

MINUTES OF THE MEETING OF OCTOBER 25, 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 25, 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 6th Ward Councilmember David Dougherty, 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 Dougherty (*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 13 through and including #17. You're being asked to suspend Rule 22B to add Resolution #12. Member Casar, the Chair will recognize 22A suspension..

MEMBER CASAR: Mr. President, I move we suspend Rule 22A and add Ordinances 13 through 17 to tonight's agenda; seconded.

PRESIDENT DENCZAK: Moved and seconded to suspend Rule 22A. Are there any remarks?... If not, roll call vote please.

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinances 13 through 17 are a legal part of your agenda. The Chair will now recognize Rule 22B suspension. Member Casar?...

MEMBER CASAR: Mr. President, I move we suspend Rule 22B to add Resolution 12; seconded.

PRESIDENT DENCZAK: Moved and seconded to suspend Rule 22B to add Resolution #12. Are there any remarks?... Very well, roll call vote please.

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

PRESIDENT DENCZAK: Resolution #12 is a legal part of your agenda.

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MINUTES OF THE MEETING OF OCTOBER 25, 2004**PUBLIC HEARINGS****7:30 P.M. AUTO ELECTRIC SERVICE COMPANY ANNEXATION AREA:**

PRESIDENT DENCZAK: We had a scheduled public hearing for 7:30 PM. It's in regards to the annexation of approximately 1.92 acres known as the Auto Electric Annexation Area; assigning said territory to Ward 8 and zoning said territory as B-3 General Business District. The Planning Commission recommends approval. The Chair now opens the public hearing in regards to this matter. Is there anyone in the audience wishing to speak for or against this issue, please come forward... Is there anyone in the audience wishing to speak for or against this issue, please come forward... Is there anyone in the audience wishing to speak for or against this issue, please come forward... Apparently not. The Chair declares the public hearing over in regards to this matter. The ordinance will follow later on this evening.

PUBLIC SPEAKS (ORDINANCES OR RESOLUTIONS FOR ADOPTION ONLY):

PRESIDENT DENCZAK: No one signed up for Public Speaks under Ordinances and Resolutions for adoption.

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 is excused.

PRESIDENT DENCZAK CALLED UPON CLERK OF COUNCIL VANCKUNAS TO READ RESOLUTION #84 BY TITLE, AS SHOWN BELOW. THE RESOLUTION IS ON FILE IN ITS ENTIRETY IN THE COUNCIL OFFICE WITH THE AGENDA ITEMS FILE DATED OCTOBER 25, 2004.

84. CASAR, DONALD, MAJORITY LEADER, CITY OF CANTON: ENDORSING CITY ISSUE #14 TO CONTINUE TAXING S CORPORATIONS' DISTRIBUTIVE SHARES OF NET PROFIT, & URGING VOTERS TO VOTE YEAS ON THE ISSUE. - ADOPTED BY COUNCIL

MEMBER CASAR: Mr. President, I move we adopt Resolution #84.

PRESIDENT DENCZAK: We're lacking a second here.

MEMBER CARBENIA: Seconded.

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PRESIDENT DENCZAK: Moved and seconded to Ordinance #84. Are there any remarks under this Resolution?... If not, by voice vote, all those in favor signify by saying aye. Those opposed no.

NO REMARKS

RESOLUTION #84 ADOPTED BY UNANIMOUS VOICE VOTE

PRESIDENT DENCZAK: Resolution #84 is adopted. Please excuse my voice, I'm losing my voice. I think it's because I holler at you Councilmembers too much. I hope you can understand what I'm saying.

COMMUNICATIONS

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 25, 2004.

561. CD&PLANNING DIRECTOR MARGY POORMAN, CITY OF CANTON: REQUEST TO ESTABLISH A \$1 FAIR REUSE VALUE FOR A PARCEL LOCATED ON 6TH STREET NE FOR DISPOSITION TO SIDNEY & CLEASTER HAGLER. - COMMUNITY & ECONOMIC DEVELOPMENT CMTE
562. CHIEF OF STAFF JOSEPH CONCATTO, CITY OF CANTON: REQUESTING RECESS TO EXECUTIVE SESSION ON 10/25/04 TO DISCUSS & THEREAFTER VOTE ON THE RECOMMENDATIONS OF THE FACTFINDER DATED 10/21/04 CONCERNING SETTLEMENT OF CONTRACTUAL DISPUTES BETWEEN THE CITY & CPPA - PERSONNEL CMTE (**SUSPENDED RULE 22B TO ADD 1ST RDG Re#12**)
563. HART, RICHARD, WARD 7 COUNCILMEMBER, CITY OF CANTON: LETTER TO THE MAYOR REQUESTING THE ESTABLISHMENT OF A RECYCLING ADVISORY COMMITTEE - RECEIVED & FILED
564. PLANNING COMMISSION, CITY OF CANTON, MARGY POORMAN, SECRETARY: RECOMMENDING APPROVAL OF THE REQUEST BY COOPER & ASSOCIATES TO REPLAT LOTS FOR CHERRY HOMES & ABCD/GATEWAY HOMES - PUBLIC SAFETY & THOROUGHFARES CMTE
565. SAFETY DIRECTOR BERNARD HUNT, CITY OF CANTON: REQUEST TO AMEND CITY CODE SEC 353.01(C) BASED UPON A NEED TO INSTALL METERED PARKING IN OTHER PARTS OF CITY-OWNED PROPERTY - JUDICIARY CMTE
566. SERVICE DIRECTOR TADELLSWORTH, CITY OF CANTON: REQUEST TO ENTER INTO A \$77,500 CONTRACT W/CTI ENVIRONMENTAL FOR CONSTRUCTION PLANS & EASEMENT DESCRIPTIONS IN THE 49TH & GARDENDALE NE STORM SEWER PROJECT; REQUESTING A \$77,500 TRANSFER INTO THE 49TH & GARDENDALE NE STORM SEWER GP 1074 ACCOUNT -

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ENVIRONMENTAL & PUBLIC UTILITIES & FINANCE CMTES

ORDINANCES & FORMAL RESOLUTIONS FOR FIRST READING

PRESIDENTDENCZAK: 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 #12 FOR THE FIRST TIME BY TITLE & ANNOUNCED THE COMMITTEE REFERRALS, AS FOLLOWS. ORDINANCE #12 WAS DEFEATED BY COUNCIL.

- #1 (1ST RDG) AN ORDINANCE THE FAIR MARKET VALUE OF REAL PROPERTY IN CONJUNCTION WITH THE FEDERAL CAMPUS PROJECT; AUTHORIZING THE SALE AND CONVEYANCE OF SAID PROPERTY; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Community & Economic Development and Finance Committees
- #2 (1ST RDG) AN ORDINANCE AUTHORIZING THE CHIEF OF STAFF TO ADVERTISE, RECEIVE BIDS AND ENTER INTO CONTRACT FOR NUMEROUS ROOF REPLACEMENTS AT THE MEMORIAL CIVIC CENTER; AMENDING APPROPRIATION ORDINANCE NO. 1/2004 AS AMENDED BY MAKING THE SUPPLEMENTAL APPROPRIATION HEREIN DESCRIBED; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Public Property Capital Improvement and Finance Committees
- #3 (1ST RDG) AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN ENTERPRISE ZONE AGREEMENT WITH HARTVILLE GROUP INC. AND HEIN CONSTRUCTION TO PROVIDE REAL PROPERTY TAX EXEMPTION TO CONSTRUCT A NEW FACILITY; AUTHORIZING THE GRANTING OF 75% TEN YEAR REAL PROPERTY EXEMPTIONS; AUTHORIZING THE AUDITOR TO MAKE PAYMENTS TO THE CANTON LOCAL BOARD OF EDUCATION AS REQUIRED TO BE PAID PURSUANT TO SECTION 5507.82 (C) AND (D) OF THE REVISED CODE; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Community & Economic Development and Finance Committees
- #4 (1ST RDG) 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 IMPROVEMENT CORPORATION; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Community & Economic Development and Finance Committees
- #5 (1ST RDG) AN ORDINANCE AMENDING EXHIBIT A TO ORDINANCE NO. 164/2001 AS AMENDED, THE CLASSIFICATION PLAN AND GENERAL SALARIES FOR ALL

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MANAGEMENT AND NON-BARGAINING UNIT EMPLOYEES; AND DECLARING THE SAME TO BE AN EMERGENCY

Referred to Personnel Committee

- #6 (1ST RDG) AN ORDINANCE VACATING A PORTION OF HIGH AVENUE NW, SOUTH OF 4TH STREET NW; AND DECLARING THE SAME TO BE AN EMERGENCY

Referred to Public Safety & Thoroughfares Committee

- #7 (1ST RDG) AN ORDINANCE AMENDING SECTION 539.15 PARK POLICE, OF THE GENERAL OFFENSES CODE OF THE CODIFIED ORDINANCES OF THE CITY OF CANTON

Referred to Judiciary Committee

- #8 (1ST RDG) AN ORDINANCE DECLARING 26 BUILDINGS TO BE PUBLIC NUISANCES; AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY TO ENTER INTO CONTRACT FOR THE DEMOLITION OF SAID BUILDINGS; AUTHORIZING THE CLERK OF CANTON CITY COUNCIL TO CERTIFY THE COST OF DEMOLITION TO THE STARK COUNTY AUDITOR; AND DECLARING THE SAME TO BE AN EMERGENCY

Referred to Community & Economic Development and Finance Committees

- #9 (1ST RDG) AN ORDINANCE AUTHORIZING THE CITY AUDITOR TO PAY A MORAL OBLIGATION IN THE AMOUNT OF \$16,318 TO HANNON ELECTRIC COMPANY; AND DECLARING THE SAME TO BE AN EMERGENCY

Referred to Finance Committee

- #10 (1ST RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CONTRACT WITH L3 COMMUNICATIONS SECURITY & DETECTION SYSTEMS IN AN AMOUNT NOT TO EXCEED \$34,053.44 FOR THE PURCHASE OF AN ENHANCED X-RAY SCANNER WITH CONVEYOR FOR THE CANTON MUNICIPAL COURT PURSUANT TO OHIO REVISED CODE SECTION 125.04; AND DECLARING THE SAME TO BE AN EMERGENCY

Referred to Public Property Capital Improvement and Finance Committees

- #11 (1ST RDG) A RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX REVENUES AND CERTIFYING TO THE COUNTY AUDITOR

Referred to Finance Committee

- #12 (1ST RDG) **DEFEATED** A RESOLUTION APPROVING THE RECOMMENDATIONS OF THE FACT-FINDERS REPORT DATED OCTOBER 24, 2004 CONCERNING SETTLEMENT OF CONTRACTUAL DISPUTES BETWEEN THE CITY OF CANTON AND THE CANTON POLICE PATROLMAN'S ASSOCIATION

Referred to Personnel Committee

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PRESIDENT DENCZAK: At this time, the Chair is going to declare an in-house recess for the Committees of the Community and Economic Development and Finance and Personnel Committee to meet.

MEMBER CASAR: Mr. President, if, with the Chairmen's permission or approval, I would like to meet in Executive Committee first then come back and have the Personnel Committee meeting and the Economic because we'll have to discuss it before we, okay, before it is... #12...so then we'll come back and have the two Committee meetings, if that would be okay with you.

PRESIDENT DENCZAK: Okay, yeah, the Chair understands. You will be going into Executive Session just for #12 Resolution.

MEMBER CASAR: Mr. President, if I may, I'll make the motion.

PRESIDENT DENCZAK: Okay.

MEMBER CASAR: Mr. President, I move we move into Executive Session to discuss Ordinance #12 and also discuss the two pending law suits and I would ask everybody on this side of the rail, plus Chaunie and the Assistant Law Director. Is there anybody else who would like to....?I think that would cover it. I so move; seconded.

PRESIDENT DENCZAK: Moved and seconded to go into Executive Session to discuss Resolution #12 and the two legal matters. Are there any remarks?.... If not, roll call vote please.

NO REMARKS

ROLL CALL VOTE: 11 YEAS, 0 NAYS

PRESIDENT DENCZAK: You are now in Executive Session. Please return immediately after.

(COUNCIL RECESSED FOR EXECUTIVE SESSION RE: PENDING LAWSUITS & ORDINANCE #12 AT 7:48 PM. THE MEETING WAS RECONVENED BY PRESIDENT DENCZAK AT 8:30 PM.)

PRESIDENT DENCZAK: Please take your seats so we can get this meeting in Nome, Alaska started. Who's taking care of the air conditioning in this building? *(audience laughter)*

MEMBER CASAR: Mr. President, I move we adjourn out of Executive Session; seconded.

PRESIDENT DENCZAK: Moved and seconded that you return from Executive Session. Are there any remarks?... If not, roll call vote please.

NO REMARKS

ROLL CALL VOTE: 11 YEAS, 0 NAYS

PRESIDENT DENCZAK: Council is back in session, reconvening after Executive Session. At this time the Chair is going to call an in-house recess for the Committees of Personnel, Community & Economic Development and Finance Committees to meet in regards to Ordinance #8 and Resolution #12. You are now in recess.

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(COUNCIL RECESSED FOR COMMITTEE MEETINGS RE: ORDINANCE #8 AND RESOLUTION #12 AT 8:31 PM. THE MEETING WAS RECONVENED BY PRESIDENT DENCZAK AT 8:38 PM.)

PRESIDENT DENCZAK: Councilmembers, return to your seats please. Council is reconvening after the recess.

MEMBER CASAR: Mr. President, I move that.....11.....

PRESIDENT DENCZAK: Resolution #12....

MEMBER CASAR: I move we adopt Ordinance, Resolution #12.

PRESIDENT DENCZAK: You'll have to put that under a motion toThe question...you need to adopt...

MEMBER CASAR: I move we adopt Resolution #12; seconded.

PRESIDENT DENCZAK: Moved and seconded to adopt Resolution #12. Are there any remarks under this Resolution?... If not, the question we're voting on now is to adopt Resolution #12. Roll call vote please.

NO REMARKS

ROLL CALL VOTE: 0 YEAS, 9 NAYS, 2 ABSTENTIONS
(ABSTENTIONS - ZACHARY & DIAMOND)

PRESIDENT DENCZAK: The Resolution, recommendation of the Fact Finder, is defeated. Now, Ordinance #8 Member Casar. Member Casar, move to add Ordinance #8 to the agenda.

MEMBER CASAR: Mr. President, I move we suspend Rule 22A and we would like to place Ordinance #8 back on the agenda; seconded.

PRESIDENT DENCZAK: Moved and seconded to suspend Rules to put Ordinance 8 back on the agenda. Are there any remarks?... If not, roll call vote please.

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance #8 is a legal part of your agenda Member Casar.

#8 **ADOPTED AS ORDINANCE NO. 216/2004** AN ORDINANCE DECLARING 26 BUILDINGS TO BE PUBLIC NUISANCES; AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY TO ENTER INTO CONTRACT FOR THE DEMOLITION OF SAID BUILDINGS; AUTHORIZING THE CLERK OF CANTON CITY COUNCIL T CERTIFY THE COSTS OF DEMOLITION TO THE STARK COUNTY AUDITOR; AND DECLARING THE SAME TO BE AN EMERGENCY

MEMBER CASAR: Mr. President, I move we suspend the Statutory Rules on #8; seconded.

PRESIDENT DENCZAK: There's a move to dispense with the three readings of Ordinance #8. Are there any

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

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

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

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: 11 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance # 8 is adopted.

#8 ADOPTED AS ORDINANCE NO. 216/2004

MEMBER CARBENIA: Mr. President, if I may, could I ask the Clerk to make sure that all Council people get a copy of that demolition list that we just passed?

PRESIDENT DENCZAK: Miss Madame Clerk, see each Councilmember gets a copy of the properties to be demolished. Are you afraid your house is on that list? *(audience laughter)*

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 #13 THROUGH AND INCLUDING #17 FOR THE SECOND TIME BY TITLE, AS FOLLOWS.

RULE 22A WAS SUSPENDED TO ADD # 13 THROUGH #17:

#13 (2ND RDG) AN ORDINANCE AUTHORIZING THE MAYOR TO FILE WITH THE U.S. DEPARTMENT 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

#14 (2ND 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

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PROGRAM; AND DECLARING THE SAME TO BE AN EMERGENCY (Lot #4576 on 8th St SE)

- #15 (2ND 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
- #16 (2ND 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
- #17 (2ND RDG) AN ORDINANCE AUTHORIZING THE ACQUISITION OF TAX DELINQUENT REAL PROPERTY PURSUANT TO H.B. 127; AND DECLARING THE SAME TO BE AN EMERGENCY

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 #18 THROUGH AND INCLUDING #23 FOR THE THIRD & FINAL TIME BY TITLE, AS FOLLOWS. ALL 3RD READING ORDINANCES WERE ADOPTED . ORDINANCE #20 WAS AMENDED.

- #18 (3RD RDG) **ADOPTED AS ORDINANCE NO. 217/2004** AN ORDINANCE AUTHORIZING CANTON TO ANNEX THE TERRITORY KNOWN AS 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

MEMBER CASAR: Mr. President, 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. 217/2004

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#19 (3RD RDG) **ADOPTED AS ORDINANCE NO. 218/2004** 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

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. 218/2004**

#20 (3RD RDG) **ADOPTED AS ORDINANCE NO. 219/2004** ~~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~~
AMENDED TO READ: AN ORDINANCE AMENDING CHAPTERS 1305, 1307 AND 1353 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 #20; seconded.

PRESIDENT DENCZAK: Moved and seconded that you adopt Ordinance #20. Are there any remarks under this Ordinance?

MEMBER CASAR: Mr. President, I move we amend Ordinance #20 per the copy of all Councilpersons have in front of them; seconded.

AMENDMENT: Pursuant to Rule 36, I move to amend Agenda Item No. 20 as follows: **1. The caption shall read: AN ORDINANCE AMENDING CHAPTERS 1305, 1307 AND 1353 OF THE CODIFIED ORDINANCES OF THE CITY OF CANTON; AND DECLARING THE SAME TO BE AN EMERGENCY.** **2. The first sentence of section 1 shall read: Chapter 1305, Board of Building Appeals, of the Building Code of the Codified Ordinances of the City of Canton is amended by the amendment of Section 1305.04 and the addition of a new Section 1305.05 as follows:** **3. In Section 1 of the ordinance, change the language “seven (7) days of the granting of the extension” to read “ten (10) calendar days of the granting of the extension” in Section 1305.05 paragraph (c).** **4. Change the word *awful* to *lawful* in paragraph (a) (4) of Section 3.**

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PRESIDENT DENCZAK: Moved and seconded to amend this Ordinance per the copy before each of you. Are there any remarks?... 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 PASSED 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?... Very well, roll call vote please.

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance #20 as amended, is adopted.

#20 ADOPTED, AS AMENDED, AS ORDINANCE NO. 219/2004

#21 (3RD RDG) **ADOPTED AS ORDINANCE NO. 220/2004** 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

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. 220/2004

#22 (3RD RDG) **ADOPTED AS ORDINANCE NO. 221/2004** 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

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....? Very well, roll call vote please.

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

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PRESIDENT DENCZAK: Ordinance #22 is adopted.

#22 ADOPTED AS ORDINANCE NO. 221 2004

#23 (3RD RDG) **ADOPTED AS ORDINANCE NO. 222/2004** 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

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: 11 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance #23 is adopted.

#23 ADOPTED AS ORDINANCE NO. 222/2004

ORDINANCES AND FORMAL RESOLUTIONS – POSTPONED MATTER:

PRESIDENT DENCZAK: Ordinances and Formal Resolutions, Postponed Matters. Member Casar?...

#24 (RECEIVED ALL 3 RDGS; POSTPONED FROM 9/13, 20, 27, 10/4,18/04)

POSTPONED AGAIN TO 11/1/2004 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 #24; seconded.

PRESIDENT DENCZAK: Moved and seconded that you adopt Ordinance #24.

MEMBER CASAR: Mr. President....

PRESIDENT DENCZAK: Are there any remarks, Member Casar?

MEMBER CASAR: I move we postpone Ordinance #24 until next week, November 1st as requested by the Chief of Staff, Joe Concatto. The Administration did not have ready the answers to the questions proposed by Member Bernabei, so as a courtesy to the Administration, we will postpone this until next week although Council was prepared to act on this this evening; seconded.

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PRESIDENT DENCZAK: Moved and seconded to postpone this. Member Casar, according to my agenda, it states this is going to be amended. You're not going to amend it at this time?

MEMBER CASAR: Mr. President, I'll just wait and do it all.

PRESIDENT DENCZAK: Okay. Moved and seconded that this be postponed until November the 1st, the year 2004. Are there any remarks?... If not, by voice vote, all those in favor signify by saying aye. Those opposed no.

NO REMARKS

ORDINANCE POSTPONED BY UNANIMOUS VOICE VOTE

PRESIDENT DENCZAK: Ordinance #24 is postponed until November 1st, 2004. Ordinance #25, Member Casar?

#25 (RECEIVED ALL 3 RDGS; POSTPONED FROM 10/18/04)

POSTPONED AGAIN TO 11/1/2004 AN ORDINANCE AMENDING O.1/2004 BY MAKING VARIOUS SUPPLEMENTAL APPROPRIATIONS AND REDUCTIONS IN APPROPRIATIONS TO ADJUST CITY'S 2004 BUDGET TO MEET ONGOING OPERATIONAL NEEDS OF VARIOUS DEPARTMENTS; AND DECLARING THE SAME TO BE AN EMERGENCY

MEMBER CASAR: Mr. President, I move we adopt Ordinance #25; seconded.

PRESIDENT DENCZAK: Moved and seconded that you adopt Ordinance #25. Are there any remarks under this Ordinance?

MEMBER CASAR: Mr. President, it is requested by the Finance Committee, the Chairman, Member Hawk, I move we postpone this Ordinance til November 1st; seconded.

PRESIDENT DENCZAK: Moved and seconded that this postponed matter be postponed until November the 1st, the year 2004. Are there any remarks?... If not, by voice vote, all those in favor signify by saying aye. Those opposed no.

NO REMARKS

ORDINANCE POSTPONED BY UNANIMOUS VOICE VOTE

PRESIDENT DENCZAK: Ordinance #25 is postponed until November 1st, 2004.

ANNOUNCEMENT OF COMMITTEE MEETINGS

PRESIDENT DENCZAK: Announcement of Committee Meetings please.

MEMBER CARBENIA: Mr. President, Community & Economic Development Committee will meet November 1st, 2004 at 5:45.

MEMBER DOUGHERTY: Mr. President, Public Property Capital Improvement and also Public Safety and Thoroughfares will meet at 6pm November 1st.

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MEMBER ZACHARY: Mr. President, Personnel will meet November 4th at 6:00 as well, or November 1st. Sorry.

MEMBER BERNABEI: Mr. President, Judiciary Committee will meet on Monday, November 1 at 5:45 pm. The Judiciary Committee will also meet on Monday, November 1 at 1:00 PM to discussed the proposed Architectural Review Board.

MEMBER HAWK: Mr. President, Finance Committee will meet Monday, November 1st at 5:45 and Finance Committee will also meet Monday, November 8th at 11am and we'll be reviewing city finances at that time. Thank you.

PRESIDENT DENCZAK: Member Bernabei and Member Hawk, your meetings are in the Caucus Room?
(Inaudible response is affirmative)

PUBLIC SPEAKS (OPEN FORUM--CITY BUSINESS ONLY)

PRESIDENT DENCZAK: We're now under Public Speaks, Open Forum. The first speaker is Mari Allstine, V T Moss. Is that correct?

MS. MOSS: Yes. Hello, my name is Mari Moss. I live at 1601 Harvard Avenue NW. I am the founder and producer of Peace TV, a positive local youth-oriented television show geared toward inspiring young people to do positive things with their lives. I'm speaking to inform and invite each and every one of you to the first ever Get Out And Go Vote event, this Friday, October 29th, 8 to 10:30pm at the new social establishment called the Blue Print located at 1015 12th Street NE. Every day, young cultural leaders influence millions of young people to exercise their 890 billion dollars in buying power to purchase the latest fashions, music, cars and, of course, jewelry. The political parallel is obvious. In the same way Hip Hop CEOs would market a rap album or clothing line or a Superman movie will be the same way we promote the urgency to vote on Election Day. According to the US censuses, 42 million young voters, aged 18 to 30 represent 25 percent of the voting population but only half of these young people were registered to vote in 2000. These statistics represent the huge disconnection between young voters and the political process and it is a cause for alarm. This Friday, Peace TV along with Club's entertainment, Cap Three Productions and Cheap Rock Entertainment will be hosting a Get Out And Go Vote event this Friday, meant to inspire young people to take an active voice in their futures and vote this November 2nd election and take a vested interest in their future. We will have a free poetry and open mike event and we hope that you will come and I would also like to request a meeting with the Safety Director afterwards. Thank you.

PRESIDENT DENCZAK: Safety Director, did you hear that?

SAFETY DIRECTOR HUNT: Yes, I would be glad to meet with you. We will do everything that we can.

MS. MOSS: Than you very much.

PRESIDENT DENCZAK: The next speaker is Dank Webb.

MR. WEBB: Good evening. My name is Dank Webb and I'm a resident of the Georgeview Estate Neighborhood.

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PRESIDENT DENCZAK: State your address please.

MR. WEBB: 2638 Wood Owl Street NE.

PRESIDENT DENCZAK: Okay.

MR. WEBB: I just have a few points to discuss and bring to the attention of City Council. For some time we've had some water situations in Georgeview Estates that's been existing for some time, or, I will say a number of years. We need to be made aware of the actions that's being taken, we'd like to have some kind of idea of the timing of the actions to be taken and where are the plans? Why is it that Georgeview Estates cannot be resolved? We've met on several different occasions regarding the engineering of the infrastructure, we've shown pictures of the conditions there in the wintertime, we've met on several different occasions with the Mayor and a couple of those meetings were very favorable.

But we'd like to look at the resolution for communication #564. I hope that the communication 564 gets better results than we got down at Georgeview Estates. That particular area for communication 564, 564, is being planned and engineered by Cooper and Associates and it's been pointed out in the past that Cooper and Associates did the infrastructure planning for the Georgeview Estates and for the benefit of those people over there that are getting this Cooper and Associates right now, I hope they get a better, better results than we got. The last communication that we received from the City, Williams, speaking of Mrs. Baylor who is the President of our neighborhood association, was penned by Mr. Bernard Hunt who is the Director of your Public Safety. That letter was dated September the 4th, 2004.

In the last paragraph reads as such: I had the opportunity to speak with you later at City Council about the ongoing court case that the City of Canton was involved in with a member of Homeowner's Association. At that time, we also heard the City of Canton Law Director Martuccio state that because of the City of Canton was involved in that court case, it is recommended, it was his recommendation that we do not directly respond to your question at that time. We would like to leave this Council meeting with some type of real commitment from planning, from the action to be taken and also a possible time table. And, in conclusion, I would not like to leave this meeting tonight feeling like our situation is being put on the back burner or we're being patronized, because of the section of town we live in. You know, we'd like to think that you care about us in Georgeview Estates as much as you care about the rest of the community here in Canton. We feel that we've been very patient, we feel that we've tried to adhere to whatever the City has recommended for us to do. We take a lot of pride in our community down there. I know some of you have been in our community before and some of those pictures that were shown to you before it shows some of the road conditions in the winter time that exists which can be very hazardous because of the water that's being dumped in the street by the sump pumps. Regardless of research, we found that there are alternatives to dumping the water in the street and some of those alternatives were to dump back storm water into the storm sewers.

PRESIDENT DENCZAK: Mr. Webb, I'm sorry, but under Council Rules, you've surpassed your 3 minute time limit so. ... You asked the question concerning you'd like to leave here with some resolve. Can anybody answer that?

MEMBER ZACHARY: Mr. President, as you know that I am also a member of Georgeview Estates. I live there as well, but I really applaud and commend my fellow neighbors who are there persistence in trying to get this matter resolved. We do want some answers at this point. I mean, I remember back in the spring time we were told if you could wait 'till April 1st, we will have an answer for you and from that time, there really hasn't been a definitive answer. It's gone from we're in the middle of a law suite to there's nothing we can do, to, it's easier to spend taxpayer's money if your forced to, implying that we would have to sue the City of Canton. I do think this matter needs to be dealt with and

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addressed properly by not only Council, but the City Administration. I understand that there are other water issues in other areas of the City but this is a brand new development, and could be a shining beacon of what Canton can do and how we can attract residents to the City of Canton if we just do the right thing.

PRESIDENT DENCZAK: Somebody from the Administration respond?

SAFETY DIRECTOR HUNT: First off, I want to thank you, Mr. Webb, for taking time out of your evening to come down here. I see some of the other faces from Georgeview Estates so, I see you're here in force. After last week's meeting, the Mayor directed that I go to our Budget Director and request that he put an amount on there for engineering studies and follow-up studies for further construction. I can only tell you, at this point in time that, the Mayor has directed me to do that and I have done that. I have requested that they put that in the budget. Having said that, I do not want the folks from Georgeview Estates to leave here with the wrong impression. The fact that it goes on the budget means that it has to be tested with other budgetary items. However, I think the Mayor has spoken to this in the past and indicated it is very important that we move forward on this and we will do that. The fact that we are moving to get it on the budget is the first step. You're absolutely correct, most of the engineer's drawings are done, not all of these, but most of them are done so it's a matter of adding up numbers, trying to determine where that number fits with the other items on the budget.

MEMBER CASAR: Mr. President. Service Director, I'm pleased that you made the statement you did, but you know, I'm getting a little upset with this also. I know that myself and I think other people that run at-large, we were all out there, myself, I know I was out there 5 or 6 times last year and I walked that area. And it is in very bad condition and we came up with even suggestions for temporary relief over a year ago, and ya' know, basically, said we would do it and nothing's been done. And to have, you know, engineering work done and that for a permanent solution, that's what we have to strive for to get that done budgetarily, I understand that but, we've done actually, basically nothing in well over a year. Back in October of last year, you know, we were all out there trying to get those who were there and I was there before December with Brenda and everybody else out there and, everybody promised everything and nothing's been done. So, I feel compelled that we should get on this and act and let's get something done and the sooner the better. And I think that should be our number one priority because it was not done right and we should rectify it and get it done right so that people out there can start living in the conditions they should because they have very beautiful homes out there and expensive homes and they take pride in their area. And I think with some little bit of planning, and some retaining, or water retention, it could be done and I think that's what we should look into. I know if you go to Columbus, or Dalton or Dublin, and those areas, wherever they put a new subdivision in, they have two or three water retention areas and they make them into little lakes and it's, lovely and it serves two purposes. Number 1 it gets rid of the water and number 2 they have little lakes which is nice in the core development. It's something we should look into and the sooner the better.

SAFETY DIRECTOR HUNT: I agree.

MR. WEBB: You don't have to go to Dublin, just go over to Massillon, University Village.

PRESIDENT DENCZAK: Thank you.

MR. WEBB: Thank you.

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PRESIDENT DENCZAK: The final speaker is Wendy Bodenschatz.

MS. BODENSCHATZ: My name is Wendy Bodenschatz. I live at 1919 32nd Street and as for the air conditioning, I'm pretty sure it's to keep us all awake, and I'd like to add a 3255 Cleveland Avenue business to that demolition list if that's possible at all, red awnings and all, please. And Joe, those interns that you had their pockets filled with quarters and Vice, they can spend those somewhere fun now, and that's why we're here. We want to thank all of you for helping us get rid of one more porn shop in Canton. We did a lot of work, we nagged you all to death, some of you forgot us for some time, but we're back. We appreciate what you did, we appreciate the Law Department, the Health Department, the former Mayor, the current Mayor, all of you in City Council who are here and all of you who are not. There were a lot of departments that helped us along the way achieve this. I hope that the ordinance that we all worked on and tweaked and weren't always very patient about, continues to help the City of Canton and let us not forget there is still one porn shop left and Vice could always spend their quarters there. Thank you very much for all you did for us.

MISCELLANEOUS BUSINESS

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

MEMBER CASAR: Mr. President. I'd like to ask the Mayor a question if I may please.

PRESIDENT DENCZAK: You may.

MEMBER CASAR: Mayor Creighton, as we spoke earlier coming into Council Chambers, with regards to Service Director/Finance Budget Director, we, I've heard and many other Council people have heard that there's a strong possibility he'll be leaving the City to take a new position. Now, could you comment on that?

MAYOR CREIGHTON: Mr. President. Yes, actually I have my cell phone here. I know it's not allowed to ring. I'm waiting for a call. I did have a call from Superintendent Diane Talarico today telling me that she is going to recommend his acceptance tonight as the new Budget Manager for the Canton City Schools. That has, I'm sorry, oh, I'm sorry, Business Manager, excuse me, that, to my knowledge still has not been passed cuz my phone has not, it hasn't buzzed yet. But that is their intention. She's asking them to accept Tad for that position.

MEMBER CASAR: Follow up question, President of Council, if I may. You know, we have to finalize the budget, you know, it probably should be finalized within the next 2 or 3 weeks at the most. It's very crucial and now with the Budget Director leaving, how long have you known that he might, that he tried to get this position or applied for this position, I guess I should ask.

MAYOR CREIGHTON: I believe he applied several weeks ago. A month ago possibly when it came open and pursued it and was in the final three and was offered the position, I believe, on Thursday. I can assure you Mr. President and the rest of Council, he has assured me that he will work diligently to make sure that everything is done before he leaves and that the loose ends will be tied up.

MEMBER CASAR: Mayor, that's all fine and good and I would assume he would, you know, carry on his

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responsibilities especially at this crucial time, but, you know, if this has been known for a month, and Council was kept in the dark, especially the Finance Committee who has been having meetings the last, I think they've had 3 in the last month, budgetary matters, and it was never brought up. And we rely, this Council relies heavily on the numbers that the Budget Director presents to the Finance Committee first and then to the whole Council. And, we also, obviously, rely heavily on the Auditor's numbers. It was very crucial and Council's a little upset with the fact is that you know, we're getting the last minute, you know, he'll probably be accepted by the School Board tonight, and we're gonna be left with a bad situation, to say the worst, and I would hope that one, that you as Mayor, you know, get someone soon and, who is competent to do the job because, you know, the finance situation is very crucial...and it's a bad situation. *(Pause)*
Mr. President, I move we adjourn; seconded.

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

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

PRESIDENT DENCZAK: This meeting is adjourned.

ADJOURNMENT TIME: 9:12 p.m.

ATTEST:

APPROVED:

DEBRA VANCKUNAS
CLERK OF COUNCIL

RAY DENCZAK
PRESIDENT OF COUNCIL

