sam Purses was Mayor, and I called the Health Department about a dog and all this junk next door to me. The people moved the next day and didn't clean up anything. There's weeds behind the garage, dogs all back there-- they left all

**MINUTES OF THE MEETING OF OCTOBER 18, 2004**

that dog stuff back there, cans and everything. The tree is still hanging in the street. The bus stop is in my door. I've been asking for that. I call, you never get no return from these people. I'm wondering are they mentally retarded or they don't care cause it's not in their door. Thank you.

MEMBER ZACHARY: Mr. President. I think we see a growing trend here, and I encourage resident participation in Council and Ms. Brogdon knows that. I've met with her. I've seen the area that she's talking about. And, I sincerely am beginning to wonder do City workers come to the 4<sup>th</sup> Ward? I'm sure they do, but I keep a record of every phone call that is placed to me and I try to follow up with people after a week or tell them to call me after a week to see if anything's been done, and nine times out of ten when I ask, the answer is no, nothing has been done. I encourage every resident here from the 4<sup>th</sup> Ward to continue to come to Council because we do care about our neighborhood and we need to let the Administration know too we care about our neighborhood just like everybody else, but we're not seeing any results, and Ms. Brogdon, I will get with you later, but I thank you for coming down tonight.

MS. BROGDON: Yes, and you know the house in front of me, not anything had been done. They did come up and do the one that was up from me that was just turned in, but the one in front of me the garbage is still in the door, nothing's been done, the tree is still-- you have to walk in the streets. So we are getting tired, really we are. If you can go in other neighborhoods and do something, I think you can give the 4<sup>th</sup> Ward a little attention because we pay taxes too.

MEMBER ZACHARY: I agree with you. Thank you.

PRESIDENT DENCZAK: The next speaker is Wardell Davis. Well, you signed the other sheet also, you...

MR. DAVIS: I signed twice cause I have two different issues to speak on. I know you only get a few minutes for one issue, so I had to sign it twice for two different issues.

PRESIDENT DENCZAK: Well, try to get both of them because we went past the one for resolutions for adoption, and there's nothing-- where you signed it, there's nothing on the agenda tonight, but try to cover both subjects under this one time.

MR. DAVIS: Okay. The first one is-- well, first of all my name is Wardell Davis. I live at 1611 2<sup>nd</sup> Street NE, Canton, Ohio 44704, and I have some pictures that I've taken behind the new Family Dollar. I'll pass these around for you. That whole deal was a dirty deal. I spoke to you once before at a City Council meeting. I excluded Councilman Zachary and the Mayor because that was sorely disrespectful to the people of the 4<sup>th</sup> Ward, especially for me, my neighbors, Mrs. Bell, as well. You all put the public notice in the paper about that deal being done after the fact, not before the fact, and when other issues come up, these notices are made known in public prior to, so if the people of the City have an issue with that they can at least be heard and let it be known. I don't appreciate that. I complained before about the Family Dollar. I really didn't want it in my front door. You know, and not disrespecting you, President of City Council, you can have it in your bedroom, but I don't want it in my front door. There is trash. I have spoken to the manager on several occasions about cleaning up out there. Now, I know when you have a business like a grocery store like Fishers and Giant Eagle, they have to keep their area clean, but we got opossums running around in the neighborhood now and the ground hogs. I don't need those rodents and things coming trying to get in my house. But I have to go out here and clean up this trash. They got two dumpsters behind the coal's wood, uh, cement barrier. One of them is sitting out there, and as you'll see in the pictures, that's not. They also have an empty barrel sitting there with Family Dollar on it. That ain't

**MINUTES OF THE MEETING OF OCTOBER 18, 2004**

gonna stay there. You all gonna get it done and moved. My other concern that I spoke to the City Council before about was the safety concern. I did paint that picture for you, I'm not gonna paint it again. The job has only half been done. The Safety Director did come out there. When I came home from work one evening he was out there, he was talking to Mrs. Bell, and half of that problem has been taken care of. You all need to look at the other half of that safety concern and take care of it. I'm not gonna tell you about it.

SAFETY DIRECTOR HUNT: Mr. President. Mr. Davis, what other half of your concern? When I was out I spoke to you and Ms. Bell. What other thing...

MR. DAVIS: You-- the City took care of part of that safety concern when you erected a sign out there. You need to come out there and look at the rest of the picture. There's a bigger picture out there you don't see.

SAFETY DIRECTOR HUNT: I'll be out tomorrow.

PRESIDENT DENCZAK: The final speaker is Brenda Baylor.

MS. BAYLOR: I come from the 4<sup>th</sup> Ward and I would first like to say, and now that I've heard all of the other comments, I'm a little reluctant to say it, but I will, that I'm excited to see that the northeast side of Canton between 8<sup>th</sup> Street, Belden Avenue and Marietta Avenue are moving towards many improvements. There has been some street work, there are new houses that are going up in various areas, there are lots of outside home improvements, we have a new school, and the new housing development are all good signs of things happening on the north-- the 4<sup>th</sup> Ward, the northeast side of Canton. It would appear that all is well. However, Georgeview Estates is still plagued with a water problem that is a correctable one. After four years of discussion, more engineering studies, visits from the City officials, meetings, letters, telephone calls and a letter from the City indicating proposed solutions, we still have the same problem. We are knowledgeable about how to correct-- you are knowledgeable how to correct the problems, you know the problems, and we know that there is no longer any pending trial or court date pertaining to the Georgeview Estates. We have tirelessly tried to work with the City in an attempt to correct our problems, one that should have been done correctly in the beginning. We have added to the City tax base, to the beautification of our City, and probably influenced surrounding neighbors to build or renovate their homes. We would like to tell our story and possibly brag about the successes taking place in our section of the northeast end. We want the people of Canton to know that Georgeview Estates is a great area to move into and that we are not getting ready to float away. We feel that the citizens of Canton need to know that this Administration is willing to do the right thing and we want to know when you plan to correct our water problems.

PRESIDENT DENCZAK: Anybody wish to respond to that?

SAFETY DIRECTOR HUNT: Mr. President, as I stated earlier, Mr. Zachary called me after his jury trial was complete. I contacted the City of Canton attorney who had the trial. The judgment entry is not-- I do not have the judgement entry, however I have taken some steps to respond to Mr. Zachary's particular request. As has been stated earlier in the meetings that we've had with individuals from Georgeview Estates and yourself as president, we've only been in office here since the beginning of the year. Georgeview Estates was a problem when we arrived here. At this point in time we have plans to address Hamilton Avenue, however, the other concerns that you have with water being deposited in the streets is something that we're still looking at. This will require dollar bills. These dollar bills aren't available at this point in time. The allotment has been built up. Any type of changes that we would have in this allotment as we indicated earlier

**MINUTES OF THE MEETING OF OCTOBER 18, 2004**

would require the City of Canton entering into agreements with homeowners and going on private property. This is not something that we do. This is not something that we take lightly. I would also like to comment on the individuals who have stated they don't feel that the 4<sup>th</sup> Ward is getting the service that the other wards are getting. The 4<sup>th</sup> Ward gets the same service as any other wards in this City. (*UTTERS OF DISAGREEMENT FROM THE AUDIENCE*) I've heard folks speak. We will address those, but I must comment on that. We do not not respond to individual's requests. We try to respond in a timely manner. Unfortunately, we can't please everyone. That is an ongoing problem up there. We are working on that, and we have indicated to you that we will continue to work on it. I wish I had a magic wand where I could come out there and address all of these claims, however, we cannot do that at this point in time, but we're still gonna work on it.

MS. BAYLOR: Actually, a magic wand should have been waved before the development actually had houses on it. It's really getting to be very tiring to me to hear about the fact that the City of Canton has no money. They didn't have any money when that area was developed obviously, or maybe it would have been developed better. We represent a new area in Canton, and I'm not completely sure how anywhere anyone lived in Canton-- if I lived on the northwest side, on the southwest side, and I knew that any Administration whether it be new or old had actually helped to develop a new area that was not done correctly, I'm afraid that I would not have any confidence that they were gonna do anything for me. That's the way I look at it. I think that there is money. I think that it should be corrected. I am tired of hearing about Mr. Zachary's case. When he came up here and spoke today, he had nothing to say about his personal case, yet it was addressed as if it were his case only. We have a water problem. We have people who are not building in the area because they do think we're gonna float away. We love where we are. We intend to see that our problems are corrected. Irregardless of where you have to get the money from, it should have never been done unless it could have been done correctly. I'm sorry that it wasn't your Administration, but your Administration is here now and therefore that's who we deal with, and we expect to see it done. I will continue to come back as will other members of our community until this matter is taken care of. We know that you know what you have to do. I have a letter at home to prove that. So there isn't anything that can be said about we don't know what to do because I know better than that. We can't have any more engineering studies. We cannot have anything else at this point. We all know what to do. The people in the community that we live in know as much as you do. We have done a lot of research, we've been told a lot of things. We just want it corrected. We want to be a standing example of Canton, Ohio. We too pay taxes. (*APPLAUSE*)

MEMBER ZACHARY: Mr. President....

PRESIDENT DENCZAK: Member Zachary, now I have to continue this time now since there's participation. Go ahead.

MEMBER ZACHARY: I understand. I understand that, and I don't have a problem with it. I do way to say, Mr. Hunt, I wholeheartedly concur with you that I know what it's like to inherit problems that you didn't start. I've been dealing with that ever since day one from stepping into this seat. I understand that. But you have to also understand that the residents of this area have not just dealt with this problem since January 1<sup>st</sup>. It's been at least four years for some of them. So you do have to understand that frustration. There is a lot going on over there, and it could be a shining example of what the City of Canton can do. As a City official, I look at it as a fact that I ran because I wanted to make a difference. These people need to see that difference in our City officials. They don't want to hear the excuses anymore because they've been hearing them for four or five years. We could be a shining example of what the City of Canton can

**MINUTES OF THE MEETING OF OCTOBER 18, 2004**

offer. We keep saying that we need to attract residents to our City. Every person out there could have built their house somewhere else and gave those tax dollars to somewhere else like Massillon, Alliance or some other city. So to not have the City step up to the plate and correct a problem that they started in the first place is fundamentally wrong. And now we can fall back on the same tired excuse that we don't have the money. It's not acceptable. It's just not acceptable, and I bet if you went to any of the resident's house out there, you would hear the same thing. (APPLAUSE)

PRESIDENT DENCZAK: Anybody else have anything to say?... Okay. That's it. Thank you.

MS. BAYLOR: Thank you.

**MISCELLANEOUS BUSINESS**

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

MEMBER HART: Mr. President. Yeah, I just wanted to thank Joe Martuccio and his department, in particular Kathy Tatarsky and Mariella, the law interns for their diligence in a job well done, and that's all I want to say. And again, I want to thank you. You went over and above and beyond.

PRESIDENT DENCZAK: In regards to what?.... (LAUGHTER)

MEMBER HART: Solving some problems.

PRESIDENT DENCZAK: That's what they're paid to do.

MEMBER HART: Just, problems that had occurred within Ward 7.

PRESIDENT DENCZAK: (WHILE CHUCKLING) Okay. You want to say something?... (DIRECTED TO JOE MARTUCCIO) Is there any other Miscellaneous Business?

MEMBER WEST: Mr. President, I'd like to thank Bev for speaking for me at Lights On After School. I didn't have my voice and she came out and spoke for me, and I'd also like to thank the Mayor and several Councilmembers who came to Lights On After School at the Civil Center. And I'd also like to thank A.J. who has really-- I mean they really did a great job at the Civic Center for Lights On After School. They showed about-- almost a thousand kids out there and it was excellent.

PRESIDENT DENCZAK: Any other Miscellaneous Business?...

LAW DIRECTOR MARTUCCIO: As a courtesy to the audience that is here, I would like the last item of business to be a request to the Majority Leader that he move to go into executive session with all of City Council, the Mayor, the Mayor's Administration, including Mr. Sliman, Council President and staff, to discuss six pending lawsuits against the City of Canton in various stages of litigation. Some are merely updates, a couple of which I will be asking for some input from the Council as their Law Director.

**MINUTES OF THE MEETING OF OCTOBER 18, 2004**

MEMBER CASAR: Mr. President, I so move; seconded.

PRESIDENT DENCZAK: Moved and seconded to go into executive session to discuss several pending lawsuits. Are there any remarks?... If not, roll call vote please.

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

PRESIDENT DENCZAK: Council will go into executive session. Remember, when you dismiss, return to your seats for final adjournment.

*(COUNCIL RECESSED FOR EXECUTIVE SESSION RE: SEVERAL PENDING LAWSUITS AT 8:35 PM. THE MEETING WAS RECONVENED BY PRESIDENT DENCZAK AT 9:21 PM.)*

PRESIDENT DENCZAK: Take your seats please so we can get out of this refrigerator. Member Casar... Member Casar...

MEMBER CASAR: Mr. President, I move we adjourn out of executive session; seconded.

PRESIDENT DENCZAK: Moved and seconded that you adjourn from the executive session. Any remarks?.... Roll call vote please.

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

PRESIDENT DENCZAK: Council is reconvening from the executive session. Is there any other Miscellaneous Business?...

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: 11 YEAS, 0 NAYS

PRESIDENT DENCZAK: This meeting is adjourned.

ADJOURNMENT TIME: 9:22 p.m.

ATTEST:

APPROVED:

DEBRA VANCKUNAS  
CLERK OF COUNCIL

RAY DENCZAK  
PRESIDENT OF COUNCIL

**MINUTES OF THE MEETING OF OCTOBER 18, 2004**