

**MINUTES OF THE MEETING OF NOVEMBER 1, 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, November 1, 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 7th Ward Councilmember Richard Hart, 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, MARY M. BABCOCK, THOMAS M. BERNABEI, GREG HAWK, THOMAS E. WEST, RICHARD A. MALLONN II, KELLY ZACHARY, TERRY PRATER, DAVID R. DOUGHERTY, & RICHARD D. HART)

1 COUNCILMEMBER ABSENT: (ROSEMARY DIAMOND)

**AGENDA CORRECTIONS & CHANGES**

PRESIDENT DENCZAK: Thank you, Member Hart (*referring to giving invocation*). Members of Council, you're being asked to suspend Rule 22A to add second reading of Ordinances 4 to 14. Member Casar, the Chair will recognize that motion at this time.

MEMBER CASAR: Mr. President, I move that Rule 22A be suspended to put Ordinances 4 to 14 on 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: Rule 22A is suspended and Ordinances 4 through and including #14 are a legal part of your agenda. You're also being asked to adopt Ordinance #14 under the second reading, and you'll be asked to amend that ordinance. That brings your agenda up to date, Members of Council.

**PUBLIC HEARINGS**

PRESIDENT DENCZAK: Members of Council and everyone in the audience, the Chair would like announce that the public hearing scheduled for 7:30 this evening regarding the establishment of an architectural review board has been canceled. You'll notice it's not on your agenda. It was canceled. Notice of the cancellation was published in *The Repository*, however, if there is anyone in the audience wishing to speak on this issue, an opportunity will be afforded to you under Miscellaneous Business. So at that time, under Miscellaneous Business, if anyone wants to speak in regards to the canceled public hearing on the architectural review board, the Chair will recognize them at that time.

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

*(PRESIDENT DENCZAK MAKES NO COMMENTS AT THIS TIME UNDER PUBLIC SPEAKS ON ORDINANCES OR RESOLUTIONS FOR ADOPTION ONLY DUE TO THE FACT THERE WERE NO PUBLIC SPEAKERS UNDER THIS PORTION. HE DOES MAKE THE ANNOUNCEMENT IMMEDIATELY FOLLOWING ADOPTION OF RESOLUTION #86)*

**INFORMAL RESOLUTIONS**

PRESIDENT DENCZAK: Informal Resolutions. Excusing Members, Member Casar?

MEMBER CASAR: Mr. President, I move that Member Diamond be excused; seconded.

PRESIDENT DENCZAK: Moved and seconded that Member Diamond 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 Diamond is excused.

***PRESIDENT DENCZAK CALLED UPON CLERK OF COUNCIL VANCKUNAS TO READ RESOLUTIONS #85 & 86 BY TITLE, AS SHOWN BELOW. THE RESOLUTIONS ARE ON FILE IN THEIR ENTIRETY IN THE COUNCIL OFFICE WITH THE AGENDA ITEMS DATED NOVEMBER 1, 2004.***

85. ZACHARY, KELLY, WARD 4 COUNCILMEMBER: COMMENDING THE VOLUNTEERS WHO PARTICIPATED IN THE NIMISHILLEN CREEK CLEAN UP ON OCTOBER 23, 2004. - ADOPTED BY COUNCIL

MEMBER CASAR: Mr. President, I move we adopt Resolution #85; seconded.

PRESIDENT DENCZAK: Moved and seconded that you adopt Resolution #85. Are there any remarks under this Resolution?...

MEMBER ZACHARY: Mr. President, can we have the Resolution read, please, in its entirety.

PRESIDENT DENCZAK: Madam Clerk, will you please read Resolution #85.

CLERK VANCKUNAS READ RESOLUTION #85 IN ITS ENTIRETY: An Informal Resolution submitted by Kelly Zachary, Ward 4 Councilmember, on the 1<sup>st</sup> day of November, 2004. Whereas, due to the recent flooding of Nimishillen Creek, areas south of Canton were left scattered with debris and litter creating an extremely unhealthy and potentially dangerous environment for those families residing nearby; and whereas, on Saturday, October 23, 2004, an event billed as the "Nimishillen Creek LEAP" (Litter Elimination Awareness and Prevention), was held from 10:00 AM to 12:30 PM. Coordinated by Eric Akin of NEFCO (Northeast Ohio Four County Regional Planning & Development

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Organization) and Pam Feagler of Earth Action Partnership, and sponsored by the City of Canton Water Pollution Control Center, NEFCO, Stark Parks, Building Industry Association, Joint Solid Waste Management District, K.W. Zellers & Sons, Countywide Recycling & Disposal Facility, and the NCRCS (Natural Resources Conservation Service), this third annual event focused on the removal of debris and litter along Nimishillen Creek; and whereas, thanks to several caring individuals who unselfishly gave of their time and energy in cleaning up what mother nature left behind, Canton benefits from a healthier creek and cleaner environment; and whereas, in recognition of the diligent efforts of these individuals, the members of the Council of the City of Canton would like to publicly thank each and every volunteer who participated in the Nimishillen Creek LEAP. Now, therefore, let it be resolved that we, the Members of the Council of the City of Canton, Ohio, do hereby go on public record as commending JOHN MARIOL; TODD PAULUS; DEBORAH & CHRIS MOORE; CHRISTI ALLEN; JESSIE PITTS; RICHARD BINKLEY; BERT MULLINS; CLIFF, SCOTT, TIM AND LINDA WATKINS; REBECCA & DESIREE MORGAN; HARLAN BILBROY; SUSAN ABBONIZIO; R.D. ENGLAND; TRACY & SANDRA MILLS; MARISA, JAMES, JOE & MARK SMIRALDO; TODD ASCANI; AARON NUPP; JOHN LEIENDECKER; JOESANFORD JR.; ROBERT JOHNS; CHRIS BEEBE; SEAN, JEAN & JAY PHILLIPS; STEPHANIE McGEE; DARRIN PETKO; and JASON YOST for their time, energy and focus in helping to make our City a cleaner, healthier place to live and work.

PRESIDENT DENCZAK: Are there any remarks?...

MEMBER ZACHARY: Mr. President, if I could ask Eric Akin and Pam Feagler to please come to the podium to accept their Resolutions.

PRESIDENT DENCZAK: Wait til we pass it, please. Are there any further remarks on this Resolution?... If not, by voice vote, all those in favor signify by saying aye. Those opposed no.

NO REMARKS

RESOLUTION #85 ADOPTED BY UNANIMOUS VOICE VOTE

PRESIDENT DENCZAK: The Resolution is adopted.

*(APPLAUSE AS MEMBER ZACHARY PRESENTS ERIC AKIN AND PAM FEAGLER EACH WITH A RESOLUTION)*

PRESIDENT DENCZAK: Resolution #86 from the Personnel Committee.

86. PERSONNEL COMMITTEE: APPROVING MAYOR'S APPOINTMENT OF CLINT ZOLLINGER, JR. AS TRUSTEE ON THE HARTFORD-HOUTZ FUND. - ADOPTED BY COUNCIL

MEMBER CASAR: Mr. President, I move we adopt Resolution #86; seconded.

PRESIDENT DENCZAK: Moved and seconded that you adopt Resolution #86. Are there any remarks under this Resolution?... Very well, by voice vote, all those in favor signify by saying aye. Those opposed no.

NO REMARKS

RESOLUTION #86 ADOPTED BY UNANIMOUS VOICE VOTE

PRESIDENT DENCZAK: Resolution #86 is adopted. Let's back up for a second, Members of Council, no one has

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signed up to speak under Public Speaks for Ordinances or Resolutions for Adoption, and no one has signed up to speak on Open Forum, City Business Only.

**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 NOVEMBER 1, 2004.***

567. AUDITOR KIM R. PEREZ, CITY OF CANTON: CERTIFICATE OF THE TOTAL AMOUNT FROM ALL SOURCES FOR 2004 DATED 10/28/04 - CLERK OF COUNCIL
568. BUILDING DEPARTMENT, CITY OF CANTON: REPORT OF MONTHLY INCOME FOR AUGUST, 2004. - RECEIVED & FILED
569. CANTON CITY SCHOOLS BOARD OF EDUCATION, 617 MCKINLEY AVE SW, CANTON, OH 44707: REQUEST TO VACATE SEICH COURT SW FROM 16<sup>TH</sup> ST SW TO LOT #32438, FOR MCGREGOR SCHOOL - PLANNING COMMISSION
570. CANTON CITY SCHOOLS BOARD OF EDUCATION, 617 MCKINLEY AVE SW, CANTON, OH 44707: REQUEST TO VACATE PART OF HARRIET AVE NW FROM TROY PL TO 10<sup>TH</sup> ST NW & PART OF CROAD CT NW FROM TROY PL NW TO LOT #39074 FOR SUMMIT SCHOOL. - PLANNING COMMISSION
571. CLERK OF COUNCIL DEBRA VANCKUNAS, CITY OF CANTON: NOTICE OF CANCELLATION OF PUBLIC HEARING SCHEDULED FOR NOVEMBER 1, 2004 @ 7:30 PM IN COUNCIL CHAMBERS RE: PROPOSED AMENDMENT TO ZONING & PLANNING CODE RE: ARCHITECTURAL REVIEW BOARD. - RECEIVED & FILED
572. LAW DIRECTOR ASSISTANT JASON REESE, CITY OF CANTON: LEGAL OPINION THAT ALL APPEALS FILED PRIOR TO THE OCTOBER 25, 2004 ADOPTION OF ORDINANCE NO. 219/2004 BE HELD TO PREVIOUS ORDINANCE STANDARDS. - RECEIVED & FILED
573. LIQUOR CONTROL DIVISION, 6606 TUSSING RD, PO BOX 4005, REYNOLDSBURG, OH 43068-9005: GEORGE A. LEDFORD dba GOODTIMES PUB & DRIVE THRU HAS APPLIED TO TRANSFER OWNERSHIP OF A D2, D2X, D3, D3A LIQUOR PERMIT AT 1907 - 1911 HARRISBURG RD. NE - INTERGOVERNMENTAL & PUBLIC SERVICE CMTE
574. MAYOR JANET WEIR CREIGHTON, CITY OF CANTON: REQUEST TO IMPOSE UPON CITY EMPLOYEES A \$5.00 FEE TO REPLACE LOST TIME CARDS. - FINANCE COMTE

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575. MAYOR JANET WEIR CREIGHTON, CITY OF CANTON: REQUEST AUTHORIZATION TO APPOINT CLINT ZOLLINGER JR TO SERVE AS A TRUSTEE ON THE HARTFORD-HOUTZ FUND, WAIVING TERM LIMITS W/OPTIONAL TERMINATION POWER. - PERSONNEL CMTE (See Re#86)

**ORDINANCES & FORMAL RESOLUTIONS FOR FIRST READING**

PRESIDENT DENCZAK: Ordinances and Formal Resolutions for the first reading. Let the journal show that all ordinances are being given their reading as required by State law. Before we go on Madam Clerk, Mayor, when did you hire the Eskimo to run the heating and ventilating in this building?...Eskimoland? Why is this Chamber always cold on Monday nights?

MAYOR CREIGHTON: I must be having a hot flash cause it's awful hot to me. (LAUGHTER)

MEMBER ZACHARY: I've got a Kerry fan in my car if you'd like it. (LAUGHTER)

CHIEF OF STAFF CONCATTO: Maybe we need to vote on that.

PRESIDENT DENCZAK: I don't care myself. I don't have hot flashes... (LAUGHTER)... yet. (INAUDIBLE REMARKS FROM MEMBER CASAR) (LAUGHTER) I'll get to you later, Casar. Okay. We're under Ordinances for the first reading and referral, Madam Clerk.

***NOTE: PRESIDENT DENCZAK CALLED UPON CLERK VANCKUNAS TO READ THE FOLLOWING ORDINANCES #1 THROUGH AND INCLUDING #3 FOR THE FIRST TIME BY TITLE & ANNOUNCED THE COMMITTEE REFERRALS, AS FOLLOWS.***

- #1 (1<sup>ST</sup> RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CONTRACT WITH CTI ENVIRONMENTAL, INC. IN AN AMOUNT NOT TO EXCEED \$77,500.00 TO PROVIDE PROFESSIONAL SERVICES FOR THE 49<sup>TH</sup> STREET NE AND GARDENDALE AVENUE NESTORM SEWER PROJECT, GP 1074; AMENDING APPROPRIATION ORDINANCE NO. 1/2004; AND DECLARING THE SAME TO BE AN EMERGENCY  
Referred to Environmental & Public Utilities and Finance Committees
- #2 (1<sup>ST</sup> RDG) AN ORDINANCE APPROVING AND ACCEPTING THE REPLATTING OF PARTS OF LOTS 3335, 2647, 6585, 309 AND 1938; PART OF OUTLOT 314 AND ALL OF LOTS 6584, 16717, 16718, 16719, 17122 AND 17128; AND DECLARING THE SAME TO BE AN EMERGENCY  
Referred to Public Safety & Thoroughfares Committee
- #3 (1<sup>ST</sup> RDG) AN ORDINANCE ESTABLISHING THE FAIR REUSE VALUE OF ONE PARCEL 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  
Referred to Environmental & Public Utilities and Finance Committees

**ORDINANCES & FORMAL RESOLUTIONS FOR SECOND READING**

PRESIDENT DENCZAK: Ordinances and Formal Resolutions for the Second Reading.

***NOTE: PRESIDENT DENCZAK CALLED UPON CLERK VANCKUNAS TO READ THE FOLLOWING ORDINANCES #4 THROUGH AND INCLUDING #14 FOR THE SECOND TIME BY TITLE, AS FOLLOWS. ORDINANCE #14 WAS ADOPTED AS AMENDED FOLLOWING ITS SECOND READING.***

**RULE 22A WAS SUSPENDED TO ADD # 4 THROUGH #14:**

- #4 (2<sup>ND</sup> RDG) AN ORDINANCE ESTABLISHING 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.
- #5 (2<sup>ND</sup> 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
- #6 (2<sup>ND</sup> 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 TAX 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
- #7 (2<sup>ND</sup> 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 (5<sup>TH</sup> St SW)
- #8 (2<sup>ND</sup> RDG) AN ORDINANCE AMENDING EXHIBIT A TO ORDINANCE NO. 164/2001 AS AMENDED, THE CLASSIFICATION PLAN AND GENERAL SALARIES FOR ALL MANAGEMENT AND NON-BARGAINING UNIT EMPLOYEES OF THE CITY OF CANTON AND DECLARING THE SAME TO BE AN EMERGENCY

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- #9 (2<sup>ND</sup> RDG) AN ORDINANCE VACATING A PORTION OF HIGH AVENUE NW, SOUTH OF 4<sup>TH</sup> STREET NW; AND DECLARING THE SAME TO BE AN EMERGENCY
- #10 (2<sup>ND</sup> RDG) AN ORDINANCE AMENDING SECTION 539.15 PARK POLICE, OF THE GENERAL OFFENSES CODE OF THE CODIFIED ORDINANCES OF THE CITY OF CANTON
- #11 (2<sup>ND</sup> 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
- #12 (2<sup>ND</sup> 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
- #13 (2<sup>ND</sup> RDG) A RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE COUNTY AUDITOR
- #14 (2<sup>ND</sup> RDG) **ADOPTED AS ORDINANCE NO. 223/2004** 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

MEMBER CASAR: Mr. President, I move the statutory rules be suspended on Ordinance #14; seconded.

PRESIDENT DENCZAK: There's a move to dispense with the three readings of Ordinance #14; are there any remarks?...

MEMBER CASAR: Mr. President, I move we amend Ordinance #14 per...

PRESIDENT DENCZAK: Now, wait, your-- the motion is to dispense with the three readings. I get to call you out of order.

MEMBER CASAR: You could have got even.

PRESIDENT DENCZAK: For that age remark.

PRESIDENT DENCZAK: Are there any remarks under the motion to dispense with the three readings?... If not, roll call vote please.

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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 amend Ordinance number...

PRESIDENT DENCZAK: No, move to adopt it first.

MEMBER CASAR: You got me all confused. I'm sorry. I move we adopt Ordinance #14; seconded.

PRESIDENT DENCZAK: Moved and seconded that you amend-- that you adopt Ordinance 14. Are there any remarks?...

MEMBER CASAR: Mr. President...

PRESIDENT DENCZAK: Now, Member Casar.

MEMBER CASAR: Finally, I get to say it. Mr. President, I move we amend Ordinance #14 per the copy that each councilperson has in front of them; seconded.

**AMENDMENT:** Pursuant to Rule 36, I move to amend Agenda Item No. 14 by amending Section 3, subparagraph (a) as follows:

(a) For residential real properties, the tax exemption on the increased value of all qualifying improvements, restoration, or new construction shall be 100% per year for ten years.

PRESIDENT DENCZAK: Moved and seconded to amend the Resolution per the copy before each of you. Are there any remarks under this amendment?... If not, 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

**#14 AMENDED BY UNANIMOUS VOICE VOTE**

PRESIDENT DENCZAK: The ordinance is amended. The question before you 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 #14 as amended is adopted. Member Casar, when I was your age I didn't have that problem.

MEMBER CASAR: That was a long time ago.

**#14 ADOPTED AS ORDINANCE NO. 223/2004****ORDINANCES AND FORMAL RESOLUTIONS FOR THIRD READING**

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PRESIDENT DENCZAK: Ordinances and Formal Resolutions for the third and final reading. Ordinance #15.

***NOTE: PRESIDENT DENCZAK CALLED UPON CLERK VANCKUNAS TO READ THE FOLLOWING ORDINANCES #15 THROUGH AND INCLUDING #19 FOR THE THIRD & FINAL TIME BY TITLE, AS FOLLOWS. ALL 3<sup>RD</sup> READING ORDINANCES WERE ADOPTED.***

#15 (3<sup>RD</sup> RDG) **ADOPTED AS ORDINANCE NO. 224/2004** 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

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

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

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance #15 is adopted.

**#15 ADOPTED AS ORDINANCE NO. 224/2004**

#16 (3<sup>RD</sup> RDG) **ADOPTED AS ORDINANCE NO. 225/2004** 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)

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. 225/2004**

#17 (3<sup>RD</sup> RDG) **ADOPTED AS ORDINANCE NO. 226/2004** 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

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

PRESIDENT DENCZAK: Moved and seconded that you adopt Ordinance #17. Are there any remarks under this Ordinance....? Very well, roll call vote please.

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance #17 is adopted.

**#17 ADOPTED AS ORDINANCE NO. 226/2004**

#18 (3<sup>RD</sup> RDG) **ADOPTED AS ORDINANCE NO. 227/2004** 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

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. 227/2004**

#19 (3<sup>RD</sup> RDG) **ADOPTED AS ORDINANCE NO. 228/2004** AN ORDINANCE AUTHORIZING THE ACQUISITION OF TAX DELINQUENT REAL PROPERTY PURSUANT TO H.B. 127; AND DECLARING THE SAME TO BE AN EMERGENCY

MEMBER CASAR: 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. 228/2004**

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

PRESIDENT DENCZAK: Ordinances and Formal Resolutions under Postponed Matters. Ordinance #20, Member Casar.

#20 (RECEIVED ALL 3 RDGS: POSTPONED FROM 9/13, 20, 27 & 10/4, 18, 25)

**REFERRED BACK TO C&E DEV AND FINANCE MITTEE** AN ORDINANCE AUTHORIZING THE

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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 (501 Cherry Ave NE)

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, as I stated in the Democratic Caucus this evening, the only one Republican was there, so I'll just briefly say what I discussed in there. This Ordinance has been postponed for six times now and for various reasons. Tonight we met with the Administration and the BIA who was wanting to develop the 501 Cherry property...

PRESIDENT DENCZAK: Member Casar, put a motion on the floor before we can...

MEMBER CASAR: Mr. President, I said I move to adopt Ordinance number...

PRESIDENT DENCZAK: I thought you were going to postpone this, or put it back to committee.

MEMBER CASAR: Mr. President, you said was there any-- I wanted to talk on it before I made my motion.

PRESIDENT DENCZAK: Alright. Go ahead.

MEMBER CASAR: I think that's in order, Mr. President.

PRESIDENT DENCZAK: Go ahead.

MEMBER CASAR: You are really getting me now, aren't you? (*CHUCKLES*) Mr. President, to continue, and basically the BIA, they are the organization that wanted to develop this ten foot square building on the 501 Cherry property, which would be a good project for the City of Canton, and we do not question that. We question-- Member Bernabei had sent some questions to the Administration of policies which, you know, what to-- how much help to give developers and so forth, and I won't get into the final numbers and so forth, but there's not a policy in place and the Community Development Director did not get involved with this because it was in the transition of hiring a new Community Development Director and we have a good person on board as Community Development Director. We want to refer this back to committee. I'll make that motion at the appropriate time. Margy Poorman, the Director, said that she would be happy and would do and get involved with this project, and this project could-- the BIA said they are interested in definitely staying in the City-- develop in the City of Canton, move in the City of Canton, but they would entertain any property that's in or near the downtown, so near the downtown, that helps us out with property the City of Canton may have or may be able to help them acquire, and that's a big thing. And we want to show the BIA that we definitely want them to develop their building in the City of Canton, we want their business, and so what we're doing is asking this Council to send this back to committee so that the Community Development Director can get involved, the Administration get involved, councilmen can get involved where there'll be properties available that would help because 501 Cherry never had any involvement from the Community Development Department and that's very crucial. And so

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by doing this, by sending it back to committee, hopefully we can come up with a piece of property that's more conducive for use that this organization needs, and by doing this hopefully we wouldn't have to take a stand to either vote it up or vote it down this evening. So I move that it's referred back to committee; seconded.

PRESIDENT DENCZAK: Moved and seconded that this matter be referred back to committee. Are there any remarks?...

MEMBER BERNABEI: Mr. President, in addition to Member Casar's comments, I would just like to add that we also want to wait for the study as to the development of a policy by the Administration and by the Community and Economic Development Department concerning providing economic aid to such projects. Further, I would like for the Administration to consider either utilization of the land bank which presently exists with the Chamber's arm and/or creation of our own land bank for the acquisition of properties within the City which may be utilized for future projects like this. While this project was pending, just several weeks ago, immediately adjacent to this parcel at 501 Cherry Avenue NE that we were talking about, six city lots were auctioned at public auction. The successful buyer paid \$25,000.00 for those six lots and the City had no representation at that particular auction. I think we need to develop a policy that looks at, as well as giving property away to people, acquiring them and attempting to acquire it at reasonable value particularly under auction circumstances.

**MINUTES OF THE MEETING OF NOVEMBER 1, 2004**

PRESIDENT DENCZAK: Mayor, the Chair has a concern of, and I know Members Bernabei and Casar have this concern, I'd like to ask the question, do we have a documented release from the EPA on the fact that the property is suitable for excavation and construction? Chief of Staff?

CHIEF OF STAFF CONCATTO: Mr. President, I can tell you-- I can document the fact that that used to be an Oscar's gas station and the tanks were taken out by State law. Now, are you asking was there an environmental phase study as we know it today? I do not know if that was a phase one study for ground field or if it was just the removal of tanks. But the tanks were properly removed. If those tanks were leaking, that soil underneath that tank would have had to been removed with it as is done by State law, and it was done by-- and it was paid for by the previous owner of that property, Mr. Moyer.

PRESIDENT DENCZAK: So, anybody who buys or takes this property over cannot come back to the City to pay for any classified back field?

CHIEF OF STAFF CONCATTO: Mr. President, we would go to Jeffries who did the removal of the tanks and see if that removal complied with a phase one before we would sell, or whatever we would do with that property, we would assure that whatever they did on it was based either on a phase one or properly had been mediated.

PRESIDENT DENCZAK: Okay. That's very important.

MEMBER WEST: Mr. President, I have a statement. 501 Cherry is of course in my ward. Initially I was pretty excited and elated by the fact that they were coming down and building a million dollar building in our area, but I also have to concur with Casar and Bernabei. There's almost like four or five different vacant lots on Cherry that are blighted. It will be interesting to see if we can acquire some of those lots. Also on 12<sup>th</sup> Street, if we could on 12<sup>th</sup> Street, there's a number of vacant lots that definitely could be used for some building, some development. So I would encourage the Community Economic Development Director to seek out some of those lots and definitely get with some of the Councilmembers around here to also look out for some of those lots.

PRESIDENT DENCZAK: Any further remarks on the motion to refer back to committee?...

MEMBER CASAR: Mr. President, just to add on to what Member Bernabei said with regards to the auction, I attended that auction cause I was concerned with the property across the street, and there were only about a half a dozen people there and I think there was only two serious bidders.

PRESIDENT DENCZAK: Any further remarks on the motion to refer back to committee?... If not, by voice vote, all those in favor signify by saying aye. Those opposed no.

NO REMARKS **#20 REFERRED BACK TO COMMITTEE BY UNANIMOUS VOICE VOTE**

PRESIDENT DENCZAK: Ordinance #20 is referred back to committee. Ordinance #21.

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

**ADOPTED AS ORDINANCE 229/2004** AN ORDINANCE AMENDING O.1/2004 BY MAKING VARIOUS SUPPLEMENTAL APPROPRIATIONS AND REDUCTIONS IN APPROPRIATIONS TO

**MINUTES OF THE MEETING OF NOVEMBER 1, 2004**

**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 #21; seconded.

PRESIDENT DENCZAK: Moved and seconded to adopt Ordinance #21. Are there any remarks under this ordinance?

MEMBER CASAR: Mr. President, I move we amend Ordinance #21 with the addendum that everyone has in front of them replacing Exhibit A with the new Exhibit A; seconded.

**AMENDMENT: Pursuant to Rule 36, I move to amend Agenda Item No. 21 by replacing Exhibit A currently attached to the ordinance with the attached Amended Exhibit A.**

**AMENDED EXHIBIT A BEGINS ON NEXT PAGE**

**MINUTES OF THE MEETING OF NOVEMBER 1, 2004****EXHIBIT A***(Amended)**Reductions in Appropriations*

FROM:	1001	102000	Police	(\$86,000.00)
	1001	102090	Crime Lab	(\$20,000.00)
	1001	103001	Fire	(\$57,000.00)
	1001	103501	Central Communications	(\$12,000.00)
	1001	201201	Purchasing	(\$5,000.00)
	1001	204010	Building Maintenance	(\$26,000.00)
	1001	304001	Health - Lab	(\$2,000.00)
	1001	307001	Health - Env. Cntl.	(\$42,000.00)
	1001	401001	Park	(\$14,000.00)
	1001	501401	Word Processing	(\$4,000.00)
	1001	501601	Youth Development	(\$13,000.00)
	1001	501602	Youth Dev. Summer	(\$17,000.00)
	1001	701001	Judges	(\$9,000.00)
	1001	702001	Clerk of Courts	(\$7,000.00)
	1001	753001	Law	(\$7,000.00)
	1001	801001	Auditor	(\$5,000.00)
	1001	852001	Treasurer	(\$7,000.00)

TO: The Unappropriated Balance of the 1001 General Fund \$340,000.00

FROM: 6018 753030 Vehicle Self Insurance (\$13,000.00)

TO: The Unappropriated Balance of the 6018 Self Insurance Fund \$13,000.00

FROM: 6041 208010 DMV - Service & Repair (\$7,000.00)

TO: The Unappropriated Balance of the 6041 DMV Fund \$7,000.00

FROM: 2111 104010 Traffic Sign & Paint (\$6,000.00)

2111 104020 Traffic Signal (\$28,000.00)

TO: The Unappropriated Balance of the 2111 Street Maintenance Fund \$34,000.00

*Supplemental Appropriations*

FROM: The Unappropriated Balance of the 1001 General Fund (\$340,000.00)

TO: 1001 101001 Safety Director \$2,000.00

1001 101501 Building/Code \$35,000.00

1001 102000 Police \$38,000.00

1001 103001 Fire \$21,000.00

1001 103501 Central Communications \$11,000.00

1001 104040 Traffic Parking Meter \$1,000.00

1001 200501 General Government \$35,000.00

1001 301001 Service Director \$2,000.00

MINUTES OF THE MEETING OF NOVEMBER 1, 2004**EXHIBIT A***(Amended)*

	1001	201201	Purchasing	\$15,000.00
	1001	202210	Public Works	\$30,000.00
	1001	203001	Civic Center	\$40,000.00
	1001	203010	Concessions	\$20,000.00
	1001	301001	Health - Admin	\$4,000.00
	1001	303001	Health - Nurses	\$13,000.00
	1001	401001	Park	\$3,000.00
	1001	501001	Mayor	\$10,000.00
	1001	501101	Human Resources	\$47,000.00
	1001	601001	Council	\$7,000.00
	1001	901001	Civil Service	\$3,000.00
<b>FROM:</b>	The Unappropriated Balance of the 2111 Street Maintenance Fund			(\$47,000.00)
<b>TO:</b>	2111	104001	Traffic Engineer	\$7,000.00
	2111	104020	Traffic Signal	\$30,000.00
	2111	202210	Public Works	\$10,000.00
<b>FROM:</b>	The Unappropriated Balance of the 2112 Highway Maintenance Fund			(\$2,000.00)
<b>TO:</b>	2112	202210	Public Works	\$2,000.00
<b>FROM:</b>	The Unappropriated Balance of the 2325 Ohio Early Start Fund			(\$5,377.82)
<b>TO:</b>	2325	Ohio Early Start		\$5,377.82
<b>FROM:</b>	The Unappropriated Balance of the 4501 Capital Improvement Fund			(\$7,500.00)
<b>TO:</b>	4501	204010	Building Maintenance	\$7,500.00
<b>FROM:</b>	The Unappropriated Balance of the 5201 Water Fund			(\$306,628.00)
<b>TO:</b>	5201	207001	Water - Admin.	\$34,000.00
	5201	207010	Water Pumping	\$106,628.00
	5201	207022	Water Distribution	\$166,034.00
<b>FROM:</b>	The Unappropriated Balance of the 5222 Law-Chester Fund			(\$17,000.00)
<b>TO:</b>	5222	207001	Law-Chester Phase II	\$17,000.00
<b>FROM:</b>	The Unappropriated Balance of the 5410 Sewer Fund			(\$60,000.00)
<b>TO:</b>	5410	206006	Sewer Collections	\$60,000.00

**MINUTES OF THE MEETING OF NOVEMBER 1, 2004**

**MINUTES OF THE MEETING OF NOVEMBER 1, 2004****EXHIBIT A  
(Amended)**

FROM:	The Unappropriated Balance of the 5601 Refuse Fund	(\$67,000.00)
TO:	5601 205001 Sanitation	\$67,000.00
FROM:	The Unappropriated Balance of the 6010 Workman's Compensation Fund	(\$36,000.00)
TO:	6010 501101 Human Resources	\$11,000.00
	6010 801001 Auditor	\$25,000.00
FROM:	The Unappropriated Balance of the 6017 Health Insurance Fund	(\$442,000.00)
TO:	6017 301001 Service Director	\$430,000.00
	6017 501101 Human Resources	\$12,000.00
FROM:	The Unappropriated Balance of the 6018 Self Insurance Fund	(\$77,000.00)
TO:	6018 753030 Vehicle Self-Insurance	\$77,000.00
FROM:	The Unappropriated Balance of the 6041 DMV Fund	(\$55,000.00)
TO:	6041 208001 DMV	\$5,000.00
	6041 208010 DMV - Service/Repair	\$50,000.00
FROM:	The Unappropriated Balance of the 6091 MIS Fund	(\$20,000.00)
TO:	6091 504010 MIS	\$20,000.00
FROM:	The Unappropriated Balance of the 6023 Compensated Absences Fund	(\$2,000,000.00)
TO:	6023 Compensated Absences	\$2,000,000.00
FROM:	The Unappropriated Balance of the 7102 Unredeemed Check Fund	(\$100,000.00)
TO:	7102 Unredeemed Check	\$100,000.00
FROM:	The Unappropriated Balance of the 7131 Downtown Improv. District Fund	(\$84,530.90)
TO:	7131 Downtown Improv. District	\$84,530.90
FROM:	The Unappropriated Balance of the 7505 Ticketmaster Fund	(\$500,000.00)
TO:	7505 Ticketmaster	\$500,000.00

**MINUTES OF THE MEETING OF NOVEMBER 1, 2004**

PRESIDENT DENCZAK: Moved and seconded to amend Ordinance 21 per the copy before each of you. Are there any remarks?... If not, by voice vote, all those in favor signify by saying aye. Those opposed no.

NO REMARKS

**#21 AMENDED BY UNANIMOUS VOICE VOTE**

PRESIDENT DENCZAK: The amendment has passed. The question before you now is Ordinance #21 as amended. Are there any remarks under this Ordinance as amended?... Very well, roll call vote please.

NO REMARKS

ROLL CALL VOTE: 11 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance #21 as amended has been adopted.

**#21 ADOPTED AS ORDINANCE 229/2004**

**ANNOUNCEMENT OF COMMITTEE MEETINGS**

PRESIDENT DENCZAK: Announcement of Committee Meetings please.

MEMBER BABCOCK: Mr. President, Public Safety & Thoroughfares will meet at 6:45 next Monday evening.

MEMBER MALLONN: Mr. President, Environmental & Public Utilities will meet November 8<sup>th</sup> at 6:50.

MEMBER HAWK: Mr. President, Finance Committee will meet November 8<sup>th</sup> at 6:45. Mr. President, Finance Committee will also meet for budget discussions with the 2005 budget November 8<sup>th</sup> at 11:00 AM in the caucus room.

MEMBER BERNABEI: Mr. President, Judiciary Committee will meet Monday, November 8<sup>th</sup> at 1:00 PM in the caucus room for purposes of discussing the architectural review board legislation.

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

PRESIDENT DENCZAK: No one signed up for public speaks under Open Forum.

**MISCELLANEOUS BUSINESS**

PRESIDENT DENCZAK: We're now under Miscellaneous Business. Again, the Chair says if there's anyone in the audience that wishes to speak on the architectural review board, the public hearing was canceled, may do so at this time. So is there anyone in the audience that wish to speak in regards to the architectural review board?... Anybody in the audience that came down here to speak and the public hearing was canceled?... Apparently not, so the committee's gonna meet in regards to this on the 8<sup>th</sup>. Is there any Miscellaneous Business?

MEMBER CARBENIA: Mr. President, yes. I have a question for Safety Director Hunt. Safety Director, do we have a bomb squad in the City? What are our preparation for threats like we had the other day? Do we have dog that can

**MINUTES OF THE MEETING OF NOVEMBER 1, 2004**

sniff bombs, you know, and stuff like that? And do we have procedure because it seems to me that some people got to go home all day and some didn't, and I'm not so sure that we shouldn't have policy.

SAFETY DIRECTOR HUNT: Mr. President, to answer your first question, we do not presently have a dog, a bomb sniffing dog, nor do we have a mechanical device. There are some available. After the incident the other day, I spoke to Chief McKimm and we are making plans to purchase a dog and train that dog specifically for bomb sniffing. These are expensive dogs, normally it takes about \$2000.00 when you buy a dog, and our last dog we bought, I believe it was in Belgium. It came here and it was already trained, but a bomb sniffing dog is a little bit different. We tried to get the dog down from the airport, but they'll only come down after you find the bomb, so they wouldn't send the dog down. Secondly, insofar as folks going home, that was something that was handled by individual departments. Some individuals were concerned and did not want to come back in the building or were just nervous and they were informed to talk to individual department supervisors and they would make a determination towards payment.

MEMBER CARBENIA: Mr. President, if I may. I'm in agreement with sending them home, you know, especially if they're nervous, I'm not saying that. I just think that-- mostly I'm concerned more about maybe training some policemen or firefighters as a bomb disposal unit. I know we have them across the nation in both departments, and I think that, you know, it's a matter of training which is what they go through all the time. I'm sure it's more training, and I just think that we need to-- we're beefing up our security with the new X-ray machine at the door, you know, in City Hall, and we just need to-- I think we're a large enough city that it warrants a bomb squad. Thank you-- And equipment.

PRESIDENT DENCZAK: 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: 8:07 p.m.

ATTEST:

APPROVED:

DEBRA VANCKUNAS  
CLERK OF COUNCIL

RAY DENCZAK  
PRESIDENT OF COUNCIL