

MINUTES OF THE MEETING OF APRIL 11, 2005

PRESIDENT DENCZAK: With a quorum being present, the Chair calls this meeting of Canton City Council to order. Roll call please.

The regular meeting of Canton City Council was held on Monday, April 11, 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 6 Councilmember David Dougherty 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)

PRESIDENT DENCZAK: Ladies and gentlemen and Members of Council, a young man passed away at a young age of 39. His name is Chris Dougherty. He's the brother of ward councilman, Dave Dougherty. I ask in your place you bow your head for a moment of silent prayer for Chris Dougherty.

MOMENT OF SILENT PRAYER FOR COUNCILMAN DAVE DOUGHERTY'S BROTHER, CHRIS DOUGHERTY.

PRESIDENT DENCZAK: Amen. Thank you.

AGENDA CORRECTIONS & CHANGES

PRESIDENT DENCZAK: Agenda corrections and changes, Members of Council, you're being asked to suspend Rule 24B to add Resolution #51. The Chair will recognize that motion now, Member Casar.

MEMBER CASAR: Mr. President, I move we suspend Rule 24B and add Resolution #51 to tonight's agenda; seconded.

PRESIDENT DENCZAK: Moved and seconded that you suspend Rule 24B. Are there any remarks?... If not, roll call vote please.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

PRESIDENT DENCZAK: Rule 24B has been suspended and Resolution #51 is a legal part of your agenda. You're being asked to suspend Rule 22A to add Ordinance #7. Member Casar, the Chair will recognize that motion at this time.

MEMBER CASAR: Mr. President, I move we suspend Rule 22A and add Ordinance #7 to this evening's agenda; seconded.

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

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

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PRESIDENT DENCZAK: Rule 22A has been suspended and Ordinance #7 is a legal part of your agenda. This brings your agenda up to date, Members of Council.

PUBLIC HEARINGS

PRESIDENT DENCZAK: There's no scheduled public hearings at this time.

PUBLIC SPEAKS (ORDINANCES OR RESOLUTIONS FOR ADOPTION ONLY):

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

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. Resolutions #43 please.

PRESIDENT DENCZAK CALLED UPON CLERK OF COUNCIL VANCKUNAS TO READ RESOLUTIONS #43 THROUGH AND INCLUDING #51 BY TITLE, AS SHOWN BELOW. THE RESOLUTIONS ARE ON FILE IN THEIR ENTIRETY IN THE COUNCIL OFFICE WITH THE AGENDA ITEMS DATED APRIL 11, 2005.

43. COUNCIL-AS-A-WHOLE COMMITTEE: COMMENDING MCKINLEY SENIOR HIGH SCHOOL BASKETBALL TEAM AND HEAD COACH DAVE HOOVER FOR WINNING THE DIVISION I STATE CHAMPIONSHIP TITLE. - ADOPTED BY COUNCIL

MEMBER CASAR: Mr. President, I move we adopt Resolution #43; seconded.

PRESIDENT DENCZAK: Moved and seconded that Council adopt Resolution #43. Are there any remarks under this Resolution?... Member Babcock...

MEMBER BABCOCK: *(INAUDIBLE)*

PRESIDENT DENCZAK: You want to present the Resolution?... Wait, one moment, you say you want to present the Resolution?... *(INAUDIBLE RESPONSE)* Alright, do it after it's adopted.

MEMBER BABCOCK: *(INAUDIBLE)*

PRESIDENT DENCZAK: Madam Clerk, will you please read the Resolution.

CLERK OF COUNCIL VANCKUNAS: Resolution #43. Respectfully submitted by Council-of-the-Whole on this 11th day of April, 2005. Whereas, the last time was 21 years ago. The Canton McKinley Bulldogs, coached by Mike Riley, defeated Dayton Dunbar, 79-75 in overtime and won the State Division Basketball Title. It was the last time, until now; and whereas, on Saturday, March 19, 2005, at Ohio State's Value City Arena, the Bulldogs, coached by Dave Hoover, once again took the Division State Championship title by toppling Cincinnati St. Xavier, 51-42. This win marked McKinley's 301st tournament victory; and whereas, finishing a 26-1 season, the Bulldogs truly demonstrated what team work is all about. Possessing a strong work ethic all season long, the players were focused, confident and trusting in each other's abilities. Even after 97 practices and 27 games, this

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attitude of camaraderie proved to be their greatest strength; and whereas, with the return of eight of the team's regulars, the Canton McKinley Bulldogs could very well be the first team in school history to win the state title two consecutive years. Now, therefore, be it resolved that we, the Members of the Council of the City Canton, Ohio, do hereby go on public record as commending the McKinley Senior High School Basketball Team and Head Coach Dave Hoover for their tremendous enthusiasm, hard work and dedication to their sport. By winning the Division I State Championship Basketball Title, you have proven once again that Canton is home to the best darn basketball team in the State.

PRESIDENT DENCZAK: Are there any further remarks under this Resolution?... If not, by voice vote, all those in favor, signify by saying aye. Those opposed no.

NO REMARKS

RESOLUTION #43 APPROVED BY UNANIMOUS VOICE VOTE

PRESIDENT DENCZAK: The Resolution is adopted. Member Babcock, you may present the Resolution at this time.

(PAUSE AS MEMBER BABCOCK & THE COACH APPROACH THE MICROPHONE)

MEMBER BABCOCK: It gives me great pleasure to present this Resolution because I went to McKinley. I know this is the second time they've ever won this championship, and this really great. I thought that was really something. And, I-- we always lost the last game. *(CHUCKLES)* So it gives me great pleasure to present this Resolution. It's heavy *(CHUCKLES)*.

COACH HOOVER: Thank you very much.

MEMBER BABCOCK: And then here's a copy for all the players.

COACH HOOVER: Thank you. *(APPLAUSE)*

COACH HOOVER: It's always special when you coach at McKinley. I guess we have pressure to win next year already since it's in our Resolution. *(LAUGHTER)* But I would like to thank-- on behalf of the team, we would like to thank you for this Resolution and honoring us, and it was an honor for us to represent McKinley High School and in particular the City of Canton. Thank you. *(APPLAUSE)*

MEMBER DOUGHERTY: Mr. President, could we acknowledge all the team members. Please have them stand.

PRESIDENT DENCZAK: Yes. Would the team stand please?... And Coach, could you give their names. *(APPLAUSE)*

COACH HOOVER: Guys, if you'll raise your hand when I call your names. Sam Williams, Kirk Freeman, Marcus Parker, Harriel Moore, Sedelle Broyles, Morgan Williams, Zach Leonard, Leo Turpin, Sean Witherspoon, Jason Snow, Ricky Jackson. And we also have three coaches with us, R.C. Hill, Jr., David Thompson and Greg Malone. *(APPLAUSE)*

PRESIDENT DENCZAK: Coach, the Chair asks you keep that Resolution in good stead because when you win next year, we won't have to buy another one because they are rather expensive. *(LAUGHTER)* Okay. You won't have to deal with me much longer, so... Resolutions 44, 45, 46, 47, 48, 49 and 50, Member Casar.

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44. HAWK, GREG, WARD 1 COUNCILMEMBER: COMMENDING *STEVEN RUDICK* FOR BEING HONORED WITH THE CANTON JEWISH COMMUNITY CENTER'S *GARY D. SHIFMAN AWARD*. - ADOPTED BY COUNCIL
45. HAWK, GREG, WARD 1 COUNCILMEMBER: COMMENDING *MEGAN SMUCKLER* FOR BEING HONORED WITH THE CANTON JEWISH COMMUNITY CENTER'S *GARY D. SHIFMAN AWARD*. - ADOPTED BY COUNCIL
46. HAWK, WARD 1 MEMBER: COMMENDING *ARTHUR ROSENSTOCK* FOR BEING HONORED WITH THE CANTON JEWISH COMMUNITY CENTER'S *DR. H.L. GINSBURG AWARD*. - ADOPTED BY COUNCIL
47. HAWK, WARD 1 MEMBER: COMMENDING *KENT MCCLELLAND* FOR BEING HONORED WITH THE CANTON JEWISH COMMUNITY CENTER'S *DR. H.L. GINSBURG AWARD*. - ADOPTED BY COUNCIL
48. HAWK, WARD 1 MEMBER: COMMENDING *GREG LUNTZ* FOR BEING HONORED WITH THE CANTON JEWISH COMMUNITY CENTER'S *SANFORD & JACOB FURMAN AWARD*. - ADOPTED BY COUNCIL
49. HAWK, WARD 1 MEMBER: COMMENDING *TODD PALLOTTA* FOR BEING HONORED WITH THE CANTON JEWISH COMMUNITY CENTER'S *A.L. HELLING AWARD*. - ADOPTED BY COUNCIL
50. HAWK, WARD 1 MEMBER: COMMENDING *SHIRLEY LOCKSHIN* FOR BEING HONORED WITH THE CANTON JEWISH COMMUNITY CENTER'S *SANFORD & JACOB FURMAN AWARD*. - ADOPTED BY COUNCIL

MEMBER CASAR: Mr. President, I move we adopt Resolutions #44 through and including #50; seconded.

PRESIDENT DENCZAK: Moved and seconded that Council adopt Resolutions #44 through and including #50. Are there any remarks?... By voice vote, all those in favor, signify by saying aye. Those opposed no.

NO REMARKS

RESOLUTIONS #44 THROUGH AND INCLUDING #50
APPROVED BY UNANIMOUS VOICE VOTE

PRESIDENT DENCZAK: All the Resolutions are adopted. Member Hawk, are you going to make the presentation or has the presen...?

MEMBER HAWK: (*INAUDIBLE*)

PRESIDENT DENCZAK: Are you gonna make the presentations for these?...

MEMBER HAWK: (*INAUDIBLE-RESPONDS THAT THEY HAVE ALREADY BEEN PRESENTED*)

PRESIDENT DENCZAK: Oh, okay. Alright.

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51. PERSONNEL COMMITTEE: AUTHORIZING CITY ENGINEER POSITION BE OFFERED TO DANIEL MOEGLIN AT \$89,500 ANNUAL SALARY & CARRYOVER OF 384.49 **AMENDED TO 80** SICK LEAVE HOURS. - ADOPTED BY COUNCIL

MEMBER CASAR: Mr. President, I move we adopt Resolution #51; seconded.

PRESIDENT DENCZAK: Moved and seconded that you adopt Resolution #51. Are there any remarks under this Resolution?...

MEMBER ZACHARY: Mr. President, we would like to amend the amount of sick hours to 80 hours.

PRESIDENT DENCZAK: Well, make a motion to that effect then.

MEMBER ZACHARY: I make a motion that we amend the amount of sick hours to 80 hours; seconded.

PRESIDENT DENCZAK: Moved and seconded to amend the Resolution to 80, did you say?

MEMBER ZACHARY: 80, 8-0.

PRESIDENT DENCZAK: 8-0 instead of 384 hours.

LAW DIRECTOR MARTUCCIO: Miss Chairperson, I assume that is in both the whereas and in the actual resolution itself?

MEMBER ZACHARY: That is correct.

PRESIDENT DENCZAK: The question before you now, Members of Council, is the amendment. Are there any remarks?... If not, by voice vote all those in favor of the amendment signify by saying aye. Those opposed no.

NO REMARKS

AMENDMENT APPROVED BY UNANIMOUS VOICE VOTE

PRESIDENT DENCZAK: The Personnel Committee Resolution has been amended. The question before you now is the Resolution as amended. Are there any remarks under this Resolution as amended?... Very well, by voice vote all those in favor of the amendment signify by saying aye. Those opposed no.

NO FURTHER REMARKS

RESOLUTION #51 APPROVED BY UNANIMOUS VOICE VOTE

PRESIDENT DENCZAK: Personnel Committee Resolution, as amended, 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 APRIL 11, 2005.

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202. LIQUOR CONTROL DIVISION, 6606 TUSSING RD, PO BOX 4005, REYNOLDSBURG OHIO 43068-9005: REQUEST TO TRANSFER OWNERSHIP OF D2, D2X, D3, D3A LIQUOR PERMIT FROM MCKINLEY RENTAL TO JW FOOD CONCEPTS @ 800 MARKET AVE N. - INTERGOVERNMENTAL & PUBLIC SERVICE CMTE
203. LIQUOR CONTROL DIVISION, 6606 TUSSING RD, PO BOX 4005, REYNOLDSBURG OHIO 43068-9005: NOTICE OF COUNCIL'S WITHDRAWAL OF OBJECTION TO TRANSFER OF C1-2 LIQUOR PERMIT REQUESTED BY BAIT NABALAH, dba BEST FOR LESS @ 1100 12TH ST NW. - INTERGOVERNMENTAL & PUBLIC SERVICE CMTE
204. LIQUOR CONTROL DIVISION, 6606 TUSSING RD, PO BOX 4005, REYNOLDSBURG OHIO 43068-9005: NOTICE OF COUNCIL'S WITHDRAWAL OF OBJECTION TO NEW C1-2 LIQUOR PERMIT REQUESTED BY TAP INVESTMENTS, dba AP @ 903 12TH ST NE. - INTERGOVERNMENTAL & PUBLIC SERVICE CMTE
205. LIQUOR CONTROL DIVISION, 6606 TUSSING RD, PO BOX 4005, REYNOLDSBURG OHIO 43068-9005: REQUEST BY FRATERNAL ORDER ORIOLES NEST 315 CANTON, 3151 MAHONING RD NE, FOR NEW D4 LIQUOR PERMIT. - INTERGOVERNMENTAL & PUBLIC SERVICE CMTE
206. SAFETY DIRECTOR BERNARD L. HUNT, CITY OF CANTON: REQUEST TO ENTER INTO ANOTHER 5-YR RECIPROCAL SERVICE AGREEMENT W/STARK STATE COLLEGE OF TECHNOLOGY GRANTING THEM EXCLUSIVE, CONDITIONAL USE OF A CITY-OWNED 1982 TOWER TRUCK FOR FIRE-FIGHTING TRAINING PURPOSES. - INTERGOVERNMENTAL & PUBLIC SERVICE CMTE
207. SAFETY DIRECTOR BERNARD L. HUNT, CITY OF CANTON: REQUEST TO PUT UP FOR AUCTION THE FORMER CANTON FIRE STATION #2 LOCATED @ 2000 3RD STREET NE NO LONGER NEEDED FOR MUNICIPAL PURPOSES. - PUBLIC PROPERTY CAPITAL IMPROVEMENT CMTE
208. SAFETY DIRECTOR BERNARD L. HUNT, CITY OF CANTON: REQUEST FOR MAYOR/& OR SAFETY DIRECTOR TO ENTER INTO WORK AGREEMENTS FOR THE MARKET AVENUE TRAFFIC SIGNAL SYSTEM IMPROVEMENT PROJECT; & REQUEST AUTHORIZATION FOR MINISTERIAL CHANGES TO EXHIBIT A. - PUBLIC SAFETY & THOROUGHFARES CMTE
209. SAFETY DIRECTOR BERNARD L. HUNT, CITY OF CANTON: REQUEST FOR MAYOR TO ENTER INTO CONTRACT W/ODOT TO UPGRADE TRAFFIC SIGNAL EQUIPMENT @ 12 LOCATIONS IN THE FULTON DRIVE TRAFFIC SIGNAL SYSTEM; REQUESTING \$23,600 SUPPLEMENTAL APPROPRIATION FROM THE 4501 CAPITAL IMPROVEMENT FUND FOR SAME - PUBLIC PROPERTY CAPITAL IMPROVEMENT & FINANCE CMTE
210. SERVICE DIRECTOR JOSEPH J. CONCATTO, CITY OF CANTON: REQUEST TO PLACE LIENS ON PROPERTY OWNERS REAL ESTATE TAXES FOR MAINTENANCE TO THEIR PROPERTIES ON BEHALF OF THE CITY OF CANTON STREET DEPT. - INTERGOVERNMENTAL & PUBLIC SERVICE CMTE

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211. SERVICE DIRECTOR JOSEPH J. CONCATTO, CITY OF CANTON: REQUEST TO MAKE \$80,552.83 MORAL OBLIGATION PAYMENT TO VARIOUS SUPPLIERS FOR MAINTENANCE ITEMS, CONCESSION SUPPLIES, CAPITAL IMPROVEMENTS & REPAIRS AT THE CIVIC CENTER. - FINANCE CMTE
212. SERVICE DIRECTOR JOSEPH J. CONCATTO, CITY OF CANTON: REQUEST \$32,166.44 SUPPLEMENTAL APPROPRIATION FROM LAWR-CHESTER PHASE II WATER MAIN EXTENSION FUND TO RE-PAY OWDA SEMI-ANNUAL PAYMENT DUE JULY 1 & JANUARY 1. - ENVIRONMENTAL & PUBLIC UTILITIES AND FINANCE CMTES
213. SLIMAN, SAMUEL J., AGENT FOR PETITIONER: COPY OF ANNEXATION PETITION DOCUMENTS THAT HAVE BEEN FILED WITH STARK COUNTY COMMISSIONERS IN THE CENTRAL ALLIED/ HARMONT ANNEXATION AREA. - RECEIVED & FILED
214. TAX INCENTIVE REVIEW COUNCIL, CITY OF CANTON, MANDWEL PATTERSON, MANAGER: SUBMITTING MINUTES OF 3/10/05 TAX INCENTIVE REVIEW COUNCIL MEETING & COPY OF ENTERPRISE ZONE ANNUAL SUMMARY REPORT FOR 2004; RECOMMENDING CONTINUATION OF ENTERPRISE ZONE TAX ABATEMENT PROJECT AGREEMENTS. - RECEIVED & FILED
215. TREASURER ROBERT C. SCHIRACK, CITY OF CANTON: COMPARATIVE REPORT OF AMBULANCE LOCK BOX ACCOUNT FOR MARCH 2005. - RECEIVED & FILED
216. TREASURER ROBERT C. SCHIRACK, CITY OF CANTON: COMPARATIVE REPORT OF INCOME TAX CASH RECEIPTS AS OF 3/31/05 - RECEIVED & FILED
217. TREASURER ROBERT C. SCHIRACK, CITY OF CANTON: COMPARATIVE REPORT OF PARKING METER REVENUE FOR MARCH 2005. - RECEIVED & FILED
218. TREASURER ROBERT C. SCHIRACK, CITY OF CANTON: REPORT OF TREASURER'S OFFICE BANK RECONCILIATIONS & CITY'S OUTSTANDING INVESTMENTS AS OF MARCH 31, 2005. - RECEIVED & FILED

ORDINANCES & FORMAL RESOLUTIONS FOR FIRST READING

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

NOTE: PRESIDENT OF COUNCIL DENCZAK CALLED UPON CLERK VANCKUNAS TO READ THE FOLLOWING ORDINANCES #1 THROUGH AND INCLUDING #6 FOR THE FIRST TIME BY TITLE & ANNOUNCED THE COMMITTEE REFERRAL, AS FOLLOWS.

- #1 (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 (Ralph Cowan zone change)
Referred to Judiciary Committee

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- #2 (1ST RDG) AN ORDINANCE AMENDING ORDINANCE NO. 55/77, AS AMENDED, KNOWN AS THE CITY OF CANTON ZONING ORDINANCE (City Wide Re-zoning)
Referred to Judiciary Committee
- #3 (1ST RDG) AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CONTRACT WITH STARK COUNTY REGIONAL PLANNING COMMISSION TO PROVIDE A GRANT IN AN AMOUNT NOT TO EXCEED \$84,000.00 FOR A COMPREHENSIVE FAIR HOUSING PROGRAM; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Community & Economic Development & Finance Committees
- #4 (1ST RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY TO ENTER INTO A PROFESSIONAL SERVICE CONTRACT WITH THE CREDIT BUREAU OF STARK COUNTY, INC. FOR THE COLLECTION OF DELINQUENT USER FEES FOR AMBULANCE SERVICES; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Finance Committee
- #5 (1ST RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY TO ENTER INTO A PROFESSIONAL SERVICE CONTRACT WITH CT CONSULTANTS; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Personnel & Finance Committees
- #6 (1ST RDG) AN ORDINANCE APPROVING AND ACCEPTING THE REPLATTING OF PARTS OF OUTLOTS 808 AND 809; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Public Safety & Thoroughfares Committee

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 ORDINANCE #7 FOR THE SECOND TIME BY TITLE, AS FOLLOWS.

- #7 (2ND RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CONTRACT WITH OSBORN ENGINEERING CO. IN AN AMOUNT NOT TO EXCEED \$149,900.00 FOR PROFESSIONAL ENGINEERING AND SURVEYING SERVICES FOR THE 25TH STREET NE STORM SEWER PROJECT, GP 1090; AMENDING APPROPRIATION ORDINANCE NO. 253/2004; AND DECLARING THE SAME TO BE AN EMERGENCY

ORDINANCES AND FORMAL RESOLUTIONS FOR THIRD READING

PRESIDENT DENCZAK: We're now under Ordinances and Formal Resolutions for the third and final reading.

NOTE: PRESIDENT OF COUNCIL DENCZAK CALLED UPON CLERK VANCKUNAS TO READ ORDINANCES #8 THROUGH AND INCLUDING #10 FOR THE THIRD & FINAL TIME BY TITLE, AS FOLLOWS. ALL ORDINANCES WERE ADOPTED FOLLOWING THEIR 3RD READING.

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#8 (3RD RDG) **ADOPTED AS ORDINANCE NO. 75/2005** 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.

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 12 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance #8 is adopted.

#8 ADOPTED AS ORDINANCE NO. 75/2005

#9 (3RD RDG) **ADOPTED AS ORDINANCE NO. 76/2005** AN ORDINANCE AUTHORIZING THE CITY AUDITOR TO PAY A MORAL OBLIGATION IN THE AMOUNT OF \$50,000 TO THE CANTON CITY SCHOOL DISTRICT BOARD OF EDUCATION; AND DECLARING THE SAME TO BE AN EMERGENCY

MEMBER CASAR: Mr. President, I move we adopt Ordinance #9; seconded.

PRESIDENT DENCZAK: Moved and seconded that you adopt Ordinance #9. Are there any remarks under this Ordinance?... Very well, roll call vote please.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS, 1 ABSTENTION (HART)

PRESIDENT DENCZAK: Ordinance #9 is adopted.

#9 ADOPTED AS ORDINANCE NO. 76/2005

#10 (3RD RDG) **ADOPTED AS ORDINANCE NO. 77/2005** AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A FEE MODIFICATION WITH GPD ASSOCIATES IN AN AMOUNT NOT TO EXCEED \$19,931.00 TO PERFORM EVALUATION AND DESIGN OF A RETENTION BASIN FOR THE STEESE AREA DRAINAGE PROJECT; AMENDING APPROPRIATION ORDINANCE NO. 253/2004; AND DECLARING THE SAME TO BE AN EMERGENCY

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?...

MEMBER DIAMOND: Mr. President, this is a badly needed study. This area has had flooding for years and years, and now there is consideration of putting a new subdivision in this area, and I think it's really important that we determine what needs to be done to help the existing neighbors before we approve a subdivision that will go in and I think has the possibility of contributing to the flooding. So I would urge everyone to vote for this and we can decide what needs to be done and make certain that we have enough land in which to do it. Thank you.

PRESIDENT DENCZAK: Are there any other remarks?... If not, roll call vote please.

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NO FURTHER REMARKS

ROLL CALL 12 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance #10 is adopted.

#10 ADOPTED AS ORDINANCE NO. 77/2005**ANNOUNCEMENT OF COMMITTEE MEETINGS**

PRESIDENT DENCZAK: Announcement of committee meetings please.

MEMBER ZACHARY: Mr. President, Personnel Committee will meet at 6:00 PM on April the 18th.MEMBER BERNABEI: Mr. President, Judiciary will meet at 6:00 PM on April 18th.MEMBER BABCOCK: *(Member Babcock's remarks are inaudible, however she announced a Public Safety & Thoroughfares Committee meeting for 4/18/05 at 6:00 PM)*MEMBER CARBENIA: Mr. President, Community & Economic Development will meet on the 18th at 6:00 PM.MEMBER GRIFFIN: Mr. President, Environmental & Public Utilities will meet at 6:00 PM on the 18th.MEMBER HAWK: Mr. President, Finance will meet Monday, April. 18th, 6:00 PM.**PUBLIC SPEAKS (OPEN FORUM--CITY BUSINESS ONLY)**

PRESIDENT DENCZAK: Public Speaks, Open Forum. We have one speaker signed up this evening. Craig Massey.

MR. MASSEY: My name is Craig Massey. I live at 1927 4th Street SE, Canton, Ohio. The reason I'm here this evening is to talk a little bit about the Monroe Center that had paperwork filed to auction it off. I just wanted to say some of the positive things that are going on in Monroe Center. There's an after school program for the kids of the surrounding schools. Kids come in approximately 3:00 to about 5:00 every day to do homework, to get on the computers, positive things like that. We have a senior program where we feed the senior citizens once a month. We would like to do that twice a month, right now it's just once a month. We're also scheduling tours for the seniors out of the Monroe Center. We have CPR first aid classes for adults and children ran out of the Center at this time. There's also an AA program that's being ran out of the Center at this time because it's hard for a lot of people who live in my area to get to the other side of town to attend an AA class. We're also teaching the kids about community service, about giving back to your community which is also something very positive because a lot of kids don't come up like that and they don't know to give back to their community, so we're teaching that too. We're working with other, or collaborating with other neighborhood groups to do other programs out of the Monroe Center. We're teaching kids right from wrong. That is something very important and that's what we're doing out of there too because a lot of kids don't get that out of their homes today. We've also thrown some high school dances and we didn't have any problems. We threw some middle school dances where we didn't have any problems because the teenagers are saying they don't have anything to do, and so we're trying to do things for them. We're also renting out the hall to different agencies that want to do different things that we may have church groups rent. We may have birthday parties, and there are other agencies that rent from us. We also use the hall as a neighborhood meeting group so that we can put out important information. Also the councilperson, Mrs. Zachary, comes down and puts out information as well. My question this evening is, who makes the final decision? Does it come from the Mayor's office or will the Council vote on this decision? I have a problem with taking the building away from us when we're doing something positive in the neighborhood. If

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that building is auctioned off, I can see a whole lot of negative things going on. Aren't we supposed to be doing positive things in the neighborhood? Then my other question would be, approximately three weeks ago on a Sunday there was a police chase through the neighborhood. Six cars were hit, three were totaled. What is the procedure on a police chase?

PRESIDENT DENCZAK: First question. Mayor, do you wish to respond to his first question?... Or the Law Director?... Somebody. He asked the question who's the final authority...

LAW DIRECTOR MARTUCCIO: Mr. Massey, under Ohio State law, if this City were to find that it no longer needed the building for municipal purposes, Council would have to do that in an ordinance. So, for example, the administration, the Mayor and the administration, are charged with overseeing city property and it is currently city property. As you know, it's the abandoned fire station. It's been the subject of a long term lease with the non-profit group. If the administration were to come to Council and propose an ordinance saying we don't think we need it for municipal purposes anymore, we would like to sell it, then Council would have to pass an ordinance by, I think it's a two-thirds majority, saying it was no longer needed for municipal purposes and the administration was authorized to sell it. I know I might have helped in the confusion earlier by saying that it possibly could be auctioned. If it were sold, it would have to be done by a bid process, it would have to be advertised five consecutive weeks in the paper, and it would go to the highest bidder. I believe that answers your first question.

PRESIDENT DENCZAK: Okay. The second question was about the police chase.

SAFETY DIRECTOR HUNT: Mr. President, a police chase may be initiated by an individual officer. After that chase is initiated, he has to contact the lieutenant in charge and if there is a possibility of safety or health issues, then the officer in charge will call the police chase off. It is my understanding that the individual himself hit some parked cars in the area and then I think he was finally apprehended in that area after getting out of the car and taking off.

MR. MASSEY: So the police chase was okayed by who?

SAFETY DIRECTOR HUNT: The officer in charge will stop the police chase if in fact there is an expectation of health or safety involved. In this case, by the time our officers were able to catch up with this individual unfortunately the damage had already been done.

MR. MASSEY: Right. Because there was definitely, I feel, a problem with that police chase. When you have cars parked on both sides of the street-- when you have cars parked on both sides of the street, when you have children out playing, that police chase probably should have been called off.

SAFETY DIRECTOR HUNT: Mr. Massey, the individual that was fleeing the police hit the vehicles is my understanding.

MR. MASSEY: Say that again, Mr. Hunt.

SAFETY DIRECTOR HUNT: The vehicle driven by the individual that was fleeing the police hit the parked vehicles as he was trying to allude the police officers.

MR. MASSEY: Yes, sir, and it should have been called off. That's what I needed to say. Thank you.

MEMBER BABCOCK: *(INAUDIBLE)*

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MR. MASSEY: Concerned Citizens of the Fourth Ward still have the building, the Monroe building.

MEMBER BABCOCK: *(INAUDIBLE)*

MR. MASSEY: Yes, Ma'am. Yes, Ma'am. And we're still there presently. We would like to stay there.

MAYOR CREIGHTON: Mr. President, currently the City of Canton has been maintaining the building. I think we need to make that perfectly clear. I have with me tonight, and I will be glad to distribute to the Councilmembers, the monies that have been spent in the last years maintaining that, and there is future requirements that will be needed to keep that building in order.

MEMBER WEST: Mr. President, the Monroe Center, I guess are they ready to or prepared to take that building over or has that been proposed? Is that what you're saying tonight?

MR. MASSEY: We've had several conversations, Safety Director meetings, also with Council lady Zachary about taking over the building. And I thought we talked about June or July maybe having the building auctioned off, and I get up one morning, I look in the paper, and I see paperwork has been filed to auction the building off. As far as work being done in the building, I've been chairman for approximately six months, there's been no work done in the building. Maybe he came in and changed the light bulb. The door is bad. The boiler's bad. It's a city building. It's a city building.

MEMBER ZACHARY: Mr. President...

MR. MASSEY: And all we're trying...

MEMBER ZACHARY: Oh, I'm sorry.

MR. MASSEY: And all we're trying to do is do something positive in the neighborhood and help people out.

MEMBER ZACHARY: Mr. President, if I could ask Law Director Martuccio a question. If the building goes up for an auction process, would those be sealed bids, would there be a minimum reserve on the auction, and would the Concerned Citizens be in a position or would they be able or allowed to bid on the building?

LAW DIRECTOR MARTUCCIO: Mr. President. Ms. Zachary, it would not be an auction. After reading the law more closely, it would have to be done by sealed bids after advertising in a newspaper of general circulation once a week for five weeks. Yes, the non-profit organization could bid on the building. And if they were the highest bid, they would win. The bids can be somewhat tailored, but we have to make sure that we're within the law when we structure the bids.

MR. MASSEY: I have one more question, okay?

SERVICE DIRECTOR CONCATTO: Mr. President, only because I was involved four years ago when the lease ran out and was reinitiated, the lease very clearly says that we lease this to the Fourth Ward-- to your committee, Concerned Citizens of the Fourth Ward, for one dollar a year. In return they pay all expenses. They pay expenses for repairs, they pay expenses for gas heat, there should be no expenses let out to the City. That was in the contract and agreed to by, at that time, and you weren't I don't believe at that time, Mr. Massey, you remember that. But I remember that lease because I was the one that brought it to them, and they agreed that they would pay for all expenses for that building. Now since then, our-- they've called since then many times and asked for

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us because they can't afford to pay for the expenses even though it was in their lease that they did that, that we pay for some expenses. Referring to, and the Mayor has PO's that we've done it, with the boiler, repairing the boiler, coming down there doing more than changing light bulbs, and I have a list of things we did. Now, I would agree with you that this is a very viable organization that is using this building, but their lease was for one dollar for a year and that they would maintain that building and any maintenance would be at their expense. And that really hasn't been what's happening. And I guess that's where we're at today.

MR. MASSEY: My final thing would be is Concerned Citizens eligible to apply for a grant, cause we didn't get the grant to fix the roof like it was promised to us? So are we able to apply for a grant to get the building?

(INAUDIBLE REMARKS)

MR. MASSEY: Right.

LAW DIRECTOR MARTUCCIO: Mr. President. Mr. Massey, I'm not sure that that would be an eligible expenditure of Community Block Grant monies. As a non-profit, your group is eligible to apply for grants from certain foundations...

MR. MASSEY: U-mmm.

LAW DIRECTOR MARTUCCIO: And if they had a bricks and mortar kind of project for a place they own, I believe they could go the Community & Economic Development Department and ask to file an application with the appropriate fund or group. For example, there are some funds that are made available through the Federal Government, but I don't think you could do it-- I don't think your group could apply for money to be able to bid on the building 'cause you don't own the building yet. A better alternative might be to-- 'cause your group is doing wonderful work obviously. A better alternative might be to see if there is another space that can be rented to you or loaned to you in one of the other places that's being studied in this survey and assessment that's going on about community centers. There may be some other buildings the City could use its influence upon to find a space for you nearby so they stay somewhere in the ward and benefit the folks that they've been benefitting. I talked with Ms. Simler...

MR. MASSEY: Sumlin.

LAW DIRECTOR MARTUCCIO: Sumlin, a few times, and obviously you've got some projects in the make-- that are in the making, and if another location could be found, I'm not sure those projects would have to be discontinued.

MEMBER WEST: Mr. President, did I hear you say that you was promised some monies to fix something or to buy something?...

MR. MASSEY: The roof.

MEMBER WEST: And what happened? Who promised that and where did that come from?

MR. MASSEY: It came through Community Economic Development to fix the roof and it never happened.

MAYOR CREIGHTON: Mr. President, in a communication January 28, 2005 from Margy Poorman, the CD Department has the funds to pay for the \$10,000 roof repair request, and you know, until we get-- until it's started

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and they submit the bills for reimbursement, it would not be given. We just don't write out checks. So they have to make sure that they go ahead with the roof repair, and then they would be reimbursed their \$10,000, and we do still have that money in fund for the Concerned Citizens.

MR. MASSEY: Thank you.

MISCELLANEOUS BUSINESS

PRESIDENT DENCZAK: We're under Miscellaneous Business. Is there any Miscellaneous Business?... The Chair has an announcement to make, Members of Council, and then a question. First of all, the Ethics Commission forms are due the 15th of this month, so make sure they get in the mail to the Ethics Commission. I don't want to see any of you go to jail. So, April the 15th is the deadline, the same as your income taxes. Make sure you pay your taxes too 'cause I don't want to see anybody go to jail. And one question of the Service Director. Several months ago I asked a study be made on studying the lights, the six units at 5th Street and Market South, and at the Hercules entrance plant, there's seven units there. I notice they had signs put up that a study was being made about the removal of those lights. I see the signs have come down, but the lights haven't come down. Where do we stand in relationship to that?

SERVICE DIRECTOR CONCATTO: Mr. President, could you repeat that please? 5th and...

PRESIDENT DENCZAK: 5th and Market South, that's a dead end street, but it's got six traffic control devices. That's beside *The Repository*. It's a one way street.

SERVICE DIRECTOR CONCATTO: Are these traffic lights?

PRESIDENT DENCZAK: Traffic lights.

SERVICE DIRECTOR CONCATTO: That's the Safety Director, sorry. (LAUGHTER)

PRESIDENT DENCZAK: You're the one who asked me.

SAFETY DIRECTOR HUNT: Mr. President, those were under study. *The Repository* was one of the businesses that we checked; they were not in favor of removing that light. It's our understanding that they felt that it would be difficult for them to get out to the main street, so therefore, we're still studying the removal of that light. It is our intent to make sure that if that light is not needed, that it is in fact removed, but there were some folks that did not want the light removed.

PRESIDENT DENCZAK: What about the one at Hercules?

SAFETY DIRECTOR HUNT: That light will be removed. We studied that, we have no need for that. That light will come down.

PRESIDENT DENCZAK: Alright. That's six units of traffic signal control devices just for the sole purpose of *The Canton Repository*. It's a T intersection. It's a one way street. It's not difficult to pull out there for their trucks or whatever.

SAFETY DIRECTOR HUNT: I did not say it was...

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PRESIDENT DENCZAK: And, to keep those lights operating just for that one purpose, maybe we should have them pay the electric bill.

SAFETY DIRECTOR HUNT: We are still studying that, Mr. President.

PRESIDENT DENCZAK: I hope so. Let's see that sign go back up and let me know that you're still studying it then. That's worthless spending of the taxpayers' money. Is there any other miscellaneous business?...

MEMBER WEST: Mr. President.

(SIMULTANEOUSLY)

MEMBER ZACHARY: Mr. President.

PRESIDENT DENCZAK: Ladies before gentlemen, okay? I want to be politically correct here. Member Zachary?...

MEMBER ZACHARY: I would just like to remind all members of Council as well as the Administration about an initiative called Building Healthy Communities that will take place tomorrow at St. Anthony's Church on the southeast end of town. It's on 11th Street. It begins at 5:45 PM until 8:30 PM. We're serving boxed dinners, and there will be door prizes given away, but it is an initiative that is going to help that area or that quadrant of the ward be a healthier community and I encourage anyone who is not doing anything tomorrow evening to come down there.

MEMBER DIAMOND: Mr. President, I have a question for the Service Director. When we have a subdivision in another political entity that is contiguous to the City, what is the City's responsibility as far as approving that subdivision? In what areas is it required that the City of Canton give an approval for a subdivision in another political entity? And I'm speaking about Monticello which abuts up to 49th Street NW which is the City of Canton.

SERVICE DIRECTOR CONCATTO: That question, I would ask the Law Director for that. I'm not sure I have an answer for that without researching it. First off, I don't know that we have any. I guess maybe you're speaking about what they do with the drainage and does that drainage go into the City of Canton. I would assume in that case we would have some say so, but you know, I really don't know that answer. I don't know if Joe does or not...

LAW DIRECTOR MARTUCCIO: Mr. President. Member Diamond, that's a difficult question to answer very concisely. Drainage, as you know, is a very, very controversial topic. You know more than most councilmembers how controversial it is right now. The case law surrounding drainage is evolving. We do have the right to object to certain inflow if it doesn't keep with case law. Engineers have standards they apply in terms of volume and rate and all that kind of thing. I believe that there was some joint consultation between the engineers of North Canton in which I believe Monticello sits, the City of Canton, and the engineers for the developers. I believe there was some consensus arrived at as to what method of drainage, so many year storms, critical storm events. There were those kinds of discussions. We have no authority over the land that Monticello sits on when it's in North Canton. As a political entity, the City of Canton could I suppose get involved in litigation if we felt that the type of drainage was contrary to law, and again that's where it starts to get more than I care to get into tonight because it evolved from a common enemy doctrine into a reasonable use doctrine. And that's something we could probably talk about alone once we have a better grip on the research.

MEMBER DIAMOND: Mr. President, just a comment for the Service Director. A few years ago, residents from

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49th Street and Vernon came down and showed this Council and the administration a tape of excessive flooding once one phase of Monticello became cleared, and the Planning Commission and this body voted to deny AMC Development a subdivision plat. Further to the east on the same street now, Monticello is preparing another phase of their development. They have cleared the land and, as a result of that, once again on 49th Street, but in the opposite direction, I have had in two yards, five to eight 30 foot, 50 year old trees completely uprooted. And they've become uprooted because the drainage water from the new subdivision where they're clearing is not properly running off. It is running directly into the backyards of the residents on 49th Street. It has saturated those yards and, as a result, the trees have been uprooted, and I think-- I cannot imagine that when an area is contiguous to the City, that we have no responsibility to protect our property owners. I mean it just doesn't make any sense to me. I understand there are meetings between the entities and that the City of Canton agreed with certain provisions of a retention basin, and the developer also agreed with a certain grading which...

PRESIDENT DENCZAK: Member Diamond, your three minutes are up. Bring your remarks to a close.

MEMBER DIAMOND: I just think that morally the City of Canton should have some responsibility. I had the engineers out there, and the classic response is, this is two private property owners' disputes, and I don't feel that it should be that way. Thank you.

MEMBER WEST: Now, see now I figure I should have went first. (LAUGHTER) First, I'd like to thank several councilmembers for attending the kick off for Minority Health Month, like Don Casar, President Denczak, Mayor Creighton, Kelly Zachary and Member Babcock for coming out to that event. It was truly a success and we thank you for that. And the second thing I'd like to bring up is we're having some problems in Ward 2, actually in all quadrants. A lot with crime-- crime, drugs, prostitution, and a lot of those-- and as the Lieutenant and the Chief has been explaining to me, is that these are non-violent crimes or misdemeanors, so they don't rise to the level of keeping somebody in jail, but it causes a lot of--I guess these individuals get arrested, they get sent to jail, but then they get right back on the streets. The neighbors and the residents of these three quadrants specifically have called my house all week last week and this weekend, including today, and they're saying things, negative things, like the police officers are telling them to pack up and move. They're making statements to them like there's nothing we can do or go to City Council and make some things happen. Those are things that need to stop. First of all, we need to start providing our community with hope. Secondly, we need to be able to send our officers out there. We need more patrolling in these areas to eliminate the prostitution, to eliminate the drug trafficking, and give our residents some confidence. So, what you will see here is, and I'll be presenting a communication here in the near future, somehow we have to stop this and we have to propose some legislation at the state level to prevent some of these crimes. I'm asking that the State Legislators present a law where we will--where you have four misdemeanors, that they be bound over to a felony of some sort, and that we can eliminate these individuals from our community. That's what I'm gonna try to do, and I talked to the Law Director about that, so we may be presenting something to every councilmember here. We have to stop this crime, and the police need more laws out there that can help them to address this issue.

SAFETY DIRECTOR HUNT: Mr. President, a meeting has been scheduled for March 30th at 8:00 PM by my office to speak to the businessmen in the 11th Street, McKinley Ave area. I have also contacted Chief McKimm. There are some funds left over from the Newton Zone that may be available for increased police presence in that area. Finally, if City of Canton police officers made those comments, that is very unprofessional and they should not be making comments like that. They are paid to do their job and do it in a professional manner and that is what they should do.

MEMBER CASAR: Mr. President, a comment to the Mayor and question. This morning I met with the Democratic house member from this area, Member Healy, and he informed me that last evening the state

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legislature of the House, the Finance Committee, voted to cut undivided government funds by 20%, which is approximately \$1.4 million to the City of Canton. My question I guess that I want to ask you, are you aware of that?

MAYOR CREIGHTON: Mr. President. Yes, Member Casar, I am aware of that and I have already taken steps to call my friends in Columbus.

MEMBER CASAR: Mr. President, I just-- that's got to be my point to you and my dig to you is also I remember, I don't know exactly how it was, but one good reason to vote for me for Mayor because I have friends at the State Legislature, the State level, especially Governor Taft and the State Republican House. Well, my concern now is, and I'm begging you, to get ahold of your contacts down there cause the vote I understand is scheduled for tomorrow or maybe Wednesday. So, to use your clout so that they don't cut us out of that \$1.4 million.

MAYOR CREIGHTON: Mr. President. Member Casar, I would hope that we all have friends on both sides of the aisle, and I would encourage everyone here to also make those calls because those legislators whether they are Republican or Democrat have got to realize what they're going to do to the cities. From my understanding, they are only going to cut the counties, which is good news for the county in some respects, by maybe just 10%, but the cities will bear the brunt of the burden, and that is very unfortunate because local government fund does have a direct impact on our budget. So, I truly take it to heart, Member Casar, what you've asked and I would ask all of you, you know, to call anyone in state government and encourage them not to do this.

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

MEMBER CASAR: Mr. President. I move we adjourn; seconded.

PRESIDENT DENCZAK: Moved and seconded that you adjourn. Roll call vote please.

NO REMARKS PERMITTED ON THE MOTION TO ADJOURN

ROLL CALL: 12 YEAS, 0 NAYS

ADJOURNMENT TIME: 8:21 PM

ATTEST:

APPROVED:

DEBRA VANCKUNAS
CLERK OF COUNCIL

RAY DENCZAK
PRESIDENT OF COUNCIL

