

MINUTES OF THE MEETING OF NOVEMBER 29, 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 29, 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 1ST Ward Councilmember Greg Hawk, 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:

9 COUNCILMEMBERS PRESENT: (DONALD E. CASAR, MARY M. BABCOCK, GREG HAWK, THOMAS E. WEST, KELLY ZACHARY, TERRY PRATER, DAVID R. DOUGHERTY, RICHARD D. HART & ROSEMARY DIAMOND)

3 COUNCILMEMBERS ABSENT: (JOE CARBENIA, THOMAS M. BERNABEI & RICHARD A. MALLONN II)

AGENDA CORRECTIONS & CHANGES

PRESIDENT DENCZAK: Thank you, Member Hawk (*referring to giving invocation*). Members of Council, to bring your agenda up to date, you're being asked to suspend Rule 22A to add Ordinances 6 and 7 to the agenda. You're also being asked to suspend Rule 24B to add Informal Resolution #94. The Chair will now recognize Rule 22A suspension, Member Casar.

MEMBER CASAR: Mr. President, I move that Rule 22A be suspended to add Ordinances #6 and 7 back on this evening's agenda; seconded.

PRESIDENT DENCZAK: Moved and seconded to suspend Rule 22A to add second reading of Ordinances 6 and 7 to the agenda. Are there any remarks?... If not, roll call vote please.

NO REMARKS

ROLL CALL: 9 YEAS, 0 NAYS

PRESIDENT DENCZAK: Rule 22A is suspended and Ordinances 6 and 7 are a legal part of your agenda. The Chair will now recognize Rule 24B suspension, Member Casar.

MEMBER CASAR: Mr. President, I move we suspend Rule 24B to add Resolution #94; seconded.

PRESIDENT DENCZAK: Moved and seconded to suspend Rule 24B to add Informal Resolution #94 to the agenda. Are there any remarks?... If not, roll call vote please.

NO REMARKS

ROLL CALL: 9 YEAS, 0 NAYS

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PRESIDENT DENCZAK: Rule 24B is suspended and the Resolution is 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 for Adoption.

INFORMAL RESOLUTIONS

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

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

PRESIDENT DENCZAK: Moved and seconded that Members Carbenia, Bernabei and Mallonn be excused. Are there any remarks?... If not, by roll call vote.

NO REMARKS

ROLL CALL: 9 YEAS, 0 NAYS

PRESIDENT DENCZAK: Let the journal show that Members Carbenia, Bernabei and Mallonn are excused.

PRESIDENT DENCZAK CALLED UPON CLERK OF COUNCIL VANCKUNAS TO READ RESOLUTIONS #91-94 BY TITLE, AS SHOWN BELOW. THE RESOLUTIONS ARE ON FILE IN THEIR ENTIRETY IN THE COUNCIL OFFICE WITH THE AGENDA ITEMS DATED NOVEMBER 29, 2004.

91. PERSONNEL COMMITTEE: REAFFIRMING & RESTATING THE CITY'S INTENT TO CONTINUE PICK-UP OF THE 10% MANDATORY OHIO POLICE & FIRE PENSION FUND CONTRIBUTIONS BY EMPLOYEES OF THE CANTON POLICE DEPT THROUGH PAYROLL REDUCTION. - ADOPTED BY COUNCIL

MEMBER CASAR: Mr. President, I move we adopt Resolution #91; seconded.

PRESIDENT DENCZAK: Moved and seconded that you adopt Resolution #91. 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 #91 ADOPTED BY UNANIMOUS VOICE VOTE

PRESIDENT DENCZAK: Resolution #91 is adopted.

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92. PERSONNEL COMMITTEE: REAFFIRMING & RESTATING THE CITY'S INTENT TO CONTINUE PICK-UP OF THE 10% MANDATORY OHIO POLICE & FIRE PENSION FUND CONTRIBUTIONS BY EMPLOYEES OF THE CANTON FIRE DEPT THROUGH PAYROLL REDUCTION. - ADOPTED BY COUNCIL

MEMBER CASAR: Mr. President, I move we adopt Resolution #92; seconded.

PRESIDENT DENCZAK: Moved and seconded that you adopt Resolution #92. 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 #92 ADOPTED BY UNANIMOUS VOICE VOTE

PRESIDENT DENCZAK: Resolution #92 is adopted.

93. ZACHARY, WARD 4 COUNCILMEMBER: REQUESTING PLACEMENT OF A STREET LIGHT ON OHIO POWER POLE #820A3107 AND #820A3106 ON 5TH STREET SE IN WARD 4. - ADOPTED BY COUNCIL

MEMBER CASAR: Mr. President, I move we adopt Resolution #93; seconded.

PRESIDENT DENCZAK: Moved and seconded that you adopt Resolution #93. 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 #93 ADOPTED BY UNANIMOUS VOICE VOTE

PRESIDENT DENCZAK: Resolution #93 is adopted.

SUSPENDED RULE 24B TO ADD RE#94:

94. HAWK, WARD 1 COUNCILMEMBER: REQUESTING 1109 4TH STREET NW BE DECLARED A PUBLIC NUISANCE AND ORDER DEMOLITION OF SAME. - ADOPTED BY COUNCIL

MEMBER CASAR: Mr. President, I move we adopt Resolution #94; seconded.

PRESIDENT DENCZAK: Moved and seconded that you adopt Resolution #94. Are there any remarks?...

MEMBER HAWK: Mr. President, I would like the Resolution read please.

PRESIDENT DENCZAK: Clerk Vanckunas, would you please read Resolution #94.

RESOLUTION #94 READ IN ITS ENTIRETY BY CLERK VANCKUNAS: Submitted by Greg Hawk, Ward 1 Councilmember, dated November 29, 2004. Whereas, many properties in the City of Canton are neglected and left to deteriorate by their owners, creating an eyesore and lowering property values in the neighborhood in which they are located; and Whereas, the property located at 1109 4th Street NW has been an ongoing problem for the Canton City

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Health Department since October 29, 2001. On three separate occasions, criminal charges were filed against the owner due to the unsafe and unsanitary condition of the premises, the latest summons being issued on September 10, 2004. On August 26, 2004, the water was officially "shut off" to the property; and Whereas, this property has been the site of numerous complaints, not only to the Health Department, but the Police Department as well. This year alone, the Canton City Police responded to this location five times in March, one time in April, three times in May, one time in June, three times in July, two times in August, and one time in September. As late as November 24, 2004, there were two police calls, one at 8:30 AM, reference pick-up of a wanted subject, and the second at 10:00 AM involving the Vice Unit; and Whereas, in an effort to help make our neighborhoods safer, cleaner places to live, we must revitalize these areas by demolishing properties such as 1109 4th Street NW.

Now, therefore, be it resolved, that we, the members of the Council of the City of Canton, do hereby go on public record requesting the Safety Director to declare the property located at 1109 4th Street NW a public nuisance, and to proceed accordingly for the demolition of same.

PRESIDENT DENCZAK: 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 #94 ADOPTED BY UNANIMOUS VOICE VOTE

PRESIDENT DENCZAK: Resolution #94 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 29, 2004.

616. MAYOR JANET CREIGHTON, CITY OF CANTON: REQUEST TO ACCEPT A GRANT FROM THE OHIO OFFICE OF CRIMINAL JUSTICE SERVICES ON BEHALF OF CITY OF CANTON FOR THE COMMUNITY MEDIATION CENTER OF STARK COUNTY; & REQUESTING A \$37,090 SUPPLEMENTAL APPROPRIATION FROM THE 2427 BYRNE MEMORIAL MEDIATION FUND. - FINANCE COMMITTEE
617. MAYOR JANET CREIGHTON, CITY OF CANTON: REQUEST TO AMEND MANAGEMENT/NON-BARGAINING PERSONNEL ORDINANCE TO ADD RECORD ROOM SUPERVISOR, GRADE 8S, TO POLICE DEPARTMENT AS REORGANIZATION EFFORT; & DELETING WORD PROCESSING DIVISION WHEN VACATED BY CURRENT EMPLOYEES. - PERSONNEL COMMITTEE
618. PLANNING DIRECTOR MARGY POORMAN, CITY OF CANTON: RECOMMENDING APPROVAL TO REPLAT 2 PIECES OF OUTLOT 1009 INTO 2 RECONFIGURED OUTLOTS, A 1.7945 ACRE & A 1.2532 ACRE INDUSTRIAL LOT IN ORDER TO MEET I-2 ZONING REQUIREMENTS AS REQUESTED BY T&W (BRUENNIG) INVESTMENTS. - PUBLIC SAFETY & THOROUGHFARES

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COMMITTEE

619. SAFETY DIRECTOR BERNARD L. HUNT, CITY OF CANTON: REQUEST AUTHORIZATION FOR CITY OF CANTON TO ENTER INTO A SERVICE CONTRACT AGREEMENT WITH VARIOUS LOCAL GOVERNMENT ENTITIES TO TRANSPORT PRISONERS FROM STARK COUNTY JAIL TO CANTON MUNICIPAL COURT. - INTERGOVERNMENTAL & PUBLIC SERVICE CMTE
620. SERVICE DIRECTOR JOSEPH CONCATTO, CITY OF CANTON: REQUEST TO ENTER INTO AN EASEMENT AGREEMENT TO CONSTRUCT 2 LIGHT WELLS AND A PLANTER AT THE NORTHEAST CORNER OF MARKET AVENUE N & 4TH STREET NE AS REQUESTED BY BUCKEYE SURVEYING SERVICES ON BEHALF OF SCF DEVELOPMENT LTD. - SIDEWALK & STREET LIGHT COMMITTEE
621. SERVICE DIRECTOR JOSEPH CONCATTO, CITY OF CANTON: REQUEST TO AMEND O#142/2004 TO CHANGE THE \$100,000 AMOUNT TO \$102,356.18 FOR THE INSTALLATION OF LIGHTING, SECURITY CAMERAS & INTRUSION DETECTORS AT 3 WATER TREATMENT PLANTS BY SIMPLEX GRINNEL LP. - ENVIRONMENTAL & PUBLIC UTILITIES & FINANCE COMMITTEES
622. SERVICE DIRECTOR JOSEPH CONCATTO, CITY OF CANTON: REQUEST LEGISLATION AUTHORIZING THE MAYOR TO OFFICIALLY WITHDRAW THE CITY OF CANTON FROM THE NORTHEAST OHIO FOUR-COUNTY REGIONAL PLANNING & DEVELOPMENT ORGANIZATION (NEFCO) EFFECTIVE 12/31/05. - INTERGOVERNMENTAL & PUBLIC SERVICE COMMITTEE

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. 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 AUTHORIZING THE MAYOR TO ENTER INTO AN ENTERPRISE ZONE AGREEMENT WITH THE BOLER COMPANY DBA HENDRICKSON TRAILER SUSPENSION SYSTEMS TO PROVIDE REAL AND PERSONAL PROPERTY TAX EXEMPTIONS TO CONSTRUCT A NEW FACILITY; AUTHORIZING THE GRANTING OF 75% TEN YEAR REAL AND PERSONAL PROPERTY TAX EXEMPTIONS; AUTHORIZING THE AUDITOR TO MAKE PAYMENTS TO THE CANTON BOARD OF EDUCATION AS REQUIRED TO BE PAID PURSUANT TO SECTION 5709.82(C) AND (D) OF THE REVISED CODE; AND DECLARING THE SAME TO BE AN EMERGENCY Referred to Community & Economic Development & Finance Committees

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- #2 (1ST RDG) AN ORDINANCE 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 ORDINANCES #6 THROUGH AND INCLUDING #7 FOR THE SECOND TIME BY TITLE, AS FOLLOWS. ORDINANCES #3, 4, 5, 8 & 9 WERE RETAINED IN COMMITTEE.

- #3 **RETAINED IN COMMITTEE** 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.
- #4 **RETAINED IN COMMITTEE** 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
- #5 **RETAINED IN COMMITTEE** AN ORDINANCE AMENDING CHAPTER 353, PARKING METERS, OF THE CODIFIED ORDINANCES OF THE CITY OF CANTON; AND DECLARING THE SAME TO BE AN EMERGENCY

RULE 22A WAS SUSPENDED TO ADD #6-7:

- #6 (2ND RDG) AN ORDINANCE VACATING A PORTION OF SEICH COURT SW; AND DECLARING THE SAME TO BE AN EMERGENCY
- #7 (2ND 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
- #8 **RETAINED IN COMMITTEE** AN ORDINANCE AMENDING ORDINANCE NO. 7/2003; AND DECLARING THE SAME TO BE AN EMERGENCY
- #9 **RETAINED IN COMMITTEE** 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

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STREET NE TRUNK SEWER AND IMPROVEMENT PROJECT, GP 1083; AMENDING APPROPRIATION ORDINANCE NO. 1/2004; AND DECLARING THE SAME TO BE AN EMERGENCY

ORDINANCES AND FORMAL RESOLUTIONS FOR THIRD READING

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

NOTE: PRESIDENT DENCZAK CALLED UPON CLERK VANCKUNAS TO READ THE FOLLOWING ORDINANCES #10 THROUGH AND INCLUDING #11 FOR THE THIRD & FINAL TIME BY TITLE, AS FOLLOWS. ALL 3RD READING ORDINANCES WERE ADOPTED .

#10 (3RD RDG) **ADOPTED AS ORDINANCE NO. 243/2004** AN ORDINANCE ESTABLISHING THE FAIR REUSE VALUE OF ONE PARCEL OF CITY-OWNED PROPERTY; AUTHORIZING THE SALE AND CONVEYANCE OF SAID PROPERTY PURSUANT TO THE CITY'S RESIDENTIAL LAND DISPOSITION PROGRAM; AND DECLARING THE SAME TO BE AN EMERGENCY (Freedom Ave)

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: 9 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance #10 is adopted.

#10 ADOPTED AS ORDINANCE NO. 243/2004

#11 (3RD RDG) **ADOPTED AS ORDINANCE NO. 244/2004** 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

MEMBER CASAR: Mr. President, I move we adopt Ordinance #11; seconded.

PRESIDENT DENCZAK: Moved and seconded that you adopt Ordinance #11. Are there any remarks under this Ordinance....? Very well, roll call vote please.

NO REMARKS

ROLL CALL: 9 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance #11 is adopted.

#11 ADOPTED AS ORDINANCE NO. 244/2004

MINUTES OF THE MEETING OF NOVEMBER 29, 2004**ANNOUNCEMENT OF COMMITTEE MEETINGS**

PRESIDENT DENCZAK: Announcement of Committee Meetings please.

MEMBER HAWK: Mr. President, Finance Committee will meet next Monday at 6:30 in the caucus room. Mr. President, I would also call Judiciary Committee, same time, 6:30 next Monday evening.

PRESIDENT DENCZAK: That's December the 6th.

MEMBER HAWK: Thank you.

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

MEMBER WEST: Mr. President. Yes, Environmental and Public Utilities will meet December 6th at 6:35 in the caucus room.

MEMBER CASAR: Mr. President, on Ordinances #3 and 4, Community Economic Development and Finance Committee, it was referred to, and also ask that the Public Property Capital Improvement Chairman, Member Dougherty, if he could possibly attend, it would be appreciated. These two ordinances will be discussed in full on Wednesday, December 8th at 1:00. That's Wednesday, December 8th at 1:00. I spoke with Chairman Carbenia today and he would like to have a fuller meeting on this because this is something the City of Canton's never really entered into before, and so all the questions can be answered with regards to financing, how we'll get paid back, who's gonna be the beneficiary of it, so forth. So, this will be a very important meeting. Again, it'll be December 8th at 1:00 here in the caucus room. Thank you.

PUBLIC SPEAKS (OPEN FORUM--CITY BUSINESS ONLY)

PRESIDENT DENCZAK: No one has signed up for Public Speaks under Open Forum.

MISCELLANEOUS BUSINESS

PRESIDENT DENCZAK: We're 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: 9 YEAS, 0 NAYS

PRESIDENT DENCZAK: This meeting is adjourned.

ADJOURNMENT TIME: 7:46 p.m.

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ATTEST:

APPROVED:

DEBRA VANCKUNAS
CLERK OF COUNCIL

RAY DENCZAK
PRESIDENT OF COUNCIL

