

MINUTES OF THE MEETING OF JANUARY 31, 2005**THIS MEETING CALLED TO ORDER & CHAIRED BY VICE PRESIDENT OF COUNCIL DONALD E. CASAR IN THE ABSENCE OF PRESIDENT OF COUNCIL RAY DENCZAK.**

CHAIRMAN CASAR: Councilmembers, please take your seats. Auditor Mallonn. I call this meeting of Canton City Council to order.

The regular meeting of Canton City Council was held on Monday, January 31, 2005, at 7:30 P.M. in the Canton City Council Chamber. The meeting was called to order by Vice President of Council Donald E. Casar in the absence of President of Council Ray Denczak. The roll call was then taken (as follows) by Clerk of Council Debbie Vanckunas. The invocation was given by 8th Ward Councilmember Rosemary Diamond, followed by the Pledge of Allegiance led by Vice President of Council Donald E. Casar.

CHAIRMAN CASAR: 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, JAMES E. GRIFFIN, KELLY ZACHARY, TERRY PRATER, DAVID R. DOUGHERTY, RICHARD D. HART AND ROSEMARY DIAMOND)

AGENDA CORRECTIONS & CHANGES

CHAIRMAN CASAR: Thank you, Member Diamond (*referring to giving invocation*). Changes and corrections to the Agenda. Ordinances 8, 9 and 10 will be retained in committee as requested by the Committee Chairpersons. I will entertain a motion of 22A to suspend Ordinances, Rule 22A, Ordinances 11 through and including #15.

MEMBER CARBENIA: Mr. President, I move that we suspend Rule 22A to add second readings 11 to 15, including 15; seconded.

CHAIRMAN CASAR: Moved and seconded to suspend Rule 22A. Roll call please.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

PUBLIC HEARINGS

CHAIRMAN CASAR: There are no public hearings scheduled for this evening's meeting..

PUBLIC SPEAKS (ORDINANCES OR RESOLUTIONS FOR ADOPTION ONLY):

CHAIRMAN CASAR: Public Speaks for Ordinances and Resolutions; there's no one signed up for that, or those either.

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CHAIRMAN CASAR: I'll entertain a motion to excuse President Denczak.

MEMBER CARBENIA: Mr. Chairman, I move that we excuse President Denczak; seconded

CHAIRMAN CASAR: It has been moved and seconded President Denczak be excused from tonight's meeting. Roll call, please.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

COMMUNICATIONS

CHAIRMAN CASAR: We are now under communications. Let the record show that all communications have been received as read, communications 56 through 72.

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 JANUARY 31, 2005.

56. AUDITOR R.A. MALLONN, CITY OF CANTON: CERTIFICATE OF THE TOTAL AMOUNT FROM ALL SOURCES DATED 1/20/2005. - CLERK OF COUNCIL
57. CD & PLANNING DIRECTOR MARGY POORMAN, CITY OF CANTON: REQUESTING LEGISLATION AUTHORIZING THE MAYOR TO ENTER INTO AN ENTERPRISE ZONE AGREEMENT WITH REPUBLIC ENGINEERED PRODUCTS FOR EXPANSION OF THEIR 2633 8TH ST NE FACILITY - COMMUNITY & ECONOMIC DEVELOPMENT AND FINANCE CMTE
58. LIQUOR CONTROL DIVISION, 6606 TUSSING ROAD, PO BOX 4005, REYNOLDSBURG, OHIO 43068-9005: REQUEST BY 1550 GARFIELD AVE SW, DBA MIKE & MIKE'S PLACE, 1550 GARFIELD AVE SW FOR STOCK TRANSFER OF D5 LIQUOR PERMIT - INTERGOVERNMENTAL & PUBLIC SERVICE CMTE
59. LIQUOR CONTROL DIVISION, 6606 TUSSING RD, PO BOX 4005, REYNOLDSBURG, OHIO 43068-9005: NOTICE OF HEARING 2/23/05 @ 9:00 AM @ DEPARTMENT OF JOB & FAMILY SERVICES, 402 2ND ST SE, CANTON, ON PERMIT RENEWAL REQUEST BY TRAIISH ENTERPRISES, DBA CHERRY MARKET, 1484 CHERRY AVE SE - INTERGOVERNMENTAL & PUBLIC SERVICE CMTE
60. LIQUOR CONTROL DIVISION, 6606 TUSSING RD, PO BOX 4005, REYNOLDSBURG, OHIO 43068-9005: NOTICE OF HEARING 2/23/05 @ 10:00 AM @ DEPARTMENT OF JOB & FAMILY SERVICES,

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402 2ND ST SE, CANTON, ON PERMIT RENEWAL REQUEST BY ID ABBOU, DBA HALL OF FAME MARKET, 704 SHERRICK RD SE - INTERGOVERNMENTAL & PUBLIC SERVICE CMTE

61. MAYOR JANET CREIGHTON, CITY OF CANTON: REQUESTING AUTHORIZATION FOR SERVICE DIRECTOR TO ENTER INTO \$24,000 PROFESSIONAL SERVICE CONTRACT WITH AMOS DATA SYSTEMS TO CONDUCT ANALYSIS & VARIOUS OTHER SERVICES IN CONNECTION WITH THE INSTALLATION OF A PBX TELEPHONE SYSTEM - FINANCE CMTE
62. SAFETY DIRECTOR BERNARD L. HUNT, CITY OF CANTON: REQUESTING AUTHORIZATION TO ADVERTISE, RECEIVE BIDS & ENTER INTO \$43,000.00 CONTRACT FOR PURCHASE OF 24 NFPA 1081 SCOTT AVIATION AIR PAK 50 SELF-CONTAINED BREATHING APPARATUS WITH INTEGRATED PASS DEVICE FOR THE FIRE DEPARTMENT - PUBLIC PROPERTY CAPITAL IMPROVEMENT AND FINANCE CMTE
63. SAFETY DIRECTOR BERNARD L. HUNT, CITY OF CANTON: REQUESTING AUTHORIZATION TO ENTER INTO CONTRACT WITH MOTOROLA, INC. FOR PURCHASE OF 25 PORTABLE RADIOS & RELATED EQUIPMENT FOR THE FIRE DEPARTMENT - PUBLIC PROPERTY CAPITAL IMPROVEMENT AND FINANCE CMTE
64. SAFETY DIRECTOR BERNARD L. HUNT, CITY OF CANTON: REQUESTING AUTHORIZATION TO ACCEPT \$13,920 SAFETY GRANT FROM THE BUREAU OF WORKER'S COMPENSATION FOR PURCHASE OF 8 STRYKER RUGGED STAIR PRO MODEL #6252 STAIR CHAIRS FOR THE FIRE DEPARTMENT MEDIC UNITS; REQUESTING \$13,920 SUPPLEMENTAL APPROPRIATION FROM 2812, EMS TRAINING & EQUIPMENT FUND & \$3,480 SUPPLEMENTAL APPROPRIATION FROM 4501 CAPITAL IMPROVEMENT FUND - PUBLIC PROPERTY CAPITAL IMPROVEMENT AND FINANCE CMTE
65. SAFETY DIRECTOR BERNARD L. HUNT, CITY OF CANTON: REQUESTING AUTHORIZATION TO ENTER INTO \$25,092 CONTRACT WITH FINLEY FIRE EQUIPMENT COMPANY FOR PURCHASE OF 100 VOICE AMPLIFIER SYSTEMS FOR THE FIRE DEPARTMENT'S SELF-CONTAINED BREATHING APPARATUS @ \$250.92 EACH. - PUBLIC PROPERTY CAPITAL IMPROVEMENT AND FINANCE CMTE
66. SERVICE DIRECTOR JOSEPH J. CONCATTO, CITY OF CANTON: REQUESTING RE-AUTHORIZATION TO PURCHASE A FORD F350 CHASSIS & CAB FOR \$22,729.12 FROM THE STATE CONTRACT FOR THE WATER DEPARTMENT. - FINANCE CMTE
67. SERVICE DIRECTOR JOSEPH J. CONCATTO, CITY OF CANTON: REQUESTING LEGISLATION REPEALING CHAPTER 951 OF THE CODIFIED ORDINANCES DUE TO THEIR BEING OUTDATED & NO LONGER RELEVANT TO CURRENT OPERATIONS OF THE COLLECTIONS SYSTEMS DEPARTMENT. - JUDICIARY CMTE
68. SERVICE DIRECTOR JOSEPH J. CONCATTO, CITY OF CANTON: WATER POLLUTION CONTROL

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CENTER'S 2004 ANNUAL REPORT OF OPERATION - RECEIVED & FILED

69. SERVICE DIRECTOR JOSEPH J. CONCATTO, CITY OF CANTON: REQUESTING AUTHORIZATION TO ENTER INTO A 2 YR CONTRACT WITH FORT DEARBORN LIFE INSURANCE COMPANY TO PROVIDE GROUP TERM & AD&D COVERAGE FOR ALL ELIGIBLE CITY EMPLOYEES EFFECTIVE 3/1/05 - PERSONNEL AND FINANCE CMTE
70. SERVICE DIRECTOR JOSEPH J. CONCATTO, CITY OF CANTON: REQUESTING APPROVAL OF A WATER MAIN EXTENSION ON STANDISH AVE SW TO SERVE PERRY HILLS VILLAGE NO. 3 IN PERRY TOWNSHIP. - ENVIRONMENTAL & PUBLIC UTILITIES CMTE
71. SERVICE DIRECTOR JOSEPH J. CONCATTO, CITY OF CANTON: REQUESTING AUTHORIZATION TO PAY A \$10,225.25 MORAL OBLIGATION TO COOPER & ASSOCIATES FOR PROFESSIONAL ENGINEERING SERVICES DURING 2003. - FINANCE CMTE
72. WEST, THOMAS, WARD 2 COUNCILMEMBER, CITY OF CANTON: REQUESTING MAYOR & COMMUNITY DEVELOPMENT DIRECTOR TO APPLY FOR CITY OF CANTON TO BECOME AN OPPORTUNITY ZONE & DEVELOP A COMMUNITY TRANSITION PLAN AS PART OF THAT PROCESS. - COMMUNITY & ECONOMIC DEVELOPMENT CMTE

ORDINANCES & FORMAL RESOLUTIONS FOR FIRST READING

CHAIRMAN CASAR: We are now under Ordinances for their first reading. Madam Clerk?...

NOTE: VICE PRESIDENT CASAR 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 ENTER INTO AN ENTERPRISE ZONE AGREEMENT WITH HELIOS COATINGS, INC. TO PROVIDE PERSONAL PROPERTY TAX EXEMPTIONS; AUTHORIZING THE AUDITOR TO MAKE PAYMENTS TO THE CANTON CITY 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 and Finance Cmtes
- #2 (1ST RDG) AN ORDINANCE ESTABLISHING THE 7507 CIVIC CENTER EVENT EXPENSE CLEARING FUND; AUTHORIZING THE AUDITOR TO ADMINISTER SAID FUND; AMENDING APPROPRIATION ORDINANCE NO 253/2004, AS AMENDED; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Finance Cmte
- #3 (1ST RDG) AN ORDINANCE AMENDING EXHIBIT A TO ORDINANCE NO. 40/2000 AS

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AMENDED, THE CLASSIFICATION PLAN FOR BARGAINING UNIT PERSONNEL EMPLOYED BY THE CITY OF CANTON; AND DECLARING THE SAME TO BE AN EMERGENCY

Referred to Personnel Cmte

#4 (1ST RDG) AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 253/2004, AS AMENDED, BY MAKING THE SUPPLEMENTAL APPROPRIATION HEREIN DESCRIBED; AND DECLARING THE SAME TO BE AN EMERGENCY

Referred to Finance Cmte

#5 (1ST RDG) AN ORDINANCE APPROVING AND ACCEPTING THE REPLATTING OF LOT NO. 36193, AND DECLARING THE SAME TO BE AN EMERGENCY

Referred to Public Safety & Thoroughfares Cmte

#6 (1ST RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ADVERTISE, RECEIVE BIDS AND ENTER INTO CONTRACT FOR THE PURCHASE OF TWO GARBAGE TRUCKS FOR THE SANITATION DEPARTMENT; AND DECLARING THE SAME TO BE AN EMERGENCY

Referred Environmental & Public Utilities and Finance Cmtes

#7 (1ST RDG) AN ORDINANCE APPROVING A TWO-YEAR COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY OF CANTON AND AFSCME LOCAL 3449/OHIO COUNCIL 8; AND DECLARING THE SAME TO BE AN EMERGENCY

Referred to Personnel Cmte

ORDINANCES & FORMAL RESOLUTIONS FOR SECOND READING

CHAIRMAN CASAR: Readings of the Ordinances for the second reading. Ordinance #11.

NOTE: VICE PRESIDENT CASAR CALLED UPON CLERK VANCKUNAS TO READ THE FOLLOWING ORDINANCES #11 THROUGH AND INCLUDING #15 FOR THE SECOND TIME BY TITLE, AS FOLLOWS. ORDINANCES #8, #9 AND #10 WERE RETAINED IN COMMITTEE. ORDINANCE #15 WAS ADOPTED FOLLOWING ITS SECOND READING.

#8 **RETAINED IN COMMITTEE** AN ORDINANCE AUTHORIZING THE MAYOR TO REIMBURSE THE URBAN HOUSING FOUNDATION IN A GRANT AMOUNT NOT TO EXCEED \$1,066,000.00 FOR MONEYS EXPENDED FOR THE PURCHASE OF EIGHTEEN (18) LOTS LOCATED NEAR SUMMIT SCHOOL, CANTON, OHIO; AMENDING APPROPRIATION ORDINANCE NO. 253/2004; AND DECLARING THE SAME TO BE AN EMERGENCY

#9 **RETAINED IN COMMITTEE** AN ORDINANCE AUTHORIZING THE MAYOR TO REIMBURSE THE URBAN HOUSING FOUNDATION IN AN AMOUNT NOT TO EXCEED \$350,000.00 FOR

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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

- #10 **RETAINED IN COMMITTEE** AN ORDINANCE AMENDING SECTIONS 1161.03 AND 1301.05 OF THE ZONING AND BUILDING CODES OF THE CODIFIED ORDINANCES OF THE CITY OF CANTON
- #11 (2ND RDG) AN ORDINANCE AMENDING CHAPTER 133, FIRE DEPARTMENT, OF THE CODIFIED ORDINANCES OF THE CITY OF CANTON
- #12 (2ND RDG) AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN ENTERPRISE ZONE AGREEMENT WITH GROFFRE INVESTMENTS & RANDALL, RICHARD & MOORE, LLC dba CUTTER EQUIPMENT COMPANY TO PROVIDE REAL PROPERTY TAX EXEMPTIONS; AUTHORIZING THE AUDITOR TO MAKE PAYMENTS TO THE PLAIN LOCAL 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
- #13 (2ND RDG) AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 253/2004 BY MAKING THE SUPPLEMENT APPROPRIATIONS HEREIN DESCRIBED; AND DECLARING THE SAME TO BE AN EMERGENCY (AIDS, Healthy Start, Air Poll Fund)
- #14 (2ND 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 (10PO Police)
- #15 (2ND RDG) **ADOPTED AS ORDINANCE NO. 11/2005** A RESOLUTION APPROVING THE STATEMENT OF SERVICES TO BE PROVIDED TO THE PROPERTY OWNER IN THE SHAWNEE/CANTON TOWNSHIP ANNEXATION AREA UPON ITS BEING ANNEXED TO THE CITY OF CANTON; AND DECLARING THE SAME TO BE AN EMERGENCY

MEMBER CARBENIA: Mr. President, I move that we suspend the Rules for three readings; seconded.

CHAIRMAN CASAR: It's been moved and seconded to suspend the Statutory Rules on Ordinance #15. Roll call please.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

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

CHAIRMAN CASAR: There's a move, there's a move, that, it's been moved and seconded to adopt Ordinance 15.

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Are there any comments, questions?... Member Carbenia, there's a member, amendment right beside, no, I'm sorry, there's not. I'm sorry, it's #16. No, it isn't, that's for Ordinance #16, I'm sorry. It's been moved and seconded. Are there any comments, questions?... If not, roll call please.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

CHAIRMAN CASAR: Ordinance #15 is adopted.

#15 ADOPTED AS ORDINANCE NO. 11/2005

ORDINANCES AND FORMAL RESOLUTIONS FOR THIRD READING

NOTE: VICE PRESIDENT CASAR CALLED UPON CLERK VANCKUNAS TO READ THE FOLLOWING ORDINANCES #16 THROUGH #19 FOR THE THIRD & FINAL TIME BY TITLE, AS FOLLOWS. ALL THIRD READING ORDINANCES WERE ADOPTED.

CHAIRMAN CASAR: Ordinances for the third and final reading. Ordinance #16.

MEMBER CARBENIA: I move that we adopt Ordinance #16.

CLERK VANCKUNAS: Oh, I have to.....

CHAIRMAN CASAR: She's got to read it.

MEMBER CARBENIA: Oh, okay.

#16 (3RD RDG) **ADOPTED AS AMENDED AS ORDINANCE NO. 12/2005** AN ORDINANCE AUTHORIZING THE CITY OF CANTON TO ACCEPT DONATION OF REAL PROPERTY; AND DECLARING THE SAME TO BE AN EMERGENCY (Marion Motley Avenue from Sparco Operating)

MEMBER CARBENIA: Mr. President, I move that we adopt Ordinance #16; seconded.

CHAIRMAN CASAR: It's been moved and seconded to adopt Ordinance #16. Are there any questions or comments....?

MEMBER CARBENIA: Mr. President, I have an amendment for this Resolution. Everybody has it before them, or, for this Ordinance rather. I move that we amend it according to this amendment; seconded.

AMENDMENT: Pursuant to Rule 36, I move to amend Agenda Item No. 16 by amending the legal description in Section 1 to read as follows: Known as and being part of Outlot Number 270 in the City of Canton, Stark County, Ohio, located on Marion Motley Avenue N.E.

CHAIRMAN CASAR: It's been moved and seconded to amend Ordinance #16. Are there any comments or remarks...? If not, by voice vote, all those in favor, signify by saying aye. Those opposed nay.

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NO REMARKS

AMENDMENT ADOPTED BY UNANIMOUS VOICE VOTE

CHAIRMAN CASAR: The ayes have it. The amendment is part of the ordinance. The ordinance as amended?...

MEMBER CARBENIA: I move that, I move we approve Ordinance #16 as amended; seconded.

CHAIRMAN CASAR: It's been moved and seconded to adopt Ordinance #16 as amended. Roll call, please.

NO FURTHER REMARKS

ROLL CALL VOTE: 12 YEAS, 0 NAYS

CHAIRMAN CASAR: Ordinance #16 has been adopted

#16 ADOPTED AS AMENDED AS ORDINANCE NO. 12/2005

#17 (3RD RDG) **ADOPTED AS ORDINANCE NO. 13/2005** AN ORDINANCE APPROVING A CANTON CITY WATER MAIN EXTENSION TO THE VILLAGE OF MEYERS LAKE; AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CONTRACT FOR THE EXTENSION OF SAID WATER MAIN; AND DECLARING THE SAME TO BE AN EMERGENCY

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

CHAIRMAN CASAR: It's been moved and seconded to adopt Ordinance #17. Are there questions or comments...? If not, roll call.

NO REMARKS

ROLL CALL: 8 YEAS, 4 NAYS

(BERNABEI, HAWK, WEST, ZACHARY, PRATER, DOUGHERTY, HART & DIAMOND VOTED YEA; CASAR, CARBENIA, BABCOCK & GRIFFIN VOTED NAY)

CHAIRMAN CASAR: Ordinance #17 has been adopted

#17 ADOPTED AS ORDINANCE NO. 13/2005

#18 (3RD RDG) **ADOPTED AS ORDINANCE NO. 14/2005** AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A LEASE AGREEMENT WITH THE STARK COUNTY DISTRICT LIBRARY; AND DECLARING THE SAME TO BE AN EMERGENCY

MEMBER CARBENIA: Mr. President, I move that we adopt Ordinance #18; seconded.

CHAIRMAN CASAR: It's been moved and seconded. Is there any remarks or comments on Ordinance 18...? If not, roll call.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

CHAIRMAN CASAR: Ordinance #18 has been adopted

#18 ADOPTED AS ORDINANCE NO. 14/2005

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#19 (3rd RDG) **ADOPTED AS ORDINANCE NO. 15/2005** AN ORDINANCE AUTHORIZING THE DIRECTORS OF PUBLIC SERVICE AND SAFETY TO ADVERTISE, RECEIVE BIDS AND ENTER INTO CONTRACT FOR SUPPLY ITEMS, MATERIALS AND PROFESSIONAL SERVICES FOR THE CITY OF CANTON'S OPERATIONS DURING THE 2005 CALENDAR YEAR; AUTHORIZING ALTERNATIVELY THE PURCHASE OF SAID ITEMS PURSUANT TO THE STATE COOPERATIVE PURCHASING AGREEMENT AND/OR ODOT PURCHASING AGREEMENT; AND DECLARING THE SAME TO BE AN EMERGENCY

MEMBER CARBENIA: Mr. President, I move we adopt Ordinance #19; seconded.

CHAIRMAN CASAR: It's been moved and seconded to adopt Ordinance #19. Are there any questions or comments....? If not, by roll call vote.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

CHAIRMAN CASAR: Ordinance #19 has been adopted **#19 ADOPTED AS ORDINANCE NO. 15/2005**

MINUTES OF THE MEETING OF JANUARY 31, 2005**ANNOUNCEMENT OF COMMITTEE MEETINGS**

CHAIRMAN CASAR: Announcement of Committee Meetings.

MEMBER CARBENIA: Mr. President, the Community & Economic Development Committee will meet at 5:15 on next Monday.

MEMBER ZACHARY: Mr. President, Personnel Committee will meet at 6:00 on Monday, February the 7th.

MEMBER GRIFFIN: Mr. President, my Environmental Public Utilities will meet Monday at 6:30.

MEMBER BERNABEI: Mr. President, Judiciary will meet Monday at 6:45 p.m.

MEMBER BABCOCK: Mr. President, Public Safety and Thoroughfares will also meet next Monday at 6:00.

CHAIRMAN CASAR : Any other Committee Chairmen need to call a meeting?...

MEMBER HAWK: Mr. President, Finance Committee will meet Monday, 5:15.

CHAIRMAN CASAR: Is that it?.... (NO RESPONSE)

PUBLIC SPEAKS (OPEN FORUM--CITY BUSINESS ONLY)

CHAIRMAN CASAR: Public Speaks Open Forum, City Business Only. We have four speakers signed up tonight. The first Speaker is Chester R. Henderson.

MR. HENDERSON: Good evening Mr. President, Mayor, Presiding Officers, Members of Council, Fellow Citizens. My name is Chester Henderson. I reside at 1524 5th Street NE here in the City of Canton, Ohio. I'm here to formally complain before the City Council about the abandoned cars/junk yard that is right next door to my property. That property's owned by Mr. James Harris and that property is listed as 1534 5th Street NE here in the City of Canton. My wife and I bought that property about 8 months ago and we've been trying to see if we can't get rid of that eye sore. It's a bunch of abandoned cars/junk yard, it harbors rats and rodents, and nothing has been done about it. I have complained to Officer Jack Crider. I have complained to the City Health Director. I have also complained to my City Councilwoman and nothing has happened to my satisfaction. I've also spoken with Mr. Harris personally on several occasions and to no avail has anything of any good has come out of my communications with Mr. Harris. If my property was located on the northwest side of town, that junkyard would not be there, but, just, I don't know, because I live in that particular side of town, the hood, no one seems to give a darn. But, my property value is going down and down and down and I need help.

MEMBER ZACHARY: Mr. President, Mr. Henderson, I do want to thank you again for coming. He's a truck driver and it's difficult for him to get away most of the time to come to Council meetings. But, we have had numerous discussions about this. I believe this past summer, towards the end of the summer, they did make Mr. Harris kinda clean

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up his sidewalk area a little bit but this is not the only property this man has in the City of Canton with this same problem. He also has one in Ward 2, as Tom pretty much knows, on Mahoning Road and he's not being made to be accountable by anybody for getting these junk vehicles out of his property. He has a gold, really large gold car parked in front of his home on 5th Street. The tires have been marked months ago. It's never been picked up and that is a problem. I understand your frustration, Mr. Henderson. He's come down here tonight at my request to ask that something be done. Why is this man continued to allow, to be allowed to keep these properties in this condition and every time they come after him for the cars, he buys a license plate and slaps it on and then it's okay. Well, it's not acceptable to live next door to that and I'd like to, at least, have something done.

SAFETY DIRECTOR HUNT: Mr. Henderson, I'd like to talk to you after we're done here. Usually Officer Crider does a very good job following the laws and ordinances for the City of Canton. He hasn't done it to your satisfaction; we'll find out what's going on. Give me, I'll talk to you afterwards. I'll come out and look at your property tomorrow.

MR. HENDERSON: Thank you, sir. I appreciate the, anything you can do to help to alleviate the eyesore that my wife and I have to look at on a daily basis. It has snowed recently and I can't even get in my front door because of that, I think it's a 1976, '74 Lincoln Town Car sitting in front of my property. Snow truck comes by and he plows right up to the back of that car and goes around it. Any of my family members, friends, or visitors that come to my house, they have to get out in the alley that's adjacent to my house, come in my back door; they cannot come into the front. All I'm trying to do is do what's right, you know. I'm here because I, this is my last resort. Like, Councilwoman Zachary stated, I drive an 18 wheeler and within the last 8 months, the police have come to my house on 2 occasions to ask me to move my commercial vehicles off the streets of Canton, or, it will be towed, and the last time they were there, they firmly told me that the next time my truck is parked on any street in Canton, they're not gonna come and ask me to move it, they're gonna tow it. Well, why is it that I can be told by the Police Department to move my truck but for the last 8 months, no one has done anything to my satisfaction, or to the City's satisfaction to address Mr. Harris on this deplorable condition that I have to live with on a day to day basis; and again, I hate to be redundant, if I lived in the northwest side of town, that junkyard, that car, those abandoned cars would not have existed one day. Thank you.

CHAIRMAN CASAR: Thank you, Mr. Henderson. The next speaker is Carethea Turner.

MS. TURNER: Good evening. Sir, President and other Council. I am Carethea Turner. I live at 538 14th Street SE. I am here about a problem that happened back in August 2004 at my home. I had a flood in my basement and I contacted the City and the City sent me out a letter 2 months prior to me contacting them, letting me know that it was not their fault that my basement got flooded. I then turned around and contacted the person that they said was the culprit of the reason why my basement got flooded. I have not had anything, any response from this man other than I'm gonna take care of it. My thing is, if this man was at fault for doing this, why did the City pay for it and why didn't the City contact this man and make him pay for it instead of using taxpayer's money and, he's not reimbursing me for what happened to my house, and I'm paying double because I'm a taxpayer, I work, and I don't feel that it's right. He should have been made to pay for what he did and he was never contacted by the City and informed this is what you did, you plowed over a manhole, filled it with dirt and we have to send out people for 3 days to stay out there and pump water out, have 2 pumps, pump water out and I have feces in my basement that my dad had to scoop out and put in trash cans until they can get the water to go down.

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CHAIRMAN CASAR: Service Director, do you have any comments or.....?

SERVICE DIRECTOR CONCATTO: Yes, I am aware of this, Mr. Chairman. What we've said, I believe, and I've passed this on to Councilperson Zachary, is that you have an issue with the contractor. You know who the contractor is and that contractor is denying his claim, then you should file a small claims action in court against him. But, we have no control over making that contractor pay your, pay that judgement if in fact he is guilty of what he, what you claim that he is. The City, I think, said it was not our fault and that we did identify the contractor and I believe, if right now, and I'm trying to work with the contractor, but right now, I would recommend you file a claim in small claims court.

MS. TURNER: Okay, like I say, my question was why wasn't, why didn't the City contact him if this was made to be his fault? Why didn't the City contact him, why did I have go and contact him because like I say, it was taxpayer's money that was made to pay for something that was his fault.

SERVICE DIRECTOR CONCATTO: Mr. President, I believe that the issue is that he denies that it's his fault. I mean, he, we may claim it's his fault, but he denies that it's his fault. So, I mean, he has a right to deny it, I don't know...that argument then becomes with, unfortunately, becomes with you and he with that contractor and again, I believe that's the area for you right at this time, is to probably file at small claims court. I don't know that that's an expensive issue but, that would be the next step for you to take. I will continue to try to work through this, but, timing is not very good right now and I understand that you've been frustrated. I don't blame you for that. I've seen the pictures. I know what, what your claim is. The Law Department, I've seen the claim with the Law Department. The Law Department denies that it's the City's responsibility, so, I will continue to work towards it but I would suggest that your only outlet right now is to file with small claims.

MEMBER ZACHARY: Mr. President, I think it's a deplorable shame that no one, at least from the Administration's side, and we say we are here to serve the citizens of Canton, has even bothered to call Miss Turner to talk to her about it. She was sent a letter indicating that this was not the City's problem, but I'm sorry, any person sitting in this room who has raw sewage bubbling up in their basement, would not like it. It is somebody's responsibility. Somebody is liable. The City is saying that they're not, Joseph Jeffries Company is saying that they're not liable. Caught in the middle is a young woman who has no where else to turn. It's a shame. We've batted her around for months. We met with Mr. Jeffries and he promised her that he would take care of the problem, and instead of doing that, he went to the City and jumped on who's ever head he could to say why are you trying to blame this on me. Someone needs to step up and take responsibility and we've always seem to put it back on the resident and say you need to file a small claims suit. We are inconveniencing this woman number 1, and number 2, she can not afford to replace the things that were lost in her basement. Someone needs to look into it from our end, at least, and be responsible and do what's right, and I'm not saying that if they're not liable, that we should pay for it, but we should make the responsible parties take the responsibility and do that. Thank you.

SERVICE DIRECTOR CONCATTO: Mr. President, Member Zachary, you have called me a couple times on this and I have not talked to Ms. Turner because I talked to you and I think I recommended to you that you talk to him. If you wanted me to call her personally, I could have done that. I wasn't trying to avoid talking to her. I just thought that you had that line of communication and that I, I think that I recommended to you to tell her to sue Mr. Jeffries if that was her desire to do that. I was not ignoring her, as the Administration, it's just that I thought in our conversation that you were going to pass it on.

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MEMBER ZACHARY: All of this information was conveyed to Mr. Turner, or Miss Turner, Service Director Concatto, but like I said, I am the go-between and I'm caught in the middle because I'm trying to, to, to work on her behalf and as well as deal with the other side of it and we're not getting any where. So, like I said, someone from this Administration should sit down and talk with this woman. The Jeffries Company did and then ran back and said hey, why are you blaming it on us? Someone needs to be responsible and, and take the responsibility.

MS. TURNER: I'd just like to thank you for hearing my side and I just hope something is done. I think Mr. Jeffries should be made to pay back the City the money that the City had to put out to re-do this manhole. I mean, he should have to pay somehow, not, not only to me but he should have to pay to the City because it came out of the City's pocket. Out of the taxpayer's pocket, for them to re-do this manhole that he plowed over and the City's saying that they're gonna take him out there and show him, I want to be there when they take him out there and show him. Thank you.

CHAIRMAN CASAR: Thank you. The next speaker is Otis Hasker.

MR. HASKER: Good afternoon. My name is Otis Hasker, Carethea Turner's dad. I'm the one who had to clean up the mess in the basement. I seen the raw sewage down in the basement, don't look nice, don't smell nice. It took me 3 days to clean the mess up. It took me a month to get the stink out. Now, had it been me that knocked the manhole over, you all would come to me and make me pay for it. Some man with a lot of money, cheap-tap this thing and you-all don't do nothing to him. We pay taxes. Three days they pumped water. The City paid for the manhole, they paid for the manpower to pump the water out. That come out of my money. I worked 30 years in Canton, and never saw nothin'. This is what my daughter gets for payin' taxes, trying to buy a house and live nice. This here just don't make sense. They said nobody's responsible. Somebody's responsible. Like the man said about the cars parked in his backyard. Been right there, I'll bet they've always been there. Same way about the sewers. If they'd a plowed it over, they'd a been there the next day to clean it all up and pay me for it but, we live in the wrong part of town I think. Somebody should be made accountable some place. I appreciate it. Thank you.

CHAIRMAN CASAR: The next speaker is Larry Williams.

MR. WILLIAM: Mr. Vice President, Members of Council, my name is Larry R. Williams. My address is 1024 Bellflower Avenue SW. I am here to speak against the amending of the Fire Department Chapter 133 of Codified Ordinance, regarding the charges of public safety services at the scene of a motor vehicle accidents. Well I'm certain that the Committee Members, Mr. Carbenia, Mr. Bernabei and Mr. Hawk have found, have checked into the legality of these charges. I am not convinced that there's a need nor that it's ethical for them to charge us for these. You currently charge the residents of the City of Canton for the ambulance services and to be certain, I'm against those charges also. Several years ago, I was promised and assured by members of Council and other members of the political parties in the City of Canton, that they would never pursue collections of these charges to people who were unable to pay them. Now, Mr. Hunt has stated on WHBC that he will pursue these by collection agency or however. That seems really deplorable to myself. Other residents and myself feel that these services are being paid for by our taxes and we do not feel that we should be paying again by the insurance companies. While the statement was made to me that the insurance companies will pay these, we are all well aware that whatever you charge the insurance companies, we will end up paying it back. I just implore you to re-examine your position on these, on this particular ordinance that you're trying to put in again. Thank you.

CHAIRMAN CASAR: Thank you, Mr. Williams. That ends Public Speaks portion of Canton City Council.

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MISCELLANEOUS BUSINESS

CHAIRMAN CASAR: We are now under Miscellaneous Business. Is there any miscellaneous business?...

MEMBER CARBENIA: Mr. President, I move we adjourn; seconded.

CHAIRMAN CASAR: It's been moved and seconded we adjourn. Roll call vote please.

NO REMARKS PERMITTED ON THE MOTION TO ADJOURN

ROLL CALL: 12 YEAS, 0 NAYS

CHAIRMAN CASAR: This meeting is adjourned.

ADJOURNMENT TIME: 8:07 p.m.

ATTEST:

APPROVED:

DEBRA VANCKUNAS
CLERK OF COUNCIL

RAY DENCZAK
PRESIDENT OF COUNCIL