

MINUTES OF THE MEETING OF NOVEMBER 15, 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 15, 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 9th Ward Councilmember Joe Carbenia, 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. BERNABEL, GREG HAWK, THOMAS E. WEST, RICHARD A. MALLONN II, KELLY ZACHARY, DAVID R. DOUGHERTY, RICHARD D. HART & ROSEMARY DIAMOND)

1 COUNCILMEMBER ABSENT: (TERRY PRATER)

AGENDA CORRECTIONS & CHANGES

PRESIDENT DENCZAK: Thank you, Member Carbenia (*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 reading of Ordinance #3. Member Casar, the Chair will recognize that motion at this time.

MEMBER CASAR: Mr. President, I move that Rule 22A be suspended to add Ordinance #3 on tonight's agenda; seconded.

PRESIDENT DENCZAK: Moved and seconded to suspend Rule 22A to add Ordinance #3 under second readings 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 the second reading of Ordinance #3 is a legal part of your agenda.

PUBLIC HEARINGS

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

PUBLIC SPEAKS (ORDINANCES OR RESOLUTIONS FOR ADOPTION ONLY):

PRESIDENT DENCZAK: No one has signed up for public speaks under Ordinances or Resolutions for Adoption.

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

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

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

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

PRESIDENT DENCZAK: Let the journal show that Member Zachary is excused. (*Someone corrected to say Member Prater---Slight Pause*) I got a little lag here. I don't know whether it was the flight or the Mayor kissing me, but... (*LAUGHTER*)

MEMBER CARBENIA: Can we hear that again?

PRESIDENT DENCZAK: Member Prater is excused.

PRESIDENT DENCZAK CALLED UPON CLERK OF COUNCIL VANCKUNAS TO READ RESOLUTION #88 BY TITLE, AS SHOWN BELOW. THE RESOLUTION IS ON FILE IN ITS ENTIRETY IN THE COUNCIL OFFICE WITH THE AGENDA ITEMS DATED NOVEMBER 15, 2004.

88. CARBENIA, WARD 9 COUNCILMEMBER: REQUESTING PLACEMENT OF A STREET LIGHT ON AN OHIO POWER POLE SOUTH OF 22ND STREET NE & EAST OF SNYDER AVENUE IN WARD 9. - ADOPTED BY COUNCIL

MEMBER CASAR: Mr. President, I move we adopt Resolution #88; seconded.

PRESIDENT DENCZAK: Moved and seconded that you adopt Resolution #88. 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 #88 ADOPTED BY UNANIMOUS VOICE VOTE

PRESIDENT DENCZAK: Resolution #88 is adopted.

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 15, 2004.

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590. AUDITOR KIM R. PEREZ, CITY OF CANTON: CERTIFICATE OF THE TOTAL AMOUNT FROM ALL SOURCES FOR 2004 DATED 11/9/2004. - CLERK OF COUNCIL
591. LIQUOR CONTROL DIVISION, 6606 TUSSING RD, PO BOX 4005, REYNOLDSBURG, OHIO 43068-9005: NORTHMARK RESTAURANT LLC dba FEDELI @ 218 COURT AVE NW HAS REQUESTED TRANSFER OF A D5 LIQUOR PERMIT FR: CAN MEX, INC., dba EL RINCON MEXICAN RESTAURANT @ 3212 W TUSC. - INTERGOVERNMENTAL & PUBLIC SERVICE CMTE
592. LIQUOR CONTROL DIVISION, 6606 TUSSING RD, PO BOX 4005, REYNOLDSBURG, OHIO 43068-9005: NOTIFICATION OF APPEAL HEARING SET FOR 12/9/04 @ 11:30 AM AT THE VERN RIFFE CENTER FOR GOVERNMENT & ARTS, 77 S. HIGH STREET, 19TH FLOOR., COLUMBUS, OHIO RE: JIMMY E. BALL dba BALLROOM @ 331 CLEVELAND AVENUE NW. - INTERGOVERNMENTAL & PUBLIC SERVICE
593. LIQUOR CONTROL DIVISION, 6606 TUSSING RD, PO BOX 4005, REYNOLDSBURG, OHIO 43068-9005: NOTICE OF HEARING SET FOR 11/30/04 @ 11:00 AM AT CANTON CITY HALL, 218 CLEVELAND AVENUE SW, CAUCUS ROOM, 1ST FLOOR, RE: ISSUANCE OF NEW C-1-2 PERMIT TO WAYNE EDWARD MARION dba T&M DRIVE THRU @ 912-914 12TH STREET NE. - INTERGOVERNMENTAL & PUBLIC SERVICE CMTE
594. LIQUOR CONTROL DIVISION, 6606 TUSSING RD, PO BOX 4005, REYNOLDSBURG, OHIO 43068-9005: NOTICE OF HEARING SET FOR 11/30/04 @ 1:00 PM AT CANTON CITY HALL, 218 CLEVELAND AVENUE SW, CAUCUS ROOM, 1ST FLOOR, RE: ISSUANCE OF NEW C-1-2 PERMIT TO JONG'S TRADING CORPORATION dba JONG'S MARKET @ 440 NORTH MARKET. - INTERGOVERNMENTAL & PUBLIC SERVICE CMTE
595. PLANNING DIRECTOR MARGY POORMAN, CITY OF CANTON: PLANNING COMMISSION RECOMMENDS A 1-ACRE LAND TRACT ADJACENT TO PROGRESS STREET NE KNOWN AS PART OF THE BIGLER ANNEXATION BE ASSIGNED TO WARD 6 & ZONED I-1 LIGHT INDUSTRIAL - ANNEXATION CMTE **PUBLIC HEARING 1/10/05 @ 7:30 PM**
596. PLANNING DIRECTOR MARGY POORMAN, CITY OF CANTON: PLANNING COMMISSION RECOMMENDS A 15-ACRE LAND TRACT ABUTTING WARD 8 IN THE NORTHWEST SECTION OF CANTON KNOWN AS PART OF THE CANTON RAILROAD ANNEXATION BE ASSIGNED TO WARD 8 & ZONED OPEN SPACE. - ANNEXATION CMTE **PUBLIC HEARING 12/20/04 @ 7:32 PM**
597. PLANNING DIRECTOR MARGY POORMAN, CITY OF CANTON: PLANNING COMMISSION RECOMMENDS A 5-ACRE LAND TRACT AT THE SOUTHWEST CORNER OF 34TH STREET NE & CLIFTMONT AVENUE KNOWN AS PART OF THE GROFFRE/RICHMOND ANNEXATION BE ASSIGNED TO WARD 6 & ZONED R-1 SINGLE FAMILY RESIDENTIAL.-ANNEXATION CMTE **PUBLIC HEARING 12/20/04 @ 7:31 PM**

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598. PLANNING DIRECTOR MARGY POORMAN, CITY OF CANTON: PLANNING COMMISSION RECOMMENDS APPROVAL OF THE REVISED PROPOSED LEGISLATION CREATING THE ARCHITECTURAL REVIEW BOARD. - JUDICIARY CMTE **PUBLIC HEARING 1/3/05 @ 7:30 PM**
599. PLANNING DIRECTOR MARGY POORMAN, CITY OF CANTON: PLANNING COMMISSION RECOMMENDS APPROVAL OF REQUEST BY CANTON CITY SCHOOLS/MOTTER-MEADOWS TO VACATE A PORTION OF SEICH CT SW FROM 16TH ST SW SOUTH 111 FEET FOR MCGREGOR SCHOOL. - PUBLIC SAFETY & THOROUGHFARES CMTE
600. PLANNING DIRECTOR MARGY POORMAN, CITY OF CANTON: PLANNING COMMISSION RECOMMENDS APPROVAL OF REQUEST BY CANTON CITY SCHOOLS/MOTTER-MEADOWS TO VACATE A PORTION OF HARRIET AVENUE NW BETWEEN 10TH & TROY PL NW, AND CROAD CT NW FROM TROY PLACE NORTH 84', & DEDICATE FARWICK COURT NW BETWEEN 10TH & TROY PLACE NW. - PUBLIC SAFETY & THOROUGHFARES
601. SAFETY DIRECTOR BERNARD L. HUNT, CITY OF CANTON: REQUESTING LEGISLATION TO AMENDO.7/2003, SECTION 1 (b), REINSTATING ONE LIEUTENANT POSITION IN THE CANTON POLICE DEPT. - PERSONNEL CMTE
602. SERVICE DIRECTOR TAD C. ELLSWORTH, CITY OF CANTON: REQUEST FOR SERVICE DIRECTOR TO ENTER INTO \$161,654.38 CONTRACT WITH M-E COMPANIES RE: PROFESSIONAL ENGINEERING & SURVEYING SERVICES FOR 30TH ST NE TRUNK SEWER & IMPROVEMENT GP 1083; REQUESTING \$161,654.38 TRANSFER TO THE 4501 GP 1083 30TH ST NE TRUNK SEWER & IMPROVEMENT. - ENVIRONMENTAL & PUBLIC UTILITIES AND FINANCE CMTE
603. STARK COUNTY COMMISSIONERS, 110 CENTRAL PLAZA S, SUITE 240, CANTON OHIO 44702-2202: SUBMITTING ALL ANNEXATION MATERIALS RE: BIGLER ANNEXATION AREA. - ANNEXATION CMTE
604. STARK COUNTY DISTRICT LIBRARY, KENTON L. OLIVER, DIRECTOR, 715 MARKET AVE NORTH, CANTON OHIO 44702-1080: LETTER OF THANKS TO CANTON CITY COUNCIL FOR THEIR ENDORSEMENT OF STARK COUNTY DISTRICT LIBRARY'S OPERATING LEVY ISSUE #54. - RECEIVED & FILED
605. STARK COUNTY PROSECUTOR, DEBORAH A. DAWSON, ASSISTANT CHIEF, CIVIL DIVISION, 110 CENTRAL PLAZA S, SUITE 510, CANTON OHIO 44701-0049: SUBMITTING COPY OF ANSWER OF DEFENDANT FROM STARK COUNTY COMMISSIONERS, RE: CITY OF NORTH CANTON VS. CITY OF CANTON ET AL. - RECEIVED & FILED
606. TREASURER ROBERT C. SCHIRACK, CITY OF CANTON: REPORT OF BANK RECONCILIATIONS AND OUTSTANDING INVESTMENTS AS OF 10/29/04. - RECEIVED & FILED

MINUTES OF THE MEETING OF NOVEMBER 15, 2004**ORDINANCES & FORMAL RESOLUTIONS FOR FIRST READING**

PRESIDENT DENCZAK: We're now under Ordinances for the first reading and referral. 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 #2 FOR THE FIRST TIME BY TITLE & ANNOUNCED THE COMMITTEE REFERRALS, AS FOLLOWS.

- #1 (1ST RDG) 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 RESIDENTIAL LAND DISPOSITION PROGRAM; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Community & Economic Development Committee
- #2 (1ST RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY TO ACCEPT A DONATION TO ASSIST IN THE PURCHASE OF WATER RESCUE EQUIPMENT; AUTHORIZING THE AUDITOR TO CHANGE THE "SMOKE ALERT DONATION FUND" TO THE "FIRE DONATION FUND"; 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 Finance 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 ORDINANCE #3 FOR THE SECOND TIME BY TITLE, AS FOLLOWS.

RULE 22A WAS SUSPENDED TO ADD #3:

- #3 (2ND RDG) AN ORDINANCE ESTABLISHING A \$5.00 FEE FOR REPLACEMENT OF LOST TIME CARDS.

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 #4 THROUGH AND INCLUDING #5 FOR THE THIRD & FINAL TIME BY TITLE, AS FOLLOWS. ALL 3RD READING ORDINANCES WERE ADOPTED .

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#4 (3RD RDG) **ADOPTED AS ORDINANCE NO. 239/2004** 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 49TH STREET NE AND GARDENDALE AVENUE NE STORM SEWER PROJECT, GP 1074; AMENDING APPROPRIATION ORDINANCE NO. 1/2004; AND DECLARING THE SAME TO BE AN EMERGENCY

MEMBER CASAR: Mr. President, I move we adopt Ordinance #4; seconded.

PRESIDENT DENCZAK: Moved and seconded that you adopt Ordinance #4. Are there any remarks under this Ordinance....? Very well, roll call vote please.

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance #4 is adopted.

#4 ADOPTED AS ORDINANCE NO. 239/2004

#5 (3RD RDG) **ADOPTED AS ORDINANCE NO. 240/2004** 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 PROGRAM; AND DECLARING THE SAME TO BE AN EMERGENCY (6TH St NE)

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

PRESIDENT DENCZAK: Moved and seconded that you adopt Ordinance #5. Are there any remarks under this Ordinance....? Very well, roll call vote please.

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance #5 is adopted.

#5 ADOPTED AS ORDINANCE NO. 240/2004

ORDINANCES AND FORMAL RESOLUTIONS – POSTPONED MATTER:

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

#6 (RECEIVED ALL 3 RDGS: POSTPONED FROM 11/8/04)

ADOPTED AS ORDINANCE NO. 241/2004 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 (5th St SW)

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

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PRESIDENT DENCZAK: Moved and seconded that you adopt Ordinance #6. Are there any remarks under this Ordinance?... Very well, roll call vote please.

NO REMARKS

ROLL CALL VOTE: 11 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance #6 is adopted.

#6 ADOPTED AS ORDINANCE NO. 241/2004

MINUTES OF THE MEETING OF NOVEMBER 15, 2004**ANNOUNCEMENT OF COMMITTEE MEETINGS**

PRESIDENT DENCZAK: Announcement of Committee Meetings please.

MEMBER HAWK: Mr. President, Finance Committee will meet Monday, November 22nd, 1:00 PM, Caucus Room, to further discuss the 2005 budget. We also meet 6:15 Monday, November 22nd, Caucus Room, to review that 1:00 meeting and to discuss the ordinance before us today.

MEMBER CARBENIA: Mr. President, the Community & Economic Development Committee will meet November 22nd, the same day, at 6:15 at the Council Chamber-- or, the Caucus Room.

PUBLIC SPEAKS (OPEN FORUM--CITY BUSINESS ONLY)

PRESIDENT DENCZAK: Public Speaks, Open Forum, City Business Only. We have one person signed up to speak, Darrell Austin.

MR. AUSTIN: Mr. President, Mayor of this fine City, Council, fellow members who are here with me today, Ms. Zachary. My name is Darrell Austin. My address is 1427 Sycamore Avenue NE, Canton, Ohio. The issue that I'd like to address at this time, Mr. President, is the solid waste landfill site in which JMW, the company, is trying to acquire a permit for that site. We had two representatives from the City of Canton who were on this panel which we had at this meeting discuss with us at the time of the meeting at the Timken High School that there were informative or information-- there was information sent out to those individuals who were interested in coming to those public meetings concerning them. Yes, there was. Now, we have a number of individuals who live in this area that is close to this site from the Skyline Terrace area who are indigent, first of all, and how do you communicate to those individuals? Sometimes we have to sit back and look at ourselves and where we are as opposed to others in the community which we have or might be subjecting something to. Those individuals, and I went door to door myself personally inquiring with those individuals in those areas about the solid waste landfill, and they feel as though the Mayor and the entire City has let them down with letting them know about the information concerning the solid waste landfill that is proposed to be placed in the area in which they live. I also, Mr. President, have photographs if I may present them to Council so that they might be able to see, in another area for which Joseph Jeffries has acquired some land that's not very well kept either. There are Habitat for Humanity Homes in those areas just across the tracks. Mr. Parker, Joe Parker from the EPA stated that there was a 200 foot levee between individ-- the area where the site was proposed for JMW to place this solid waste landfill. I have photographs here today. There's a railroad track that comes down through that area. We have children who come through that area walking, not bussed, from Skyline Terrace that walk across those very same tracks that they propose to bring in solid waste or liquid, it doesn't matter. We can't replace our children in the City of Canton. My question today to Council is why Mr. Holden or Mr. Shriver hadn't thought of that. The photograph... Those individuals whom I have approached about the solid waste landfill also feel as though the water table beneath the surface of the Earth would become contaminated thereby their water supply also. Let's say, just for argument's sake, that if one of those trains came through that area with a leak and nobody knew about it and one of those children from Skyline Terrace would become ill as a result.

PRESIDENT DENCZAK: Mr. Austin, I'm sorry, but under Council rules, your three minutes are up. I know you have

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a very important subject to discuss, but I have to abide by the Council rules.

MR. AUSTIN: Thank you, Mr. President.

PRESIDENT DENCZAK: Now, stand by. Does anybody in the Administration know anything about this landfill proposal he's talking about?

SERVICE DIRECTOR CONCATTO: Mr. President.

PRESIDENT DENCZAK: Chief of Staff.

SERVICE DIRECTOR CONCATTO: Service Director today.

PRESIDENT DENCZAK: What are you gonna be tomorrow?

SERVICE DIRECTOR CONCATTO: I'll let you know next Monday.

PRESIDENT DENCZAK: What are you gonna be tomorrow? (*CHUCKLES*) Okay, Service Director.

SERVICE DIRECTOR CONCATTO: I was at the meeting at Timken High School where the EPA and Mr. Holden and Mr. Shriver, members of the Canton Health Department, both of which were there to talk about this solid waste landfill. Those-- license for this company is issued by the State EPA and the Health Department. The Administration has no say in the fact of whether they get a license or not. So I think that point was made clear that night. Also the notification of the meetings should come from the State EPA who had those meetings. How they identified-- I don't think we got the notice of the meeting, maybe a week or a couple days beforehand ourselves. So, from that standpoint they are certified and licensed by the State and by the City Health Department. The issue of lethal material coming from there, one of the issues was most of that is gonna be house debris and not garbage, and so they don't-- they think it'll minimize the leaking of material. And I won't repeat every-- you were there, you heard the same thing that I heard.

MR. AUSTIN: Yes, I was.

MEMBER ZACHARY: Mr. President, I was at the first meeting as well as the second meeting that they had for this solid waste transfer station that is being proposed by JMW, and although they are well within their legal rights to do it, there were over 300 residents who signed petitions, Mr. Austin and other street captains who went door to door. This thing is right in these people's backyard so to speak, and if you look at these pictures, I can't see how they can say that they are well within the 500 feet, is it, or is it 250 feet that you have to be away...?

MR. AUSTIN: That's correct.

MEMBER ZACHARY: ...from someone's residence in order to implement this type of project. I think what Mr. Austin is trying to say, and you can please correct me if I'm assuming something on your behalf, but it looks, it appears as if even though we say we embrace our residents in the City of Canton, we care about them and we want to grow our population, that when things like this happen, no one is stepping up and saying hey, you know, this just isn't right. I don't think

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anybody in this room wants something like that in their backyard, and unfortunately, these people have what's going to be a solid waste transfer station right in their backyard. There is concerns about the increasing noise from the trains that will be tracked over from out of state, mind you, because this isn't our local garbage that we're hauling around, it's going to be from out of state. There's concerns about the safety of the kids in the area, sure, and just like Mr. Austin has concerns, I do too for the safety of the kids in that area because there are a lot of kids who are not only just in the Skyline Terrace area, but there's an elementary school I would venture to say not even 50 feet away from where the property is. So if we could look into this and support the residents in that area who have been fighting so hard for a long time, this just didn't happen overnight, that they have been fighting for a long time, to make sure that their concerns are heard. It would be really appreciated if we could pay attention to that.

PRESIDENT DENCZAK: This is EPA approved, this site?

MEMBER ZACHARY: They are going through the process now. I asked the question at the last meeting at Timken High School what would predicate whether or not they approve the license, and for the most part what they're telling the residents in this area is that it doesn't matter if they're against it, it doesn't matter if they have a thousand signatures on a petition...

MR. AUSTIN: Exactly.

MEMBER ZACHARY: ...that they're within their legal rights to do it, that's the only answer we seem to be able to get from them. Unfortunately, I found out about the meeting by reading the newspaper which is an atrocity. So, I'm not pointing the finger at anyone saying that the information should have been forthcoming, but at that last meeting we had about 100 residents there who are concerned. Had we had enough notice, there would have probably have been more this time.

PRESIDENT DENCZAK: I recall not too long ago, the EPA approved the dumping of waste some 300 feet away from our Sugarcreek Water Field. I don't know who's on this EPA, but apparently they don't have any brains. They're dumping everything around Canton in Ohio. What is our Congressmen doing about this? We're nobody. Council is nobody in affairs of this size. Where's the people in Washington? What are they doing about this? Is Ohio to be the dump for the nation? Our people in Washington better get awake in here because these bungling bureaucratic buffoons are ruining our area.

MEMBER BERNABEI: Mr. President, may I request the Administration to provide us perhaps at next week's committee meetings perhaps a ten to fifteen minute briefing by someone that knows about this issue so that Council can be fully informed as to the location, the size, the permitting aspect of it, whether or not-- how close it is to residences and to schools and so forth so that we can understand this issue better and perhaps determine in conjunction with the Law Department whether there is or is not anything that the City of Canton can do with regard to this.

MAYOR CREIGHTON: Mr. President, the answer is yes.

PRESIDENT DENCZAK: Okay. Now, Mr. Austin, I want to explain, Councilmembers know this, that because people are participating in this discussion with you that I have to allow you...

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MR. AUSTIN: Yes, sir.

PRESIDENT DENCZAK: ...a total of twelve minutes, so you've still got four minutes to discuss this issue.

MR. AUSTIN: Thank you, Mr. President. Along with the individuals with whom I've talked with, they have also asked those questions, and concerns have been raised about the dust and the debris from the solid waste that's being dumped by the company Joseph Jeffries, who has acquired land on the southeast end section. As a result, one-- and a couple of our residents had had no plumbing in the area because one of the drains had been knocked out by Joseph Jeffries' trucks who were covering up one of the manholes, as well as not only just to have the Paralee Compton Elementary School to be in the area from where the solid waste landfill site will be placed. You've got those individual children in that elementary school who are at a disadvantage alone in itself. Why would you for Heaven's sake want to place-- you know, and I think about it often, you know, we can stamp our coins with "in God we trust," and label our currency with the Latin "E Pluribus Unum," but we're not, as the President has said of this Council, making any statements to our Congressmen, to our officials in the City of Washington DC against this type of a landfill being placed residentially. And as I have given you evidence in those photographs, once you see them, it needs to be cleaned up, and I invited any one of those individuals from JMW to bring their door stoop down to the southeast end, put their \$90,000 home from Habitat for Humanity, and if Oprah Winfrey at this point would know that her home that she put there for a low economical individual to live and grow up next to a solid waste landfill site, she wouldn't be very proud of the City of Canton and this is why I have brought it to the forefront, Mr. President, to the City of Canton to investigate this further and not allow such an action to happen in our neighborhood. Thank you, Mr. President. (APPLAUSE)

MISCELLANEOUS BUSINESS

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

MEMBER DIAMOND: Mr. President, I have a question for the Service Director. He passed out the paving program that was completed in November, and I appreciate receiving this list. I have a question that's going to be asked of me, so I'm asking it of you. When we submit a list, a lot of times people think every street we submit as councilmembers should be paved, and I've made it clear to people that the councilperson is not the final voice, but the Service Director and the head of the Street Department make the decision as far as priorities go. It's been my understanding though for the past fifteen years that when we receive a list of approved streets to be paved within a year, in this case 2004, that those streets are indeed paved, and that when we contact our constituents who requested it and we have approval of those streets, I usually feel confident that I can tell the people they will be paved as long as I have it in black and white. I'm looking on this list and there are three streets that were approved on my list for 2004, and I have conveyed the City's approval for 2004 paving, that are not on this list. My question to you would be, we appropriated originally 1.3 million dollars for paving. This list indicates that we spent about \$599,000.00. I know that appropriation may have been decreased some, but did we halt the program before all the streets were paved because we ran out of money, did we halt it because the paving program got started later and the weather is cold now, and what will my explanation be to the people who have been told that their street was approved for paving in 2004 and now they find that isn't going to be paved?

SERVICE DIRECTOR CONCATTO: Mr. President, I have not seen the original list that was created. Now, whether

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that list was approved, I can tell you that this that what you have in front of you is the list that I know of that's been approved. Possibly from the original list to this list there was some cuts, whether Council was made aware of that or not, I don't know. I'd be glad to find that out because I do not have the original list. I guess you would tell your constituents that the City cut. That's the best I can tell you right now without going back to see the original list. What I gave you, in front of you, is a number of reasons. One was Member Casar asked about the city streets being paved and we did complete that by October 31st. Actually, it was completed, the last street, on November 1st, and I did express the cost of that. But I'd be glad to look at the original list and get back with you on why your streets and other streets were not completed. I'm sure it was a financial cost, but I'll find that out for you.

PRESIDENT DENCZAK: Is there any other miscellaneous business?... The chair has a question to ask of the Law Director. I heard on the radio this morning that, I believe it's Dominion East Ohio, is gonna ask for a 21% hike in the bill. Can you explain that? I guess this is before the PUCO now, but a 21% hike? It doesn't sound like that's justified. Are you aware of what's going on?

LAW DIRECTOR MARTUCCIO: Mr. President, vaguely. I do know that we are safe in the City of Canton for those folks that are participating in our opt out program, and that's most of the city residents. We have locked in our prices in the low eight dollar range for the twelve months and our public buildings are locked in to a bid program that we get through the SCOG at also a very low rate. To answer your question, Dominion East Ohio is the utility that provides natural gas to people who are not otherwise contracting with a supplier. It is the utility that supplies people who are in percentage of income, people who are behind in their payments and so on. As the utility, they have to go before the Public Utilities Commission at least quarterly to request any hikes in their rates. This one, I believe, is an additional request they say is based on high market rates and fluctuations in prices they could not foresee. We are anticipating the price of natural gas, because of a number of factors including the storage rates, the hurricanes that affected the shipping in the Gulf coast, for a number of reasons, they're saying gas prices are going to be unusually high and they want to take a little bite out of it. Utilities are not allowed to make a profit by law, so they claim that these are the costs that it would cost them to purchase the gas. Then they also charge a delivery charge for bringing the gas into your home whether it's the gas they supply or gas that a private contractor supplies. So the bill is twofold. To answer your question, they anticipate conditions that will make for high prices, and they want to go before the PUCO and ask to charge even more than they already have.

PRESIDENT DENCZAK: Where does it end? Is there any other miscellaneous business?...

SERVICE DIRECTOR CONCATTO: Mr. President, just briefly, on the paving program, these are the streets that were paved this year and completed by the City. Mahoning Road and Cherry Avenue NE, both of which are jobs done by Ohio Department of Transportation, ODOT; we have talked to the project manager on those two jobs. As Councilmembers are-- Member Carbenia is well aware of, neither one-- and Member Dougherty, neither one of those jobs are completed. ODOT is also very unhappy with the contractor, who is Central Allied. They have been pushing Central Allied, in fact they have fined them on those days that they could have done blacktopping and didn't, but they have asked us-- they have a policy that says that they don't do blacktop unless it's sixty degrees. They wanted to know if we wanted to waive that. We did not want to waive it because then we would become liable for anything that would happen to that blacktop if we did different than what their policy was. It is most unlikely that those roads would be done this year. They will do some repairs to the manhole covers and laying blacktop around the manhole covers so our snow plows will not tear them apart, tear them off. The Mayor, the Administration, ODOT, were very unhappy with the results

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of this. We have not talked to Central Allied. I think at this point in time that won't help us get those streets paved, but I just wanted to give you an update on where we're at.

MEMBER CARBENIA: Mr. President, I'd like to thank Safety Director-- or, Service Director Concatto, I don't know what position yet, you know, gotta get that straight upstairs, for looking into it and finding out. At least we got an answer to this, but I would hope that you didn't drop it there, that if it's Central Allied's fault, then I think that Central Allied, next year when they come for bidding around here, maybe we shouldn't be using them. I mean, if they're gonna bite off more than they can chew, too bad. All you usually have to do is come to the City and we'll let you go. If you find something, you bid for something, you can always get the money. I think we need to put our foot down. Thank you. Thanks for looking into it.

PRESIDENT DENCZAK: Is there any other misc-- Member West?

MEMBER WEST: Mr. President, Service Director... *(THE REMAINDER OF MEMBER WEST'S COMMENTS ARE INAUDIBLE)*

SERVICE DIRECTOR CONCATTO: I do not believe Mahoning has been completed. I haven't driven on it the last couple days, but I don't think it has been, nor has Cherry, so... I think one lane of Cherry's done and the other two are not.

MEMBER WEST: And the ones with the manholes, are we going to cover them up or is ODOT covering them up or...?

SERVICE DIRECTOR CONCATTO: ODOT would be responsible to do this paving around the manholes, not us. I don't know when they'll do it. We do not have any money involved in the ODOT project, that's a state project. In other words, it's not costing us any money. We have little control over it because of that, but they are also very concerned about it not being done, and will try to do what they can to make the manholes so that our snow plows don't knock them off.

SAFETY DIRECTOR HUNT: Mr. President, just to show you the type of problems we're having with this contractor, last week when they started to pave Cherry, we got about five or six telephone calls in our office because north-- the contractor for paving went out and put "no parking" signs up after people had already parked, so, then we started towing. So then the people called us to say, hey, there was no "no parking" sign when I pulled up here. So the contractor personnel put up all of these "no parking" signs knowing that vehicles were parked there, so we towed them, so we had to waive their towing fees, and I just sent a letter to the contractor today asking for our money back that we waived for these people that never should have had their vehicles towed. So there are some problems.

PRESIDENT DENCZAK: Is there any other miscellaneous business?...

MEMBER HART: Mr. President, just one quick question. If our plows are going over hitting the manhole covers and whatnot, even though they're tapered, who's going to take care of the damages to our equipment this winter if we have any-- I mean, is that ODOT, is that gonna be Central Allied, or will Central Allied bring their trucks out and plow, or what? Because this could be horrendous for us.

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SERVICE DIRECTOR CONCATTO: Mr. President, Central Allied won't plow the streets, but certainly we will evaluate the damage, if done, and certainly pass that bill on to ODOT because they're the ones totally responsible. They can pass it on to whomever they want.

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: 8:11 p.m.

ATTEST:

APPROVED:

DEBRA VANCKUNAS
CLERK OF COUNCIL

RAY DENCZAK
PRESIDENT OF COUNCIL