

MINUTES OF THE MEETING OF MARCH 7, 2005

PRESIDENT DENCZAK: With a quorum being present, the Chair calls this meeting of Canton City Council to order. (*Repeating*) Calls this meeting to order. That's the only language I understand is American. I'm sorry, I don't speak any foreign languages to bring this house in order. Roll call please.

The regular meeting of Canton City Council was held on Monday, March 7, 2005, at 7:30 P.M. in the Canton City Council Chamber. The roll call was then taken (as follows) by Clerk of Council Debbie Vanckunas. The invocation was given by Ward 1 Councilmember Greg Hawk followed by the Pledge of Allegiance led by President of Council Denczak.

ROLL CALL TAKEN BY CLERK OF COUNCIL VANCKUNAS:

ALL 12 COUNCILMEMBERS PRESENT: (DON CASAR, JOE CARBENIA, MARY M. BABCOCK, THOMAS M. BERNABEI, GREG HAWK, THOMAS E. WEST, JAMES E. GRIFFIN, KELLY ZACHARY, TERRY PRATER, DAVID R. DOUGHERTY, RICHARD D. HART & ROSEMARY DIAMOND)

AGENDA CORRECTIONS & CHANGES

PRESIDENT DENCZAK: Thank you Member Hawk. (*Referring to giving invocation*) Agenda corrections and changes, Members of Council, to bring your agenda up to date, you're being asked to suspend Rule 24B to add Resolutions 27, 28 and 29 to your agenda. Resolution 26 on your agenda has been removed. The Chair will recognize that motion now, Member Casar.

MEMBER CASAR: Mr. President, I move we suspend Rule 24B and add Resolutions 27 and 28-29 will be retained in Committee; seconded.

PRESIDENT DENCZAK: Moved and seconded to suspend Rule 24B for Resolutions 27 and 28 to be added to the agenda. Are there any remarks?... If not, roll call vote.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

PRESIDENT DENCZAK: You're being asked to suspend Rule 22A and add Communication #152 to the agenda; it's in regards to a sewer rate increase. If you add that to the agenda, it will be referred to Environmental and Public Utilities Committee. The Chair will recognize that motion.

MEMBER CASAR: Mr. President, I move we suspend Rule 22A and add Resolution, Communication #152 to this evening's agenda; seconded.

PRESIDENT DENCZAK: Moved and seconded that you suspend Rule 22A to add Communication #152 to the agenda. Are there any remarks...? If not, roll call vote please.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

PRESIDENT DENCZAK: Rule 22A has been suspended and Communication 152 is a legal part of your agenda. You're being asked to suspend Rule 22A to add the second reading of Ordinance 12 through and including #16. The Chair will recognize that motion now Member Casar.

MEMBER CASAR: Mr. President, I move we suspend Rule 22A and add Ordinances 12 through 16 on this evening's agenda; seconded.

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PRESIDENT DENCZAK: Moved and seconded to suspend Rule 22A to add second reading of Ordinances 12 through and including #16 to the agenda. Are there any remarks...? If not, roll call vote, please.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

PRESIDENT DENCZAK: Rule 22A has been suspended and Ordinances 12 through and including #16 are a legal part of your agenda. You are also being asked to adopt Ordinance #1--- I'm sorry, Ordinance #8 under first readings. This brings your agenda up to date Members of Council.

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 and Resolutions for Adoption.

INFORMAL RESOLUTIONS

PRESIDENT DENCZAK: Informal Resolutions. It will not be necessary to excuse members. Let the journal show that all members of Council are present. Resolution #25 please.

PRESIDENT DENCZAK CALLED UPON CLERK OF COUNCIL VANCKUNAS TO READ RESOLUTIONS #25, 27 & 28 BY TITLE, AS SHOWN BELOW. RESOLUTION #26 WAS WITHDRAWN; RESOLUTION #29 WAS RETAINED IN COMMITTEE. THE RESOLUTIONS ARE ON FILE IN THEIR ENTIRETY IN THE COUNCIL OFFICE WITH THE AGENDA ITEMS DATED MARCH 7, 2005.

#25 BABCOCK, COUNCILMEMBER AT LARGE: COMMENDING J.R. COLEMAN OUTREACH SERVICES ON THEIR 30TH YEAR ANNIVERSARY - ADOPTED

MEMBER CASAR: Mr. President, I move we adopt Resolution #25; seconded.

PRESIDENT DENCZAK: Moved and seconded that you adopt Resolution #25. Are there any remarks under this Resolution?...

MEMBER BABCOCK: Could I have it read please?

PRESIDENT DENCZAK: Clerk Vanckunas, would you please read the Resolution?

AN INFORMAL RESOLUTION SUBMITTED BY MARY BABCOCK, COUNCILMEMBER AT LARGE ON THIS 7TH DAY OF MARCH 2005. WHEREAS, in December 1974, a man by the name of J. Father Robert Coleman envisioned a better life for the citizens of Northeast Canton and founded what is today known as J. R. Coleman Outreach Services; and WHEREAS, currently celebrating it's 30th year of service, J. Jr. Coleman Outreach Services is an organization dedicated to serving society through a broad base of services and programs designed with the well being of society in mind. Its mission statement, "to facilitate and support the efforts of individuals and families in achieving and maintaining independence, security and personal well-being," is central to the services provided by the four not for profit divisions of the J. R. Coleman Outreach Organization; and,

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WHEREAS, J. R. Coleman Senior Services, located at 1731-1732 Grace Ave. NE, provides a structured and organized program for older adults in need of supervision, social interaction and/or assistance with daily activities. J. R. Coleman Family Services, located at 2213 14th St NE, was founded in 1980 and provides Even Start classes through the Canton City Schools for single parents to earn their GED while their children are provided care at the same facility. On October 23, 2000, thanks to much hard work and dedication, the doors were opened on a new \$3.6 million, state of the art facility at this site. J. R. Coleman Community Renovation, experiencing its start in 1983, assists homeowners with the rehabilitation of homes and minor home maintenance, placing an emphasis on the elderly. J. R. Coleman Senior Housing, located at 1732 Market Ave North, was also founded in 1983 and consists of 65 apartment buildings which provide housing for senior citizens and handicapped individuals and; WHEREAS, Thanks to the vision, courage, leadership, and heartfelt dedication of Father J. Robert Coleman, hundreds of children, young adults, and senior citizens of all races, nationalities and walks of life have enjoyed a quality of life which would have other wise been unavailable to them. NOW THEREFORE, BE IT RESOLVED that we, the Members of Council of the City of Canton, Ohio, do hereby go on public record as commending J. R. COLEMAN OUTREACH SERVICES as they commemorate 30 years of life enhancing community service to those less fortunate. Thank you and may God Bless.

PRESIDENT DENCZAK: 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 #25 APPROVED BY UNANIMOUS VOICE VOTE

PRESIDENT DENCZAK: The Resolution is adopted.

#26 INTERGOVERNMENTAL & PUBLIC SERVICE CMTE: OBJECTING TO D5 LIQUOR PERMIT TRANSFER FROM JIMMY E. BALL DBA BALLROOM @ 331 CLEVELAND AVE NW TO RICK A. TUCKER DBA EL JALAPENO @ 313 CLEVELAND AVENUE NW. - **WITHDRAWN**

#27 PERSONNEL COMMITTEE: APPROVING THE MAYOR'S REAPPOINTMENT OF SIMON COHEN TO THE INCOME TAX BOARD OF REVIEW FOR A 4 YR TERM FROM 3/1/05 TO 2/28/09. - ADOPTED BY COUNCIL

MEMBER CASAR: Mr. President, I move we adopt Resolution #27; seconded.

PRESIDENT DENCZAK: Moved and seconded that you adopt Resolution #27. 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 #27 APPROVED BY UNANIMOUS VOICE VOTE

PRESIDENT DENCZAK: Resolution #27 is adopted.

#28 PERSONNEL COMMITTEE: APPROVING MAYOR'S APPOINTMENTS OF 14 MEMBERS TO THE HOUSING ADVISORY BOARD. - ADOPTED BY COUNCIL

MEMBER CASAR: Mr. President, I move we adopt Resolution #28; seconded. Mr. President, point of information, as a point of.....point of order please. Mr. President, I asked that they would be read individually and adopted individually, but since then, I've had a change of heart and it's.....go ahead and all 14 would be fine.

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Unless Members of Council would like to individually adopt, or approve.

PRESIDENT DENCZAK: If you want to divide the question, you may, or you can just adopt it all as one.

MEMBER CASAR: Mr. President, I withdraw my request that it be individual. You may not have been here when I asked that to be done....

PRESIDENT DENCZAK: No, I wasn't.

MEMBER CASAR: Okay, well, I'm withdrawing that now. I would, unless any other Councilmember wishes to have it individually approved, I would welcome the opportunity to go ahead and do all 14 of them.

PRESIDENT DENCZAK: Not hearing any, the Chair will recognize this as one vote for the entire list. There's not further remarks. By voice vote, all those in favor signify by saying aye. Those opposed no. Resolution #28 is adopted.

NO REMARKS

RESOLUTION #28 APPROVED BY UNANIMOUS VOICE VOTE

PRESIDENT DENCZAK: Resolution #28 is adopted.

#29 PERSONNEL COMMITTEE: AUTHORIZING PLACEMENT OF CURTIS BUNGARD IN STEP 3 OF GRADE 2 @ \$66,633 ANNUAL SALARY RETROACTIVE TO 2/1/05 DURING HIS TEMPORARY APPOINTMENT AS CIVIL ENGINEER. - **RETAINED IN COMMITTEE**

COMMUNICATIONS

PRESIDENT DENCZAK: All communications are received as read, filed and properly referred.

MEMBER CARBENIA: Point of information, Mr. President.

PRESIDENT DENCZAK: State your point of information Member Carbenia.

MEMBER CARBENIA: Communication #135, for your information, there might be a typographical error. It says Ward 9, I think it's Ward 8. I just wanted to

PRESIDENT DENCZAK: That is in Ward 8---Member Diamond. Member Carbenia, Member Diamond didn't want to have anything to do with this so she asked that it be sent to Ward 9. (*laughter*) You're not the typer, you're the typee. Okay, that is an error. It should be Ward #8.

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 MARCH 7, 2005.

130. AUDITOR R.A. MALLONN, CITY OF CANTON: MONTHLY REPORT BY FUND FOR 2/1/05 - 2/28/05 - RECEIVED & FILED

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131. AUDITOR R.A. MALLONN, CITY OF CANTON: YEARLY REPORT BY FUND FOR 1/1/05 - 2/28/05 - RECEIVED & FILED
132. AUDITOR R.A. MALLONN, CITY OF CANTON: CERTIFICATE OF TOTAL AMOUNT FROM ALL SOURCES FOR 2005 DATED 3/2/2005. - CLERK OF COUNCIL
133. COOK, MARC J., CUYAHOGA FALLS, OHIO: SOLICITING SUPPORT TO BRING ANOTHER PROFESSIONAL/MINOR LEAGUE SPORTS TEAM TO NORTHEAST OHIO - MAYOR & COMMUNITY ECONOMIC DEVELOPMENT CMTE
134. DIAMOND, WARD 8 COUNCILMEMBER: REQUESTING INFORMATION FROM MAYOR REGARDING REQUEST TO REORGANIZE TRAFFIC & CIVIL ENGINEERING DEPTS - RECEIVED & FILED
135. KUHNS, LINDA S.W., 1811 42ND STREET NW, CANTON, OH 44709: ASKING COUNCIL TO RECONSIDER ALLOWING SHAWN O'BRIEN TO DEVELOP 15 NEW HOMES BETWEEN CLEVELAND AVE NW, STEESE AVE NW, 44TH ST NW & 42ND ST NW IN WARD 8 - PUBLIC SAFETY & THOROUGHFARES CMTE
136. LIQUOR CONTROL DIVISION, 6606 TUSSING RD, PO BOX 4005, REYNOLDSBURG OH 43068-9005: CONTINUANCE OF HEARING 2/23/05 ON PERMIT RENEWAL REQUEST BY ID ABBOU, INC DBA HALL OF FAME MARKET, 704 SHERRICK RD SE, UNIT A - INTERGOVERNMENTAL & PUBLIC SERVICE CMTE
137. LIQUOR CONTROL DIVISION, 6606 TUSSING RD, PO BOX 4005, REYNOLDSBURG OH 43068-9005: CONTINUANCE OF HEARING 2/23/05 ON PERMIT RENEWAL REQUEST BY TRAIISH ENTERPRISES, INC DBA CHERRY MARKET, 1494 CHERRY AVE SE - INTERGOVERNMENTAL & PUBLIC SERVICE CMTE
138. LIQUOR CONTROL DIVISION, 6606 TUSSING RD, PO BOX 4005, REYNOLDSBURG OH 43068-9005: REQUEST BY HOG HEAVEN OF CANTON INC DBA HOG HEAVEN 2730 CLEVELAND AVE., NW FOR OWNERSHIP TRANSFER OF D5 LIQUOR PERMIT FROM BYRON C. ROSENTHAL. - INTERGOVERNMENTAL & PUBLIC SERVICE CMTE
139. MAYOR JANET CREIGHTON, CITY OF CANTON: ADMINISTRATION'S POLICY FOR EXTENDING CITY WATER LINES OUTSIDE THE CITY LIMITS - RECEIVED & FILED
140. MAYOR JANET CREIGHTON, CITY OF CANTON: REQUESTING APPROVAL OF APPOINTMENT OF SIMON COHEN TO THE INCOME TAX BOARD OF REVIEW FOR A 4 YEAR TERM FROM 3/1/05 TO 2/28/09 - PERSONNEL COMMITTEE
141. MAYOR JANET CREIGHTON, CITY OF CANTON: REQUESTING APPROVAL OF APPOINTMENTS TO THE HOUSING ADVISORY BOARD: BRENDA BAYLOR, FR. KLINGER, JOEL OWENS, JOHN PICARD, JOE RACE, MIKE WILLIAMS & REV. MORGAN TO 2 YR TERMS 3/1/05-2/28/07; & SUE FOWLER, GREG HAWK, MIKE KING, JOHN RING, DAVE ROBERTS, MIKE RUKAVINA & JOYCE ZACHARY TO 1 YR TERMS 3/1/05-2/28/06. - PERSONNEL COMMITTEE (See Re#28)

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142. MAYOR JANET CREIGHTON, CITY OF CANTON: REQUESTING APPROVAL OF REAPPOINTMENT OF DR. FREDERICK WHITTIER TO THE CANTON HEALTH BOARD FOR A 5 YEAR TERM FROM 4/1/05 TO 3/31/10 - PERSONNEL COMMITTEE
143. PICARD, JOHN P., ARCHITECT, 720 MCKINLEY AVE., NW, CANTON, OH 44703: REQUEST TO VACATE DEWALT AVE NW BETWEEN 6TH ST NW & 8TH ST NW FOR DEVELOPMENT OF CANTON SENIOR CENTER CAMPUS - PLANNING COMMISSION
144. PICARD, JOHN P., ARCHITECT, 720 MCKINLEY AVE., NW, CANTON, OH 44703: REQUEST TO VACATE 10TH ST NE BETWEEN THE EASTERLY RIGHT OF WAY OF PAYNE CT NE & THE WEST RIGHT OF WAY OF WARNER RD NE FOR FUTURE DEVELOPMENT OF ADDITIONAL PARKING FOR SHMA - PLANNING COMMISSION
145. SAFETY DIRECTOR BERNARD L. HUNT, CITY OF CANTON: REQUESTING APPROVAL FOR DEMOLITION OF 21 PROPERTIES (922 3^D ST NW ETC) - COMMUNITY & ECONOMIC DEVELOPMENT & FINANCE CMTES
146. SERVICE DIRECTOR JOSEPH J. CONCATTO, CITY OF CANTON: REQUESTING AUTHORIZATION FOR LAW DEPT TO PREPARE A LEASE AGREEMENT & ALL NECESSARY LEGISLATION NECESSARY FOR A 1 YR LEASE OF THURMAN MUNSON STADIUM TO THE GREATER AKRON ATHLETIC CLUB (GAAC) - PARKS & RECREATION & PUBLIC PROPERTY CAPITAL IMPROVEMENT CMTES
147. STARK COUNTY COMMISSIONERS, 110 CENTRAL PLAZA S, #240, CANTON OH 44702-2202: GRANTING SHAWNEE/CANTON TOWNSHIP ANNEXATION CONSISTING OF 15.561 ACRES IN CANTON TOWNSHIP - ANNEXATION CMTE & PLANNING COMMISSION
148. TREASURER ROBERT C. SCHIRACK, CITY OF CANTON: COMPARATIVE REPORT OF AMBULANCE LOCK BOX FOR FEBRUARY 2005 - RECEIVED & FILED
149. TREASURER ROBERT C. SCHIRACK, CITY OF CANTON: COMPARATIVE REPORT OF PARKING METER REVENUE FOR FEBRUARY 2005 - RECEIVED & FILED
150. TREASURER ROBERT C. SCHIRACK, CITY OF CANTON: COMPARATIVE REPORT OF INCOME TAX CASH RECEIPTS AS OF 2/28/05 - RECEIVED & FILED
151. TULLYS, MARILYN, 3392 BRUNNERDALE NW, CANTON, OH 44708: ASKING COUNCIL TO CONSIDER THE AMERICAN TAXPAYER APPRECIATION GALLERY AT THE AVAILABLE KRESGE SITE - MAYOR & COMMUNITY & ECONOMIC DEVELOPMENT CMTE

ORDINANCES & FORMAL RESOLUTIONS FOR FIRST READING

PRESIDENT DENCZAK: Ordinances and Formal Resolutions for the first reading and referral. Let the Journal show that all Ordinances are being given their readings required by State Law. Ordinance #1 please.

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NOTE: PRESIDENT OF COUNCIL DENCZAK CALLED UPON CLERK VANCKUNAS TO READ THE FOLLOWING ORDINANCES #1 THROUGH AND INCLUDING #11 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 PRECISION POWDER COATINGS, INC DBA PPC, INC TO PROVIDE REAL AND PERSONAL PROPERTY TAX EXEMPTIONS; AUTHORIZING THE AUDITOR TO MAKE PAYMENTS TO THE CANTON LOCAL BOARD OF EDUCATION AS REQUIRED TO BE PAID PURSUANT TO SECTION 5709.82 © AND (D) OF THE REVISED CODE; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to the Community & Economic Dev and Finance Committees
- #2 (1ST RDG) AN ORDINANCE AUTHORIZING THE CITY OF CANTON TO ACCEPT DONATION OF REAL PROPERTY; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to the Community & Economic Dev and Finance Committees
- #3 (1ST RDG) AN ORDINANCE ESTABLISHING THE FAIR REUSE OR FAIR MARKET VALUE OF 17 PARCELS OF CITY-OWNED PROPERTY; AUTHORIZING THE SALE AND CONVEYANCE OF SAID PROPERTIES PURSUANT TO THE CITY'S RESIDENTIAL LAND DISPOSITION PROGRAM; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to the Community & Economic Development Committee
- #4 (1ST RDG) AN ORDINANCE AMENDING 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; AMENDING EXHIBIT A TO ORDINANCE NO. 164/2001, AS AMENDED; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to the Personnel Committee
- #5 (1ST RDG) AN ORDINANCE AUTHORIZING A CONTRACT AMENDMENT BETWEEN THE CITY OF CANTON AND LOCAL 3449 AND OHIO COUNCIL 8, AFSCME; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to the Personnel Committee
- #6 (1ST RDG) AN ORDINANCE AUTHORIZING THE MAYOR TO CO-APPLY FOR A BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT, TO ENTER INTO AGREEMENT TO ACCEPT AND ADMINISTER THE GRANT, AND TO EXECUTE A LETTER OF UNDERSTANDING WITH STARK COUNTY, OHIO, CONCERNING REALLOCATION OF PROCEEDS OF THE GRANT; AMENDING APPROPRIATION ORDINANCE NO. 253/2004; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to the Finance Committee
- #7 (1ST RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ADVERTISE, RECEIVE BIDS AND ENTER INTO CONTRACT FOR THE PURCHASE OF A TAPPING AND LINE STOPPING SYSTEM AND A VALVE INSERTION SYSTEM FOR THE WATER DEPARTMENT; AMENDING APPROPRIATION ORDINANCE NO.

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253/2004; AND AMENDING THE SAME TO BE AN EMERGENCY
Referred to the Environmental and Public Utilities and Finance Committees

- #8 (1ST RDG) **ADOPTED AS ORDINANCE NO. 38/2005** AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A PROFESSIONAL SERVICES CONTACT FOR STOP-LOSS INSURANCE FOR CITY EMPLOYEES AND THEIR DEPENDENTS; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to the Finance Committee
- #9 (1ST RDG) AN ORDINANCE AUTHORIZING CANTON TO ANNEX THE TERRITORY KNOWN AS THE PLEASANT VIEW/EASTRIDGE ANNEXATION AREA CONTAINING APPROXIMATELY 42.3072 ACRES; ASSIGNING SAID TERRITORY TO WARD 6 OF THE CITY; ZONING SAID TERRITORY AS B-3 (GENERAL BUSINESS DISTRICT); AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to the Annexation Committee
- #10 (1ST RDG) AN ORDINANCE AMENDING ORDINANCE NO. 55/77, AS AMENDED, KNOWN AS THE CITY OF CANTON ZONING ORDINANCE; AND DECLARING THE SAME TO BE AN EMERGENCY (MALONE COLLEGE, 515 25TH ST. NW)
Referred to the Judiciary Committee
- #11 (1ST RDG) AN ORDINANCE AMENDING ORDINANCE NO. 55/77 AS AMENDED, KNOWN AS THE CITY OF CANTON ZONING ORDINANCE; AND DECLARING THE SAME TO BE AN EMERGENCY (VIENNA WAY, DANUBE SW)
Referred to the Judiciary Committee

PRESIDENT DENCZAK: The Chair declares an in-house recess now for the Finance Committee to meet to discuss Ordinance #8 on the agenda this evening. You're now in recess.

COUNCIL RECESSED FOR FINANCE COMMITTEE TO MEET ON THE MATTER OF ORDINANCE #8 AT 7:52 PM. THE MEETING WAS RECONVENED BY PRESIDENT DENCZAK AT 7:55 PM.

PRESIDENT DENCZAK: Okay, we're ready.

MEMBER CASAR: Mr. President, I move we suspend Rule 22A and place Ordinance #8 back on this evening's agenda; seconded.

PRESIDENT DENCZAK: Moved and seconded to suspend Rule 22A to add Ordinance 8 back on the agenda. Are there any remarks...? If not, roll call vote, please.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance #8 is a legal part of your agenda.

MEMBER CASAR: Mr. President, I move we suspend the Statutory Rules on Ordinance #8; seconded.

PRESIDENT DENCZAK: Moved and seconded to dispense with the three readings of Ordinance #8. Are there

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any remarks...? If not, roll call vote, please.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

PRESIDENT DENCZAK: You've heard the three readings, Member Casar.

MEMBER CASAR: Mr. President, I move we adopt Ordinance #8; seconded.

PRESIDENT DENCZAK: Moved and seconded that you adopt Ordinance #8. Are there any remarks under this Ordinance...? Very well, roll call vote, please.

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS, 1 ABSTENTION
(ZACHARY ABSTAINED)

PRESIDENT DENCZAK: Ordinance #8 is adopted

#8 ADOPTED AS ORDINANCE NO.38/2005

ORDINANCES & FORMAL RESOLUTIONS FOR SECOND READING

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

NOTE: PRESIDENT OF COUNCIL DENCZAK CALLED UPON CLERK VANCKUNAS TO READ THE FOLLOWING ORDINANCES #12 THROUGH AND INCLUDING #16 FOR THE SECOND TIME BY TITLE, AS FOLLOWS.

- #12 (2ND RDG) 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
- #13 (2ND 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
- #14 (2ND RDG) AN ORDINANCE NAMING AN UNNAMED ALLEY IN THE CITY OF CANTON , H. CARSON COURT
- #15 (2ND RDG) AN ORDINANCE APPROVING AND ACCEPTING THE REPLATTING OF LOTS 30910, 30909, AND PART OF LOT 30908; AND DECLARING THE SAME TO BE AN EMERGENCY
- #16 (2ND RDG) AN ORDINANCE AUTHORIZING THE CITY AUDITOR TO PAY A MORAL OBLIGATION IN THE AMOUNT OF \$8,134.00 TO 3-D SERVICE; AND DECLARING THE SAME TO BE AN EMERGENCY

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PRESIDENT DENCZAK: Now we're under Ordinances and Formal Resolutions for the third and final reading. Ordinance #17 please.

NOTE: PRESIDENT OF COUNCIL DENCZAK CALLED UPON CLERK VANCKUNAS TO READ THE REMAINING ORDINANCES #17 THROUGH AND INCLUDING #22 FOR THE THIRD & FINAL TIME BY TITLE, AS FOLLOWS. ALL ORDINANCES WERE ADOPTED FOLLOWING THEIR 3RD READING.

#17 (3RD RDG) **ADOPTED AS ORDINANCE NO. 39/2005** AN ORDINANCE AUTHORIZING THE MAYOR OR SERVICE DIRECTOR TO ENTER INTO A LEASE AGREEMENT WITH STARK STATE COLLEGE OF TECHNOLOGY; AND DECLARING THE SAME TO BE AN EMERGENCY (Coleman Community Ctr)

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

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

NO REMARKS ROLL CALL 12 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance #17 is adopted. **#17 ADOPTED AS ORDINANCE NO. 39/2005**

#18 (2ND RDG) **ADOPTED AS ORDINANCE NO. 40/2005** AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 253/2004, AS AMENDED, BY MAKING THE SUPPLEMENTAL APPROPRIATIONS, REDUCTIONS AND APPROPRIATIONS AND INTERFUND TRANSFER HEREIN DESCRIBED; AND DECLARING THE SAME TO BE AN EMERGENCY (\$316.42 Summer time Fund Kid Grant, etc.)

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

PRESIDENT DENCZAK: Moved and seconded that you adopt Ordinance #18. Are there any remarks under this Ordinance?... Very well, roll call vote please.

NO REMARKS ROLL CALL 12 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance #18 is adopted. **#18 ADOPTED AS ORDINANCE NO. 40/2005**

#19 (3RD RDG) **ADOPTED AS ORDINANCE NO. 41/2005** A RESOLUTION CONSIDERING AND APPROVING THE PETITION FOR RENEWAL OF THE OPERATING ASSESSMENT OF THE DOWNTOWN CANTON SPECIAL IMPROVEMENT DISTRICT; AND DECLARING THE SAME TO BE AN EMERGENCY

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

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PRESIDENT DENCZAK: Moved and seconded that you adopt Ordinance #19. Are there any remarks under this Ordinance?... Very well, roll call vote please.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance #19 is adopted.

#19 ADOPTED AS ORDINANCE NO. 41/2005

#20 (3RD RDG) **ADOPTED AS ORDINANCE NO. 42/2005** 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 CASAR: Mr. President, I move we adopt Ordinance #20; seconded

PRESIDENT DENCZAK: Moved and seconded that you adopt Ordinance #20. Are there any remarks...? Very well, roll call vote please.

NO REMARKS

ROLL CALL 10 YEAS, 2 NAYS
(CASAR & GRIFFIN - NAYS)

PRESIDENT DENCZAK: Ordinance #20 is adopted.

#20 ADOPTED AS ORDINANCE NO. 42/2005

#21 (3RD RDG) **ADOPTED AS ORDINANCE NO. 43/2005** AN ORDINANCE ESTABLISHING THE FAIR MARKET VALUE OF REAL PROPERTY IN CONJUNCTION WITH THE MARKET AVENUE NORTH SANITARY/SEWER REPLACEMENT PROJECT, GP 1070; AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO NEGOTIATE AND PURCHASE SAID PARCELS AT THE ESTABLISHED FAIR MARKET VALUES; AND DECLARING THE SAME TO BE AN EMERGENCY

MEMBER CASAR: Mr. President, I move we adopt Ordinance #21; seconded

PRESIDENT DENCZAK: Moved and seconded that you adopt Ordinance #21. Are there any remarks under this Ordinance?... Very well, roll call vote please.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance #21 is adopted.

#21 ADOPTED AS ORDINANCE NO. 43/2005

#22 (3RD RDG) **ADOPTED AS ORDINANCE NO. 44/2005** AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CONTRACT WITH VALLEY FORD TRUCK SALES, INC. IN THE AMOUNT OF \$22,729.12 FOR THE PURCHASE OF A FORD F350 CHASSIS AND CAB PURSUANT TO O.R.C. SECTION 125.04; AND DECLARING THE SAME TO BE AN EMERGENCY

MEMBER CASAR: Mr. President, I move we adopt Ordinance #22; seconded

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PRESIDENT DENCZAK: Moved and seconded that you adopt Ordinance #22. Are there any remarks under this Ordinance?... Very well, roll call vote please.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance #22 is adopted.

#22 ADOPTED AS ORDINANCE NO. 44/2005

ANNOUNCEMENT OF COMMITTEE MEETINGS

PRESIDENT DENCZAK: Announcement of Committee Meetings please.

MEMBER CARBENIA: Mr. President, the Economic Community, the Economic Development Committee will meet at 6:00 on the 14th. Oh, 6:15, I'm sorry.

PRESIDENT DENCZAK: What's that? Oh, 6:15, okay.

MEMBER PRATER: Mr. President, Annexation Committee will meet March 14th at 6:15.

MEMBER GRIFFIN: Mr. President, Environmental and Public Utilities will meet on March 14th at 6:15.

MEMBER ZACHARY: Mr. President, Personnel Committee will meet Monday, March the 14th at 6:15.

MEMBER HART: Mr. President, the Recycling Committee will meet again next, next Monday 6:15.

PRESIDENT DENCZAK: You're kinda milking that, aren't ya?

MEMBER HART: Been waitin' a long time, Mr. President. (*audience laughter*)

PRESIDENT DENCZAK: Any other committees?

MEMBER BERNABEI: Mr. President, Judiciary will meet March 14 at 6:15.

MEMBER HAWK: Mr. President, Finance Committee will meet Monday, March 14th, at 6:15.

PUBLIC SPEAKS (OPEN FORUM--CITY BUSINESS ONLY)

PRESIDENT DENCZAK: Public Speaks, Open Forum. We have several people signed up to speak this evening. The first speaker is Ann Wetmore. Ann Wetmore?... Ann Wetmore?... Apparently, she's not here. The next speaker is John Bejcek. Am I pronouncing that right?

MR. BEJCEK: John Bejcek, 618 High Avenue and I'm with the Building and Construction Trades Council. Mayor Creighton, Cabinet Members, Member of Council. My name is John Bejcek and I'm the President of the East Central Ohio Building and Construction Trades Council. This Council's jurisdiction includes 6 counties with over 9,000 members. Our affiliates include 22 different locals with 17 of them covering Stark County. I am honored to speak before you this evening. We, in the building trades, applaud City Council's efforts to attract new housing to the Summit-Monument Park area. We believe this new housing will provide great returns to the

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City. Capital improvement dollars must be spent wisely. New housing construction represents nearly fifty percent of all construction dollars spent nationally. With those dollars in mind, it is imperative that City Council ensures that all income taxes are collected from all interested parties from owners to builders and laborers. National independent studies have shown that most income tax dollars are not collected from residential construction. A large number of residential construction workers are mis-classified as independent contractors. Many are undocumented, migrant workers, all of whom help foster a huge underground economy. This form of mis-classification will lead to diminished tax revenue to the City and put honest contractors, who play by the rules, at an unfair disadvantage. With all factors considered, we believe City Council should insist that the BIA agree to utilize local sub-contractors who employ properly documented local construction workers, and pay them a living wage. In closing, this agreement, or proposal, proposed agreement between City Council and the BIA, will help ensure a favorable return for the City on their investment. Thank you. I do, I would like one additional thing. I do have these 1099 documents that have all the statements that I did, I did speak about in here. They are documented as far as the research and the studies that have been done to show that they are factual. I do, I only have, I apologize, I only have 12 copies and I'd like to make them available to the Councilmembers that are involved in this and I will get more per your request.

PRESIDENT DENCZAK: All right, the 12, you have 12 copies, one for each Councilmember?

MR. BEJCEK: Yes.

PRESIDENT DENCZAK: Okay. Go ahead, pass them out. (*Mr. Bejcek proceeded to pass out the mentioned documents to each Councilmembers*) The next speaker is Ida Ross Freeman.

MS. FREEMAN: Thank you. My name is Ida Ross Freeman. I live at 1129 7th Street NW, that's in Canton, Ohio 44703. My comments will be directed to all of you and specifically, Bill, is it Bill Allen? Oh, okay. I have been waiting to see what, what your next step will be in relation to the City Health Department, the Health Department's alleged theft. I'm confused on the issue of CEO and subordinate. It seems to me that CEO is ultimately responsible for a subordinate. The CEO at the City Health Department should be re, reviewed and he should have some consequences for not doing his job, i.e., not using a fiscal officer for the HIV-AIDS program, and thereby, inadvertently causing this theft. Could you, Mr. Allen, please check into the, into this and advise the public on what you have found? Thank you.

LAW DIRECTOR MARTUCCIO: If I could answer Ms. Freeman to some limited extent. The Board of Health is a separate, independent, autonomous Board who oversees the Health Commissioner and the employees there. Two separate forces of action have been taken against the employee. The allegations are that he has stolen money that belongs to the taxpayers. There is a criminal charge pending. A probable cause hearing was waived. That felony is in the Grand Jury as we speak. A separate civil action has been taken against the employee and he was given a pre-disciplinary hearing with due process and the Board of Health was there -- all of them. They heard the charges explained. They gave the employee a chance to respond and he has been terminated as of last week. If there are any deficiencies in management, I assume Mr. Allen may convey those thoughts to the Board of Health, but, it's not within his office to, to discipline anyone at the Board of Health, per se.

PRESIDENT DENCZAK: The next speaker is Alice Sarver.

MS. SARVER: My name is Alice Sarver. I live at 1225 41st Street NW. There was an informational meeting called to discuss the development of a parcel of land off Cleveland Avenue NW and 44th Street on February 24th, 2005 by Councilwoman Diamond. This project will be another topic of interest in the weeks to come, I'm sure.

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My concerns tonight are to question the process of notifying citizens in an area of such meetings, and I'm wondering if this is a problem in all the wards. I have been asked by the residents of my area, since they know I'm a councilman junkie, (*chuckle*) to bring this to Council's attention. I think you would all agree that the better the communication, the more smoothly government runs. We do not need fuel for the fires of discontent, distress, dissatisfaction and skepticism that have permeated the grass roots of our city neighborhoods. We need accountability. Here are the facts and the questions. A letter supposedly went out to all adjoining property owners within so many feet of the proposed development. Neighbors talk to neighbors and many people did not receive letters. So, one woman in the neighborhood made copies and hand-delivered them. She also called the *Repository* who printed an article telling of the meeting and the meeting was well-attended. Sadly, the *Repository* did not send a representative and yet printed an editorial the next day calling this area rundown and angered the citizens even more. My questions are as follows. Who determines the lists? Are the Mayor, Chief of Staff, President of Council and the Councilmembers-At-Large also notified? Does the letter go to homeowners, renters and landlords? How often is the list updated and by whom? Are returned envelopes used to correct the list? Can someone call and be added to the list? What is the taxpayers cost per envelope in mailing out these letters and does this happen in all wards? What responsibilities does the councilperson, representing the ward, have in keeping a current list? This is not an isolated occurrence. When we had a meeting to determine a sidewalk issue on 41st Street NW, out of 76 interested, vested parties, only 27 responded to the letters sent out by Ms. Diamond. Ten people who should have received letters, never did get one and Councilmember Diamond had a stack of letters returned as undeliverable. Three people got letters that had no vested interest in that particular project. In contrast, the questionnaire and subsequent vote that was hand-carried up and down the streets by residents, provided 71 answers at no-cost to the taxpayer. There is just no reason or justification for the lack of the basic and fundamental identification of the residents in an area that this Council serves. Issues like this distract from the problems at hand and start meetings and problem-solving off on the wrong foot. The people that were at that meeting the other night, came in angry. Sometimes we need to step back and do the small things that make people have pride in this city and pay attention to the little details that the devil is hiding and that gives people the feeling of being important in the decision-making process in their areas where only they know of the current situations. Now, I don't know who might answer all those questions, but I think, you know, maybe many of them are rhetorical....

PRESIDENT DENCZAK: Ma'am, you bring up a good question. Is that so, we really know who is responsible for....? Mayor?....

MAYOR CREIGHTON: Mr. President. The devil in the blue dress will answer that. I could not write down all your questions fast enough. Alice, please, if after the meeting, you give me a copy of that, I will get an answer so everyone has the same answer and we will put it in writing.

MS. SARVER: All right, and do other Councilmembers have, call meetings like this where they mail out, you know, notifications, and then have these same problems?

MAYOR CREIGHTON: The answer, Mr. President, the answer that I can give you is that I have had other citizens have similar complaints. So, I will get an answer. I will make sure that all Council people and you, specifically, will have the answers.

MS. SARVER: I would appreciate that. Thank you for your time.

MINUTES OF THE MEETING OF MARCH 7, 2005**MISCELLANEOUS BUSINESS**

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

MEMBER CARBENIA: Mr. President.....

MEMBER HART: Mr. President, I just wanted to, just briefly go over some information. Each Councilmember was given a survey, recycling survey, and, the waste district in the City of Canton will be teaming up to provide a curb-side recycling program here, hopefully, within, again don't quote me on this, maybe the next 4 to 5 months, 6 months, we'll be ready to go with this and this is a survey that is going to be sent out to approximately about 42,000 residents in the City of Canton, so just in case you are called by any residents, you know, you can just give them the heads up. It should be sent out, I think, towards the middle of this month and if you do receive any calls, please ask them to respond, it says on the survey, by March 25th, and again, it is important to note that this was done with the grant from the Waste District and no city funds were used and, you know, this is going to be very important that we look at the city as doing this. The Ohio EPA, due to budget cut-backs, will be increasing the tipping fees at the landfill and that will cost us, without any intervention, approximately about a quarter of a million dollars more a year to dump, and hopefully, this Recycling Committee, which again will not be costing the City, the citizens anything, because technically, they've already paid for it through the tipping fees. You know, we're going to be able to reduce what's taken to the landfill and through recycling, reuse it. And, also, next week, David Held will be here and I'll be asking the Council to approve a Resolution stating that the City of Canton's willingness to participate in a recycling program. So, that will also be coming and you'll have him there to answer any questions. So, thank you.

MEMBER CARBENIA: Mr. President, I'd like to move to go into Executive Session, pursuant to the Ohio Revised Code Section 121.22 (g) (2) , I move to go into Executive Session to discuss the purchase of real property for public purposes in the Summit and Monument neighborhoods to include, I would like to have the Council, its President and staff, the City's attorneys, the City Auditor and his assistant, the Mayor and her Cabinet; seconded.

PRESIDENT DENCZAK: Moved and seconded to go into Executive Session to discuss the issue, as stated by Member Carbenia. Are there any remarks...? Roll call vote please.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

PRESIDENT DENCZAK: Council is excused to go into Executive Session. Remember to return to the Chamber immediately afterwards.

(COUNCIL RECESSED FOR EXECUTIVE SESSION TO DISCUSS THE MATTER OF SUMMIT AND MONUMENT ROAD NEIGHBORHOODS AT 8:21PM. THE COUNCIL MEETING WAS RECONVENED BY PRESIDENT DENCZAK AT 9:40 PM.)

MEMBER CARBENIA: I move that we exit the.....

PRESIDENT DENCZAK: Executive Session.

MEMBER CARBENIA:Executive Session that we were in, I got tied up on that again; seconded.

PRESIDENT DENCZAK: Moved and seconded that the Council return from the Executive Session. Are there

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any remarks...? If not, roll call vote please.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

PRESIDENT DENCZAK: Council is reconvening after the Executive Session.

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

ADJOURNMENT TIME: 9:42 p.m.

ATTEST:

APPROVED:

DEBRA VANCKUNAS
CLERK OF COUNCIL

RAY DENCZAK
PRESIDENT OF COUNCIL