

MINUTES OF THE MEETING OF NOVEMBER 22, 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 22, 2004, at 7:30 P.M. in the Canton City Council Chamber. The meeting was called to order by President of Council Ray Denczak. The roll call was then taken (as follows) by Clerk of Council Debbie Vanckunas. The invocation was given by Councilmember-At-Large Donald E. Casar, followed by the Pledge of Allegiance led by President of Council Ray Denczak.

PRESIDENT DENCZAK: Roll call please.

ROLL CALL TAKEN BY CLERK OF COUNCIL VANCKUNAS:

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

AGENDA CORRECTIONS & CHANGES

PRESIDENT DENCZAK: Thank you, Member Casar (*referring to giving invocation*). Agenda questions, Members of Council, you're being asked to suspend Rule 22A to add the second reading of Ordinances #8 & 9er. The Chair will recognize that motion now Member Casar.

MEMBER CASAR: Mr. President, I move that we suspend Rule 22A and add Ordinances #8 & 9 to this evening's agenda; seconded.

PRESIDENT DENCZAK: Moved and seconded to suspend Rule 22A. Are there any remarks?... Very well, roll call vote please.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinances #8 & 9er are a legal part of your agenda.

PUBLIC HEARINGS

PRESIDENT DENCZAK: There is no scheduled public hearing 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.

INFORMAL RESOLUTIONS

PRESIDENT DENCZAK: It will not be necessary to excuse Members. Let the journal show that all Members of

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Council are present.

PRESIDENT DENCZAK CALLED UPON CLERK OF COUNCIL VANCKUNAS TO READ RESOLUTIONS #89 & 90 BY TITLE, AS SHOWN BELOW. THE RESOLUTIONS ARE ON FILE IN THEIR ENTIRETY IN THE COUNCIL OFFICE WITH THE AGENDA ITEMS DATED NOVEMBER 22, 2004.

89. CARBENIA, WARD 9 COUNCILMEMBER: REQUESTING THE PLACEMENT OF A STREET LIGHT ON AN OHIO POWER POLE #419 IN THE 1600 BLOCK OF MINERVA COURT NW IN WARD 9.
- ADOPTED BY COUNCIL

MEMBER CASAR: Mr. President, I move we adopt Resolution #89; seconded.

PRESIDENT DENCZAK: Moved and seconded that you adopt Resolution #89. 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 #89 ADOPTED BY UNANIMOUS VOICE VOTE

PRESIDENT DENCZAK: Resolution #89 is adopted.

90. HAWK, GREG, WARD 1 COUNCILMEMBER: REQUESTING PLACEMENT OF A STREET LIGHT ON OHIO POWER POLE #795C3-303 IN THE 1200 BLOCK OF LOUISIANA COURT NW IN WARD 1 - ADOPTED BY COUNCIL

MEMBER CASAR: Mr. President, I move we adopt Resolution #90; seconded.

PRESIDENT DENCZAK: Moved and seconded that you adopt Resolution #90. 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 #90 ADOPTED BY UNANIMOUS VOICE VOTE

PRESIDENT DENCZAK: Resolution #90 is adopted.

COMMUNICATIONS

PRESIDENT DENCZAK: Under Communications, 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 22, 2004.

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607. COMMUNITY DEVELOPMENT & PLANNING DIRECTOR MARGY POORMAN, CITY OF CANTON: REQUESTING LEGISLATION AUTHORIZING MAYOR TO ENTER INTO AN ENTERPRISE ZONE AGREEMENT WITH HENDRICKSON TRAILER SUSPENSION SYSTEMS FOR EXPANSION OF FACILITY AT 2070 INDUSTRIAL PLACE SE - COMMUNITY & ECONOMIC DEVELOPMENT AND FINANCE COMMITTEES
608. CLERK OF COUNCIL DEBRA VANCKUNAS, CITY OF CANTON: ALL OBJECTIONS TO 2004 LIQUOR PERMIT RENEWALS MUST BE SUBMITTED TO CLERK NO LATER THAN 11/24/04 - INTERGOVERNMENTAL & PUBLIC SERVICE COMMITTEE (See C#613)
609. HEALTH BENEFITS ADMINISTRATOR ROSE BRESSON, CITY OF CANTON: OCTOBER 2004 MONTHLY COMPARATIVE REPORT OF INSURANCE CLAIMS & JAN-OCT 2004 PAID CLAIMS & COMPARATIVE REPORT - RECEIVED & FILED
610. LAW DIRECTOR JOSEPH MARTUCCIO, CITY OF CANTON: REQUESTING AUTHORIZATION TO PREPARE NECESSARY RESOLUTIONS OF REAFFIRMANCE TO CONTINUE THE CITY'S POLICE & FIRE TAX DEFERRAL & P.E.R.S. PLANS IN ACCORDANCE WITH THE REQUEST OF THE OHIO POLICE & FIRE FUND BOARD OF TRUSTEES - PERSONNEL COMMITTEE
611. LAW DIRECTOR JOSEPH MARTUCCIO, CITY OF CANTON: REQUESTING \$3,000 SUPPLEMENTAL APPROPRIATION FROM THE 2425 LAW DEPARTMENT DISPUTE RESOLUTION FUND FOR A NEW PRINTER & TWO COREL 12 LICENSES - FINANCE COMMITTEE
612. LIQUOR CONTROL DIVISION, 6606 TUSSING RD, PO BOX 4005, REYNOLDSBURG, OHIO 43068-9005: NOTICE OF CITY OF CANTON'S WITHDRAWAL OF OBJECTION TO C1-2 LIQUOR PERMIT REQUESTED BY JONG'S TRADING CORP., DBA JONG'S MARKET, 440 NORTH MARKET - INTERGOVERNMENTAL & PUBLIC SERVICE COMMITTEE
613. LIQUOR CONTROL DIVISION, 6606 TUSSING RD, PO BOX 4005, REYNOLDSBURG, OHIO 43068-9005: NOTIFICATION THAT ALL PERMITS TO SELL ALCOHOLIC BEVERAGES IN THE CITY WILL EXPIRE ON 2/1/05 & PROCEDURES FOR OBJECTING TO REISSUANCE OF SAME. - INTERGOVERNMENTAL & PUBLIC SERVICE COMMITTEE (See C#608)
614. LIQUOR CONTROL DIVISION, 6606 TUSSING RD, PO BOX 4005, REYNOLDSBURG, OHIO 43068-9005: REQUEST FOR TRANSFER OF C1-2 LIQUOR PERMIT FROM SPEED FOODS, INC TO SUNKIN, INC., DBA SPEED D FOODS, 2502 11TH STREET SW - INTERGOVERNMENTAL & PUBLIC SERVICE COMMITTEE
615. PLANNING DIRECTOR MARGY POORMAN, CITY OF CANTON: RECOMMENDING APPROVAL OF ZONING TEXT AMENDMENTS TO SECTIONS 1132, 1134, & 1160 OF THE CANTON CODIFIED ORDINANCES - JUDICIARY COMMITTEE

ORDINANCES & FORMAL RESOLUTIONS FOR FIRST READING

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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. Ordinance #1 please.

NOTE: PRESIDENT DENCZAK CALLED UPON CLERK VANCKUNAS TO READ THE FOLLOWING ORDINANCES #1 THROUGH AND INCLUDING #7 FOR THE FIRST TIME BY TITLE & ANNOUNCED THE COMMITTEE REFERRALS, AS FOLLOWS.

- #1 (1ST RDG) AN ORDINANCE AUTHORIZING THE MAYOR TO REIMBURSE THE URBAN HOUSING FOUNDATION IN AN AMOUNT NOT TO EXCEED \$350,000.00 FOR MONEYS EXPENDED FOR THE PURCHASE OF PROPERTY LOCATED AT 808 MONUMENT ROAD NW CANTON, OHIO: AMENDING APPROPRIATION ORDINANCE NO. 1/2004; AND DECLARING THE SAME TO BE AN EMERGENCY.
Referred to Community & Economic Development and Finance Committees
- #2 (1ST RDG) AN ORDINANCE AMENDING TITLE FIVE OF PART ONE, ADMINISTRATIVE CODE BY THE ADDITION OF CHAPTER 146, HOUSING ADVISORY BOARD; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Community & Economic Development and Finance Committees
- #3 (1ST RDG) AN ORDINANCE AMENDING CHAPTER 353, PARKING METERS, OF THE CODIFIED ORDINANCES OF THE CITY OF CANTON; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Judiciary Committee
- #4 (1ST RDG) AN ORDINANCE VACATING A PORTION OF SEICH COURT SW; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Public Safety & Thoroughfares Committee
- #5 (1ST RDG) AN ORDINANCE VACATING PORTIONS OF HARRIET AVENUE NW AND CROAD COURT NW; APPROVING AND ACCEPTING THE REPLATTING OF LOTS NOS. 9231-9237, 9251-9257, 9271-9284, 35132, 39074 AND A 14' VACATED ALLEY; APPROVING AND ACCEPTING THE DEDICATION PLAT OF FARWICK COURT NW; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Public Safety & Thoroughfares Committee
- #6 (1ST RDG) AN ORDINANCE AMENDING ORDINANCE NO. 7/2003; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Personnel Committee
- #7 (1ST RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CONTRACT WITH M-E COMPANIES IN AN AMOUNT NOT TO EXCEED \$161,654.38 FOR PROFESSIONAL ENGINEERING AND SURVEYING SERVICES FOR THE 30TH STREET NE TRUNK SEWER AND IMPROVEMENT PROJECT, GP 1083;

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AMENDING APPROPRIATION ORDINANCE NO. 1/2004; 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 #8 & 9 FOR THEIR SECOND TIME BY TITLE, AS FOLLOWS.

RULE 22A WAS SUSPENDED TO ADD #8&9:

#8 (2ND 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

#9 (2ND 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

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 ORDINANCE #10 FOR ITS THIRD & FINAL TIME BY TITLE, AS FOLLOWS. THIS 3RD READING ORDINANCE WAS ADOPTED.

#10 (3RD RDG) **ADOPTED AS ORDINANCE NO. 242 /2004** AN ORDINANCE ESTABLISHING A \$5.00 FEE FOR REPLACEMENT OF LOST TIME CARDS

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

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

NO REMARKS

ROLL CALL: 11 YEAS, 1 NAY
(CARBENIA - NAY)

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PRESIDENT DENCZAK: Ordinance #10 is adopted.

#10 ADOPTED AS ORDINANCE NO. 242/2004

ANNOUNCEMENT OF COMMITTEE MEETINGS

PRESIDENT DENCZAK: Announcement of Committee Meetings please.

MEMBER MALLONN: Mr. President, Environmental and Public Utilities will meet Monday, November 29th at 6:30.

MEMBER BABCOCK: *(Member Babcock's comments are inaudible, however, she called a Public Safety & Thoroughfares Committee meeting for Monday, November 29, 2004 at 6:30 pm)*

MEMBER CARBENIA: Mr. President, Community & Economic Development will also meet, and the Finance Committee along with us, on Monday, the 29th at 6:30.

MEMBER ZACHARY: Mr. President, Personnel Committee will meet Monday, November 29th at 6:30.

MEMBER BERNABEI: Mr. President, Judiciary will meet Monday, the 29th at 6:30.

MEMBER HAWK: Mr. President, there will be an additional meeting of the Finance Committee Monday, November 29th, 2:00 PM, in the Caucus Room, to further, to further work on the budget. Thank you.

PUBLIC SPEAKS (OPEN FORUM--CITY BUSINESS ONLY)

PRESIDENT DENCZAK: Public Speaks. We have one person signed up to this evening, Darrell Austin.

MR. AUSTIN: Mr. President, my name is Darrel Austin and my address is 1427 Sycamore Avenue SE, Canton, Ohio, the Mayor of this fine city and all fellow Councilmembers. With the three minutes that I have, I hope to cover some of the things that I hope are of importance here today. Background, meaning that my father, who was a construction worker in this city, who helped to build the cloverleaf that surrounds this big city here. Prior to that, there were earnest individuals who worked and lived in those homes that were taken away at that time. Not only that, he also helped to build, in his construction efforts with the locals that he worked for, the Hall of Fame. Not only that, now, I'd like to move my next point of interest, which is the Compton Elementary School District where there is no traffic light, which, I'd like to know and get some understanding from the Engineering Department of the City, when and where or how was the survey taken to want them not to put a blinking light there in that area. We also need night time city patrol in the City of Canton, in the southeast section, and, as I spoke last Monday night here in Council, my home, from being damaged by hail, was being repaired and the contractor's scaffolding was stolen from around the home. We need night time protection throughout that area in which we have. The solid waste site, which has been proposed, instead of them building or putting a solid waste proposed site there, and I understand, without being in discord with the Mayor of this City, I'd like for them to place the Norma Marshall Educational Center there. If not that, the Mini Hopkins Educational Center there or a building that reflects such. Not only that, is it time for us, as community members in this Council Chambers here today, to teach politicians how to be politicians instead of disregarding the hopes and wishes and the dreams of those individuals who live in this communities for which you represent. Last but not least, the microbial and the bacteria that comes, the water tables drifting slowly down into the ground that has to come back up and be consumed

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by every individual in the community. Thank you Mr. President.

SAFETY DIRECTOR HUNT: Mr. President, you asked a question about the Compton Elementary School and the light. We have not done a study at that location, to my understanding. We have done a study at Sherrick Road and Cherry. The Traffic Engineer did a study and it does not warrant a light at that intersection. I called the Principal of Compton Elementary last week and requested that he get back to me so that I could go down there and talk to him about that and other issues. The Mayor and I did go down to Allen Grade School and we spoke to Roslyn Henderson, the Principal, and we had a good conversation so, I'm hopeful that he will call me and I will address that issue with them. Your other comment about the increased police presence, I spoke to Councilmember Zachary last week about increased presence in zone 4. Last Friday, I spoke to the Shift Lieutenant to make sure that we had more zone cars in that area. I have requested that the dispatch, central dispatch, monitor the calls to that zone because Skyland Terrace has called and indicated that there have been some long lapses and, not only that, I came down Saturday with my wife as we were coming to the City and I drove down the area myself and there was activity in the parking lot. So, we have some work to do there. We're going to do more. I have also spoken to Councilmember Zachary about the possibility of objecting to the liquor license, which is always a good way to a.....to get their attention. So, we're doing some different things in that area.

MEMBER ZACHARY: Mr. President, if I could just piggyback on a couple of things that Safety Director Hunt is referring to. I had a meeting at the Drop-in center last week and when we left the meeting, there was at least six parked cars there and people hanging out of the cars and I witnessed a couple of drug deals myself. I called the police and for some unknown reason to man, it was almost like they had a sixth sense that someone had called the police and everybody who was not supposed to be at that location, scattered, before the police got there. One thing that I would like to ask is that if we could get vice's involvement in that area. We met with the store owner, we met with the guy that's running the Hall of Fame Mart. They are very amenable to having to correct this situation but they do feel that they're not getting enough support from the Police Department, per se. I don't know if those guys over there have a illegal connection to a police scanner. I don't know, but they say it's not uncommon for them to scatter right before the police come. They need some help, as far as undercover work over there. I think a few arrests would go a long way.

SAFETY DIRECTOR HUNT: Mr. President, just in closing, I spoke to the security fellow from Skyland Terrace, the one you introduced me to when we were at the meeting. They have turned their security cameras to that location. They are filming daily and I assured him that police response would be swift and that if they had to call us everyday, that they should do that. A final comment on their scattering when the police are called. Our lines are encrypted so, I, I don't have an explanation for that.

PRESIDENT DENCZAK: Thank you sir. You.....Thank you.

MR. AUSTIN: Statement? May I respond Mr. President?

PRESIDENT DENCZAK: No, I gotta give you fifteen minutes here because they started a conversation, so I can give you fifteen minutes.

MR. AUSTIN: Okay, yes sir.

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PRESIDENT DENCZAK: You have nine minutes left.

MR. AUSTIN: If we could, Mr. President, put a huge asterisk by the conversation in which I entertained. Let's just say for argument's sake as I had began last week. The City and I understand it is a part of the city's obligation to address those issues with the State, as well. I called Congressman Regula's office several times and talked with a secretary who assured me that Mr. Bob Muldins would return my call and as of yet, I have not. You can understand my frustration, Mr. President, and Councilmembers, that I, not being able to get any type of a response from our State Representatives as well, not only that, and I do understand that, yes, this is a State issue, along with the EPA involved with it, that it's almost like saying yes, as long as you follow by these guidelines, which you have met. If you can, place this solid waste transfer site there. But, let me reflect, as I remember and recall when those community members in the City of Canton in the 4th Ward and 4th Ward, some of them, those names you might even recognize. The Palumbos, the Palaskys, the Pellegrinos, the Austins, which is my last name, the Cooks, all of those individuals are gone on, some of them. I am just a part of the legacy that still lives in the neighborhood rising for more air because they told those residents at that time that the cloverleaf expressway was going to take all of their homes and everybody needed to pack up their bags, their garbage and everything that they came to the city of Canton with, and move out. I'm one that's still there, and I feel that if we get the participation of City Council here, along with the Mayor, and the entirety of its staff, to go along with me as a coordinator to fight against the State, that the Para Lee Compton School in its existence for special needs children as well as those regular elementary school children who have to cross over that track to get to their school, without a blinking traffic light, with garbage being brought into the City from all points throughout this country, to be dispersed and transferred. Thank you Mr. President.

PRESIDENT DENCZAK: Thank you.

MISCELLANEOUS BUSINESS

PRESIDENT DENCZAK: We are now under Miscellaneous Business. Is there any 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: 12 YEAS, 0 NAYS

PRESIDENT DENCZAK: This meeting is adjourned.

ADJOURNMENT TIME: 7:51 p.m.

ATTEST:

APPROVED:

DEBRA VANCKUNAS

RAY DENCZAK

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CLERK OF COUNCIL

PRESIDENT OF COUNCIL

