

MINUTES OF THE MEETING OF OCTOBER 3, 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, October 3, 2005, at 7:30 P.M. in the Canton City Council Chamber. The roll call was taken (as follows) by Clerk of Council Debra 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 VANCKUNAS:

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

AGENDA CORRECTIONS & CHANGES

PRESIDENT DENCZAK: Thank you, Member Hawk. (*referring to invocation*). Agenda corrections and changes. You're being asked to suspend 22A to add the second readings of Ordinance 6 through and including #14. The Chair will recognize that motion, Member Casar.

MEMBER CASAR: Mr. President, I move we suspend Rule 22A and add Ordinances 6 through 14 on this evening's agenda; seconded.

PRESIDENT DENCZAK: Moved and seconded to suspend Rule 22A. Are there any remarks?... If not, roll call vote please.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

PRESIDENT DENCZAK: Rule 22A is suspended and Ordinances 6 through and including #14 are a legal part of your agenda.

PUBLIC HEARINGS

PRESIDENT DENCZAK: We have no public hearing scheduled at this time.

PUBLIC SPEAKS (ORDINANCE 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: It will not be necessary to excuse members. Let the Journal show that all Members of Council are present. Resolution #87 please.

PRESIDENT DENCZAK CALLED UPON CLERK VANCKUNAS TO READ RESOLUTIONS #87 THROUGH AND INCLUDING #90 BY TITLE, AS SHOWN BELOW. THE RESOLUTIONS ARE ON FILE

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IN THEIR ENTIRETY IN THE COUNCIL OFFICE WITH THE AGENDA ITEMS DATED OCTOBER 3, 2005.

87. BABCOCK, MARY, COUNCILMEMBER-AT-LARGE: COMMENDING JUSTIN CRETER & FRANK BIRTALAN FOR HELPING A STRANDED WHEELCHAIR-BOUND MAN. - ADOPTED BY COUNCIL

MEMBER CASAR: Mr. President, I move we adopt Resolutions #87; seconded.

PRESIDENT DENCZAK: Moved and seconded that you adopt Resolution #87. Are there any remarks?...

MEMBER BABCOCK: *(Member Babcock's remarks are inaudible. She asks that the Resolution be read.)*

PRESIDENT DENCZAK: Madam Clerk, will you please read Resolution #87?

CLERK VANCKUNAS: Submitted by Mary M. Babcock, Councilmember-at-Large for the City of Canton, Ohio on this 3rd day of October, 2005. Whereas, Lehman Middle School students Justin Creter and Frank Birtalan, both age 13, were biking to Frank's house Saturday afternoon when they heard a cry for help. They found an elderly man face down in the dirt by the road next to Westbrook Park United Methodist Church; and whereas, the grey-haired man was still partially in his wheelchair, which lay on its side amid the rocks and dry leaves on Clarendon Avenue N.W. near Abbott Place. He had been lying there for an hour, unable to get up, his arm hurt; and whereas the fallen man identified himself as James Williams and said he lived at the nearby Arbors Nursing Home. Upon hearing this, Frank and Justin summoned the nurses who came to help Mr. Williams. These young men should be considered an asset to their community and serve as an example which other youth and young adults should follow. Now, therefore, be it resolved that we the elected members of the Council of the City of Canton, Ohio, do hereby go on public record and join with all Cantonians in offering our commendation to Justin Creter and Frank Birtalan for the example they set to all citizens of Canton that care and concern for human life outweigh that of personal concerns. You have helped make Canton a better place to live; and for that, we thank you. *(APPLAUSE)*

PRESIDENT DENCZAK: Are there any remarks under this?... Member Babcock, wait a minute. 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 #87 APPROVED BY UNANIMOUS VOICE VOTE

PRESIDENT DENCZAK: The Resolution is adopted.

MEMBER BABCOCK MAKES PRESENTATION OF THE RESOLUTIONS AS FOLLOWS:

MEMBER BABCOCK: I didn't know you boys were so little to handle a wheelchair. *(Chuckles)* It gives me great pleasure to give you this Resolution.

PRESIDENT DENCZAK: You people with the cameras, come on up, come on up here.

MEMBER BABCOCK: *(While handing Resolutions to the recipients)* Well, I guess they are both the same.

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JUSTIN CRETER OR/ FRANK BIRTALAN?: (*Speaker's name is not known*) Thank you, Ma'am.

MEMBER BABCOCK: They're heavy. You want to say something?... (APPLAUSE)

JUSTIN CRETER OR/ FRANK BIRTALAN?: I would like to thank everybody that contributed to this thing, and... just thanks.

JUSTIN CRETER OR/ FRANK BIRTALAN?: Yeah, we feel like really good about what we did, and thank you. (APPLAUSE)

PRESIDENT DENCZAK: Before you guys leave tonight, you owe me a buck for the frames. (LAUGHTER) I've got to save money somehow. (PRESIDENT DENCZAK ASKS THE PARENTS OF THESE TWO YOUNG MEN TO STAND FOR COUNCIL'S RECOGNITION) You can be very proud of those two young men and you don't have to pay me the dollar, okay? (APPLAUSE) Next Resolution #88.Resolution #88 please. Yes.

88. CARBENIA, JOE, WARD 9 COUNCILMEMBER: REQUEST STREET LIGHT BETWEEN 1529 & 1533 OLIVE PLACE NE ON NORTH SIDE OF THE STREET. - ADOPTED BY COUNCIL; REFERRED TO SERVICE DIRECTOR

MEMBER CASAR: Mr. President, I move we adopt Resolution #88; seconded.

PRESIDENT DENCZAK: Moved and seconded that you adopt Resolution #88. 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 #88 APPROVED BY UNANIMOUS VOICE VOTE

PRESIDENT DENCZAK: Resolution #88 is adopted.

89. PRATER, TERRY, WARD 5 COUNCILMEMBER: URGING OHIO STATE LEGISLATURE TO REQUIRE 'ACTUAL' MONTHLY METER READINGS DURING THE OCTOBER-APRIL WINTER HEATING SEASON. - ADOPTED BY COUNCIL

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

PRESIDENT DENCZAK: Moved and seconded that you adopt Resolution #89. Are there any remarks under this Resolution?...

MEMBER CASAR: Mr. President, I'd just like to commend Member Prater. We spoke about this last week, and I said it would be a good idea to do so and then I see that one of our State legislators is asking for legislation to do that, but Member Prater spoke about this last Monday night and I commend him 'cause this is something that should be done so that people aren't paying and not knowing what their actual bill is.

PRESIDENT DENCZAK: Any other remarks?... If not, by voice vote, all those in favor, signify by saying aye. Those opposed no.

NO FURTHER REMARKS

RESOLUTION #89 APPROVED BY UNANIMOUS VOICE VOTE

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PRESIDENT DENCZAK: The Resolution is adopted.

90. DOUGHERTY, DAVID, WARD 6 COUNCILMEMBER: COMMENDING ALICE SLONEKER FOR HER DEDICATION & SERVICE TO THE CANTON CITY SCHOOLS. - ADOPTED BY COUNCIL

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

PRESIDENT DENCZAK: Moved and seconded that you adopt Resolution #90. Are there any remarks under this Resolution?...

MEMBER DOUGHERTY: Mr. President, could I have that read please.

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

CLERK VANCKUNAS: Respectfully submitted by Ward 6 Councilmember David Dougherty on this 3^d day of October, 2005. Whereas, education being one of the most important foundations for the development of strong minds and a prosperous society, we are always thankful for caring citizens who give of themselves for the betterment of our schools. Alice Sloneker is one such citizen; and whereas, for the past fifteen years, Alice has graciously volunteered at Madge Youtz Elementary School and for six of those years served as the School's Family Involvement Coordinator. During the 1994-1995 school term, Alice was named the Canton City Schools District Volunteer of the year. In 2002 she was selected to be Lay Person of the Year by the Canton City School's union. In addition to serving on numerous Canton City School committees, Alice was instrumental in implementing the Canton City School's Parent Empowerment Program; and whereas, while Alice unselfishly volunteered her time on behalf of the school system, her service does not stop there. In addition to serving on numerous community boards over the years including the Coleman Senior Citizen Board and the Northeast Community Center Board, Alice has worked with the Northeast Area Renaissance community neighborhood group for eleven years as a community coordinator and volunteer; and whereas, married to husband George for over 40 years, Alice is the proud mother of three children and five grandchildren, and currently still holds the position of Family Coordinator for Madge Youtz Elementary School. Now, therefore, be it resolved that we the Members of the Council of the City of Canton, Ohio, do hereby go on public record as commending Alice Sloneker for her years of service and dedication to the Canton City School system as well as the entire Canton community. Your commitment to society is greatly appreciated.

PRESIDENT DENCZAK: Are there any remarks under this Resolution?...

MEMBER DOUGHERTY: Mr. President, I'll be presenting that at a function later this week to Alice.

PRESIDENT DENCZAK: Any other remarks?... If not, the question you're voting on now is Resolution #90. By voice vote, all those in favor, signify by saying aye. Those opposed no.

NO REMARKS

RESOLUTION #90 APPROVED BY UNANIMOUS VOICE VOTE

PRESIDENT DENCZAK: Resolution #90 is adopted.

COMMUNICATIONS

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

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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 OCTOBER 3, 2005.

468. AUDITOR R.A. MALLONN, CITY OF CANTON: CERTIFICATE OF TOTAL AMOUNT FROM ALL SOURCES FOR 2005 DATED 9/27/05. - CLERK OF COUNCIL
469. COMMUNITY DEVELOPMENT & PLANNING DIRECTOR MARGY POORMAN, CITY OF CANTON: REQUESTING LEGISLATION AUTHORIZING MAYOR TO SUBMIT/FILE WITH HUD A FISCAL YEAR 2006 CONSOLIDATED ACTION PLAN; TO EXECUTE GRANT AGREEMENTS W/HUD & ACCEPT FUNDING FOR THE CITY'S 2006 COMMUNITY DEVELOPMENT BLOCK GRANT, HOME INVESTMENT PARTNERSHIP PROGRAM, & EMERGENCY SHELTER GRANT. - COMMUNITY & ECONOMIC DEV CMTE
470. CLERK OF COUNCIL DEBRA VANCKUNAS, CITY OF CANTON: REQUEST EMERGENCY LEGISLATION AUTHORIZING FINAL ASSESSMENTS RE: DOWNTOWN CANTON SPECIAL IMPROVEMENT DISTRICT ASSESSMENT PROJECT SERVED ON PROPERTY OWNERS WITHIN SID DISTRICT. - COMMUNITY & ECONOMIC DEV CMTE
471. FIRST LADIES NATIONAL HISTORIC SITE, 331 MARKET AVE S, CANTON, OHIO: SUBMITTING DRAFT GENERAL MANAGEMENT PLAN/ENVIRONMENTAL IMPACT STATEMENT UPON WHICH COMMENTS ARE WELCOME & ACCEPTED THRU 11/30/05. - RECEIVED & FILED
472. HARTNETT, THOMAS, ATTORNEY, 300 MILLENNIUM CENTRE, 200 MARKET AVE N, CANTON, OHIO: REQUEST COUNCIL DELAY REZONING THE CENTRAL ALLIED/HARMONT ANNEXATION AREA PENDING REVIEW OF THE DEVELOPER'S PROPOSAL & IMPACT STUDIES. - RECEIVED & FILED
473. LAW DIRECTOR JOSEPH MARTUCCIO, CITY OF CANTON: REQUEST LEGISLATION TO CONTRACT W/STARK COUNTY PUBLIC DEFENDER COMMISSION FROM 1/1/06-12/31/07 FOR LEGAL SERVICES FOR INDIGENTS CHARGED W/CITY ORDINANCE VIOLATIONS IN CANTON MUNICIPAL COURT. - INTRGOV & PUBLIC SERVICE AND FINANCE CMTES
474. MAYOR JANET CREIGHTON, CITY OF CANTON: REQUEST TO AMEND CITY CODE SECTION 123.05 (a), TRAVEL EXPENSES GENERALLY, TO INCREASE MILEAGE REIMBURSEMENT FROM \$.37 TO \$.485/MILE. - JUDICIARY AND FINANCE CMTES
475. PLANNING COMMISSION, CITY OF CANTON, BRUCE WILLIAMS, SECRETARY: RECOMMENDING APPROVAL OF REQUEST BY MARK & GEORGIANNE FINNICUM TO VACATE GROVE PLACE SW BETWEEN PARK & GREENFIELD AVENUES SW. - PUB SAFETY & THOROUGHFARES CMTE
476. SERVICE DIRECTOR JOSEPH J. CONCATTO, CITY OF CANTON: REQUEST TO ENTER INTO CONTRACT W/OHIO POWER CO FOR ELECTRIC ENERGY TO WPCC, SUGARCREEK WATER FIELD, HARRISBURG RD. NE WATER FIELD & CITY HALL BLDG. - ENVIRONMENTAL & PUBLIC UTILITIES AND FINANCE CMTES

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477. SERVICE DIRECTOR JOSEPH J. CONCATTO, CITY OF CANTON: REQUEST TO ENTER INTO \$26,000 CONTRACT W/COMP MANAGEMENT INC. FOR WORKER'S COMPENSATION SERVICE FEE. - FINANCE CMTE
478. SERVICE DIRECTOR JOSEPH J. CONCATTO, CITY OF CANTON: REQUEST TO ENTER INTO SUPPLEMENTAL SEWER AGREEMENT W/STARK COUNTY FOR CONVEYANCE OF SANITARY SEWERS FOR ANNEXED AREAS IN THE CITY . - INTERGOVERNMENTAL & PUBLIC SERVICE AND FINANCE CMTEs
479. SLIMAN, SAM, AGENT FOR PETITIONER: SUBMITTING COPY OF LEGAL NOTICE OF PUBLIC HEARING AS SET BY COUNTY COMMISSIONERS ON NOVEMBER 17, 2005 @ 11:00 AM IN THE STARK COUNTY COMMISSIONER'S OFFICE FOR THE "SIRPILLA ANNEXATION" OF 7.027 ACRES IN NIMISHILLEN TOWNSHIP. - RECEIVED & FILED

ORDINANCES & FORMAL RESOLUTIONS FOR FIRST READING

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

NOTE: PRESIDENT DENCZAK CALLED UPON CLERK VANCKUNAS TO READ THE FOLLOWING ORDINANCES #1 THROUGH AND INCLUDING #5 FOR THE FIRST TIME BY TITLE & ANNOUNCED THE COMMITTEE REFERRAL, AS FOLLOWS.

- #1 (1ST RDG) AN ORDINANCE AMENDING PART ELEVEN, PLANNING AND ZONING CODE, OF THE CODIFIED ORDINANCES OF THE CITY OF CANTON (commercial parking lot, etc)
Referred to Judiciary Committee
- #2 (1ST RDG) AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 253/2004; AND DECLARING THE SAME TO BE AN EMERGENCY (\$1168 from 2812 EMS Fund)
Referred to Finance Committee
- #3 (1ST RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CHANGE ORDER #4 WITH SUPERIOR PAVING & MATERIALS, INC. IN AN AMOUNT NOT TO EXCEED \$33,448.48 FOR ADDITIONAL EXPENSES RELATING TO THE 44TH STREET NE IMPROVEMENT PROJECT; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Finance Committee
- #4 (1ST RDG) AN ORDINANCE APPROVING A CANTON CITY WATER MAIN EXTENSION TO PERRY TOWNSHIP; 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
Referred to Environmental & Public Utilities Committee
- #5 (1ST RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO AGREEMENT WITH THE STARK COUNTY ENGINEER AND/OR STARK COUNTY COMMISSIONERS TO COOPERATE IN THE ACQUISITION OF

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EASEMENTS FROM PROPERTIES IN THE CITY OF CANTON FOR THE COLUMBUS ROAD/HARMONT AVENUE NE INTERSECTION IMPROVEMENT PROJECT; AND DECLARING THE SAME TO BE AN EMERGENCY

Referred to Public Property Capital Improvement & Finance Committees

ORDINANCES & FORMAL RESOLUTIONS FOR SECOND READING

PRESIDENT DENCZAK: Ordinances and Formal Resolutions for the Second Reading. Ordinance #6 please.

NOTE: PRESIDENT OF COUNCIL DENCZAK CALLED UPON CLERK VANCKUNAS TO READ THE FOLLOWING ORDINANCES #6 AND #14 FOR THE SECOND TIME BY TITLE, AS FOLLOWS. ORDINANCE #8 WAS ADOPTED FOLLOWING ITS SECOND READING.

- #6 (2ND RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY TO ENTER INTO A LEASE AGREEMENT WITH THE CONCERNED CITIZENS OF THE FOURTH WARD, INC.; AND DECLARING THE SAME TO BE AN EMERGENCY
- #7 (2ND RDG) AN ORDINANCE ESTABLISHING THE FAIR REUSE VALUE OF ONE PARCEL OF CITY-OWNED PROPERTY; AUTHORIZING THE SALE AND CONVEYANCE OF SAID PROPERTY PURSUANT TO THE CITY'S RESIDENTIAL LAND DISPOSITION PROGRAM; AND DECLARING THE SAME TO BE AN EMERGENCY (Raynolds Pl SW)
- #8 (2ND RDG) **ADOPTED AS ORDINANCE NO. 204/2005** AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CONTRACT WITH STARK METROPOLITAN HOUSING AUTHORITY TO PROVIDE A GRANT IN AN AMOUNT NOT TO EXCEED \$31,495.00 FOR ASBESTOS ABATEMENT; INSPECTION AND DEMOLITION OF TWO STRUCTURES; AND DECLARING THE SAME TO BE AN EMERGENCY

MEMBER CASAR: Mr. President, I move the statutory rules be suspended on Ordinance #8; seconded.

PRESIDENT DENCZAK: There's a move to dispense with the three readings of Ordinance #8. Are there 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: 12 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance #8 is adopted.

#8 ADOPTED AS ORDINANCE NO. 204/2005

- #9 (2ND RDG) A RESOLUTION ADOPTING A RESIDENTIAL ANTI-DISPLACEMENT AND

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RELOCATION POLICY FOR THE CITY OF CANTON; AND DECLARING THE SAME TO BE AN EMERGENCY

- #10 (2ND RDG) AN ORDINANCE APPROVING AND ACCEPTING THE REPLATTING OF ALL OF CANTON CITY LOTS 30824, 30825 AND 30826; AND DECLARING THE SAME TO BE AN EMERGENCY
- #11 (2ND RDG) AN ORDINANCE APPROVING AND ACCEPTING THE REPLATTING OF OUTLOT 725; AND DECLARING THE SAME TO BE AN EMERGENCY
- #12 (2ND RDG) AN ORDINANCE AUTHORIZING THE CITY AUDITOR TO PAY A MORAL OBLIGATION IN AN AMOUNT NOT TO EXCEED \$30,900.00 TO R G SMITH; AND DECLARING THE SAME TO BE AN EMERGENCY
- #13 (2ND RDG) AN ORDINANCE AUTHORIZING THE MAYOR TO SUBMIT THE NECESSARY APPLICATIONS TO THE DIRECTOR OF OHIO PUBLIC WORKS COMMISSION AND TO EXECUTE CONTRACTS FOR CURRENT STATE CAPITAL IMPROVEMENT AND LOCAL TRANSPORTATION IMPROVEMENT PROGRAMS FUNDING FOR CAPITAL IMPROVEMENT PROJECTS; AND DECLARING THE SAME TO BE AN EMERGENCY
- #14 (2ND RDG) A RESOLUTION APPROVING THE STATEMENT OF SERVICES TO BE PROVIDED TO THE PROPERTY OWNER IN THE SIRPILLA ANNEXATION AREA UPON IT BEING ANNEXED TO THE CITY OF CANTON, OHIO; AND DECLARING THE SAME TO BE AN EMERGENCY

ORDINANCES AND FORMAL RESOLUTIONS FOR THIRD & FINAL READING

PRESIDENT DENCZAK: Ordinances and Formal Resolutions for the third and final reading. Ordinance #15 please.

NOTE: PRESIDENT OF COUNCIL DENCZAK CALLED UPON CLERK VANCKUNAS TO READ ORDINANCES #15 and #16 FOR THEIR THIRD & FINAL TIME BY TITLE; THEY WERE ADOPTED AFTER THEIR 3RD READINGS.

- #15 (3RD RDG) **ADOPTED AS ORDINANCE NO. 205/2005** AN ORDINANCE AUTHORIZING THE CITY AUDITOR TO PAY A MORAL OBLIGATION IN AN AMOUNT NOT TO EXCEED \$7,158.43 TO HILSCHER CLARKE ELECTRIC COMPANY; AND DECLARING THE SAME TO BE AN EMERGENCY

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

PRESIDENT DENCZAK: Moved and seconded that you adopt Ordinance #15. Are there any remarks under this Ordinance?... Very well, roll call vote please.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance #15 is adopted.

#15 ADOPTED AS ORDINANCE NO. 205/2005

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#16 (3RD RDG) **ADOPTED AS ORDINANCE NO. 206/2005** A RESOLUTION AUTHORIZING THE MAYOR TO WITHDRAW THE CITY FROM NORTHEAST OHIO FOUR COUNTY REGIONAL PLANNING AND DEVELOPMENT ORGANIZATION (NEFCO)

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

PRESIDENT DENCZAK: Moved and seconded that you adopt Ordinance #16. Are there any remarks under this Ordinance?... Very well, roll call vote please.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance #16 is adopted. **#16 ADOPTED AS ORDINANCE NO. 206/2005**

ANNOUNCEMENT OF COMMITTEE MEETINGS

PRESIDENT DENCZAK: Announcement of committee meetings, please.

MEMBER HAWK: Mr. President, Finance will meet Monday, October 17th at 6:15. In addition, there will be a Finance Committee meeting October 6th at 8:45 A.M. in the Council Caucus Room. We will be discussing the information we received with Mr. Allen on city cars.

MEMBER DOUGHERTY: Mr. President, Public Property Capital Improvement will also meet the 17th at 6:15.

MEMBER BABCOCK: Mr. President, Public Safety & Thoroughfares will also meet that evening.

MEMBER BERNABEI: The Judiciary will meet at the same time on October 17th.

MEMBER GRIFFIN: Mr. President, Environmental & Public Utilities will meet at 6:15 also.

PUBLIC SPEAKS (OPEN FORUM--CITY BUSINESS ONLY)

PRESIDENT DENCZAK: Public Speaks, Open Forum. We have five speakers signed up this evening. The first speaker is Mantle Smith.

MS. SMITH: My name is Mantle Smith, and Your Honor...

PRESIDENT DENCZAK: State your residence.

MS. SMITH: My name is Mantle Smith.

PRESIDENT DENCZAK: State your address.

MS. SMITH: 220 Monroe SE, sir.

PRESIDENT DENCZAK: Go ahead.

MS. SMITH: This is an impromptu thing that I am bringing to you, the Council. And especially to the Fourth Ward. It is excessively noisy all day and every day and I am a senior and don't want to go into an apartment.

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And the school buses are letting kids off in our area that don't live in the area and we're hearing things everyday, we're tired of it. Boys showing up at the bus stop. When you go to the bus stop, there's a bunch of boys every time you go. This is unnecessary. God didn't give me a son and I don't need one, especially today. To be-- excessive noise, playing basketball at night on the street, and Mr. Snow has donated that part of Hartford for those kids to go play basketball. They should be over there. I called the cops, yes I called them, and the first time I let it go because I am getting senile 'cause I'm tired of this mess. And then the cops knocked at my house at twelve o'clock at night saying I called. I did not call, and they went to a house next door and I overheard the voice saying he saw somebody, I don't know what was going on. I just wish they would leave me alone. I'm gonna get grey headed, but my parents weren't grey headed. They left this earth at 57 and 56 years old and they weren't grey headed. And my one aunt lived to be 92 and she just got grey in her 80's. Several residents, including me, are complaining about Kelly Zachary not returning calls. And if she's our Council woman and we got off our butts and went to the polls and voted for her, she should give us enough respect to call back. And, the richer people are splitting our neighborhood. We had a Concerned Citizens over there. There's only two or three people over there, and I think this is all unnecessary. They are wealthy and we are not, and we weren't wealthy when we created that center, and it was created at the Hartford Library and now it's out there in the estates and we're still at that center. And they're asking the poor for \$100.00 which I know they don't have. They should give a fish dinner every weekend, and I'm not gonna do that. And I'm saying to you all these things because you may think that I'm wrong, you may think I'm a little addle minded or whatever, but I got news for you. If you live to get old, you're gonna get addled and beauty is gonna go away from you. I was beautiful at one time, and it does not matter. And when you're supposed to be a Council woman and you got another job, why be way down in Georgia somewhere? You know what I mean? To make money to keep a \$300,000 house. Where's the kids? I thank you.

PRESIDENT DENCZAK: The next speaker is Rod Bizami? Am I pronouncing that correct?...

MR. BIZAMI: My name is Rod Bizami. I live at 1107 11th Street NW. I am in Ward 1. Greg Hawk is our Councilman. Thank you. Greetings, Council President, Mayor, Council Board. When I moved to Canton, Tom Bernabei, who I know, was our Law Director. Kim Perez was my Councilman. We had Barb Dreussi as our neighborhood leader. Since then I've been listening patiently to the dogma promises of our political leaders in hope of a better neighborhood. That was over 15 years ago, and nothing has changed. The cancer still grows in our city, and now the mantra we hear from our leaders and other workers in the city is we do not want to violate the civil rights of the thugs and criminals in our neighborhood, but guess what? The civil rights of my neighbors and myself are being violated. We are unable to sit in our yards, and we feel unsafe in our homes. It is time to eliminate your ancient ways in bringing a nuisance ordinance like many of our sister cities have done. Just recently, the City of Shaker Heights has fined a landlord \$74,000 for the problems her tenants have caused in that neighborhood. Why a nuisance ordinance? A quote from Poor Richard's Almanac, "An ounce of prevention is worth a pound of cure." This would take pressure off our police department, code enforcement and health department and citizens and put responsibilities on each individual for their actions. And now I will leave you with one more quote. This one hangs in a Canton business establishment called Plant Et Art, "And every day when you awake, say to yourself what are you doing in the City of Canton." Thank you. (APPLAUSE)

PRESIDENT DENCZAK: The next speaker is Rich Cosgrove. Is that correct?...

MR. COSGROVE: Good evening. My name is Rich Cosgrove. I live at 2235 15th Street NE. Dave Dougherty's our Councilman. He does a wonderful job for us. I want to thank Dave. I also want to thank the Safety Director for coming out and walking with our neighborhood association. It was great. Things have already started to clean up, so it's been wonderful. Thank you for your time. The reason for me speaking this evening is our wonderful police department. Last evening I had made a phone call. There were some kids scuffling in the street, they got

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into a fist fight and I went out on the porch to break it up, told them to move along and they did thankfully. They respected me. As they're walking down the street they're yelling at each other, they're going to get their guns from underneath their car seat, and the other kid's going to get his father's gun and his crossbow and all this stuff and they were taunting each other. So I called the police department at 7:25 last evening. At 8:00 the police finally drove past. Now when I was on the phone, and I have the names of the officers that I spoke with, when I was on the phone, I made it very clear where these children lived. At least one of them. And I asked them if they would stop and speak to that family. At 8:00 the police officers rolled down the street, they looked at the house, and continued on. So I called the police department back and inquired as to why. I got put on hold and they said okay, I'll give you to a supervisor. I then got another officer by the last name of Reese and told him my long winded story and only for him to say, I'm sorry, I'm not a supervisor, but when one returns from a call I can have him call you. So I mistook him for a supervisor and nonetheless I waited for a supervisor to call me, and I thought that it was a little ridiculous that a police call that I put in for guns was not an emergency, when a supervisor explained to me that I called at 7:25 in the evening, they didn't dispatch it until 7:46 and the police officers didn't get there until 8:00. Now I realize they put this in as a disturbance call, so I asked him then what would constitute an emergency and that would be if I saw a gun or if somebody got shot. So by then it was too late. I think that they should have been out there prior to, when I said there was a gun involved. There are kids on that street. They should have been there. And his answer to me was it was not an emergency. It went out as a disturbance. So, he's correct when he said they responded within a 15 minute time period, that was pretty good which I agree with if it was a disturbance, but it wasn't. It was an emergency. Nothing did come of it thankfully, but I just thought that I would come down here and say that I had spoken to him and I said, you know, I realize that I am not your boss and that you don't have to answer to me, but I said I would appreciate a call back and find out why those officers didn't get out of the car, and he said to me basically if he could get ahold of them by the end of their shift he would give me a call back. That was it. He did call me back however and he said the reason that they did that was because when I called all the information that I specified did not get written down. The gentleman that took my information said that they were standing in front of the address that I gave him, didn't say that they lived there. All the information I gave him, he wrote down about two sentences of the correct information. So the dispatch when it went out, the officers didn't get the correct information, they didn't stop...

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

MR. COSGROVE: That's fine. So I just thought that I would bring that to your attention. Thank you.

PRESIDENT DENCZAK: The next speaker is Chris Ketler.

MR. KETLER: Good evening, Council, Mr. President, Mayor. I'm gonna try to touch on two new subjects tonight. I won't be addressing the gang task force, or neighborhood task force. The first and foremost is...

PRESIDENT DENCZAK: State your name and address.

MR. KETLER: Oh, I'm sorry. 1302 9th St NW. I should know that by now.

PRESIDENT DENCZAK: And your name.

MR. KETLER: Chris Ketler.

PRESIDENT DENCZAK: Okay.

MR. KETLER: Thank you. First and foremost, vacant homes in the community. We do a neighborhood, Summit

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Neighborhood Enrichment Team walk, but we get many parts of city government with us, specifically Code, Building Code and Health Department, and on our last walk-- we have some very active members of our community obviously, and on the last walk they decided that they were gonna walk away from us and they went back to their duties, and I think there's a sense of the feeling what's going on with the residents of the community. These are people that take time out of their own schedules, out of their own lives, to walk through, to make a difference, and try to see something happen. We have some homes though that issues are not being addressed, where continued code violations are there time and time again. And I hope that we're gonna see the Building Department and the Health Department come back next month and continue this next walk with us, but one of the things that I'd strongly like to see, and I hope that somebody tonight will approach us and assist us with this, is that we have homes that are in the process of being demolished, there's funds that are not there for the rest of the year, and we're heading into the winter months where I'm not real comfortable if these homes are going to be torn down if the moneys were available, and these homes are called by the police department smoke houses. This is where people go to smoke their marijuana and their crack. This is where the prostitutes go in. We have runaways that are hiding in these homes. We had a runaway that was pulled out just last week from a house that's two houses down from me. These houses need to be boarded up and secured. And I don't see why we can't take some step in order to facilitate that. Even if they're gonna be torn down. And I think that's important for the safety of the city and the community, the children, and also to kinda curb and eliminate some of the crime element that's going on in those places. The other thing that I wanted to address tonight, a good friend of mine, Rod, spoke, and I think it kinda alludes to a lot of things we're hearing from people. And that's a new ordinance that we'd like to encourage people to consider and look at. It's so readily available to find out there, and I'd be happy to share the information with any members of Council to look at this. I'm not a master at this, but it sure looks awfully interesting. And the great thing that I see going on is that Council's still doing their job even though we still are having our problems with the police department. And I think a lot of people realize that's where the problem is, the police department's not doing their job. And it's gonna be a long road either way before we get the patrolman out there to really be an officer of the community and assisting the people, getting them out of that car is incredibly difficult to do. Everybody will attest to it. But, we need to continue to put laws in place that when we get the law enforcement back to where it needs to be in this city, that we have laws that they can work with. And the ordinance that the City of Canton-- the City of Akron has passed, I'll go into a little bit in detail, just a little bit, is a progressive ordinance. I know we already have ordinances for nuisance. We have defined all sort of nuisances.

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

MR. KETLER: I'd like to close if I could. Thank you, sir. But this is a progression where if the police are summoned out to a residence over a period of time, then they are declared a nuisance and then they would issue a fine, and then if they were unable to meet the financial obligation, that then they would be held accountable in court. And this is readily available out there through both Kent and the City of Akron. And I think it's a very empowering tool that we could use again, so I would like to hope that we might look at that and consider that and be progressive and move forward as other cities in the area are. I thank you for your time. (APPLAUSE)

PRESIDENT DENCZAK: The final speaker is Deborah Harding.

MS. HARDING: Good evening. I'm Deborah Harding, 702 Clarendon Ave NW. I was here two weeks ago as you know. So far I haven't seen any more police protection in my neighborhood, but I see that Mr. Hunt and Mr. Hawk have been doing a few things to try to see the problems and from what it looks like, Mr. Hunt has got a large file on the problems in the neighborhood. Saturday evening I came home around 9:00. I came home to about 20 juveniles in the street on 7th again. There was a bike being thrown in the air, they were jumping on it, and then there was a fist fight which I have a tape of which you can't see very well cause my camera just doesn't

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work really well in the dark, but you can tell that there was a fist fight going on. I did not call the police because every time I call it's like they come out and everybody disappears by the time they get there or whatever, so it's like I've kinda quit calling. Right now it seems like with the rental-- I have all rental properties on 7th Street. I have two empty houses that are up for sale, and I have a couple that has lived there for 50 years that are scared to call the police, and everybody else is the nuisance on that street so I'm not getting any cooperation with anyone else calling because I'm the only one seeing this stuff on 7th Street and the only one it's really affecting because they live on Clarendon and don't have to travel on 7th. If we could do away with some of these rental properties, or if we would make the landlords come and live in that house for an actual week and see actually what happens there. Maybe they would care a little bit more about our city. And we need to resolve the issues in the police department from what I've been reading in the paper, I don't know if they're true, but it seems to be there's a lot of fighting and carrying on with the policemen and everything and the Council people are, I don't know, there seems to be a lot of animosity. If we could get that cleared up, maybe the policemen would care enough to care about our city and to get it cleaned up. And, I just want to see more police protection on 7th Street. I do see more on Clarendon, but we need on 7th. That's where I have fights every Friday night. Every night, you know, there's always something going on. I have a tire mark on 7th Street for about 50 feet from somebody just, you know, playing games, you know. And there's little kids in that neighborhood, and we just really need to clean this neighborhood up. I mean like I said before, we have a brand new school going in and we really need to get it taken care of so, I thank you for your time and thank you for anything you're doing. (APPLAUSE)

MISCELLANEOUS BUSINESS

PRESIDENT DENCZAK: We're under miscellaneous business now. Is there any miscellaneous business?...

MEMBER DIAMOND: Mr. President, I have a question for the Mayor or the Safety Director. What's our authorized strength for the police department, and how many officers do we currently have?

SAFETY DIRECTOR HUNT: Mr. President, we presently have 165 officers. Our authorized strength is, I believe it's 185... Our authorized strength is 185.

MEMBER DIAMOND: Okay. I understand the frustration of the people in the audience. We're doing a job now. The police department's doing a job with 20 less officers than it had before, so they are spread thin. I have, as I spoke with you earlier, my zone does not experience-- or my ward does not experience many of the problems that the people are speaking about this evening. It's my understanding, and I will verify that with a review of the log sheets as well as riding around with an officer in Zone 6, that my officer is outside of my ward more than he or she is inside. I certainly understand if there is ever an emergency when officers are needed that they should be pulled out of a ward, but when it becomes the rule as opposed to the exception, which it has become in my ward, I don't feel that my constituents are receiving the police protection that they should be. I don't blame that on the police officers. The officers go where they're dispatched, and I know we have a lot of problems throughout the City, but I think every resident of the City deserves adequate police protection, and I would respectfully request that this Administration hire more officers. We're down 20 right now. As of January, we are going to have several retirements due to the DROP program, and I don't anticipate our crime improving, so I think that everybody in the city deserves police protection, and I'm certainly here to fight for the residents in my ward. They pay taxes just like everyone else. They're responsible homeowners, the majority, and just because our ward is relatively safe does not mean that they should go without police coverage. I had one business broken into three times last week. Once people know that there's not a police car there, then crime will increase. So I am asking that the Zone 6 car remain in Zone 6. Thank you.

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MAYOR CREIGHTON: Mr. President, just a reply. We are very cognizant that we need more police officers and the test, the Civil Service test, has been scheduled for November the 30th. That is the first step in the process and I'm pleased that we've been able to go that far because we're starting to see some relief in our finances. So the good news is that anybody who wants to take the police test, November the 30th.

MEMBER HART: Mr. President. Yes, this Saturday afternoon I attended the Mary Church Terrell Club luncheon and I just wanted to thank Member Thomas West for his participation in that they had an all male model revue and I would really like to congratulate Tom for being voted the most outstanding male model of the year. He did an excellent job. *(LAUGHTER AND APPLAUSE)*

PRESIDENT DENCZAK: Member West, would you care to model for us? *(LAUGHTER)*

MEMBER WEST: Mr. President, Mr. Hart is just jealous 'cause he wanted the suit that I had on. *(LAUGHTER)*

MEMBER BERNABEI: Mr. President, this is to the Chief of Staff or other member of the Administration. In conjunction with Member Hawk's announcement of a committee meeting to discuss the take home city vehicle issue, do we have -- and to better understand the need for this -- do we have any records of any nature which document the individual use of these cars on a daily or some other basis? And if we do have such records across all departments, can you provide those to us?

CHIEF OF STAFF ALLEN: Mr. President. Councilman Bernabei, I assume you mean what the personal use, the potential personal use of the vehicles are?

MEMBER BERNABEI: Well, my question is directed-- you know, we've received general responses from the Fire Chief, the Police Chief, and, you know, Water and Sanitation indicating general reasons why they are needed, and of course I understand when we cite safety and other concerns, but my question would be often, for example, does the Chief or does the Major or do any of the Captains in the Police Department actually utilize their vehicles, these vehicles, to make, you know, runs into the city or to other sites, and the same is true with the Fire Department and the same would be true with the other departments. Do we have records that document this use?

CHIEF OF STAFF ALLEN: I would tell you I'm doing an individual survey with each one of those 31 people that have vehicles and having them respond to questions like that, and I will have that information for the Finance Committee meeting on Thursday. The only place I haven't been able to get to is the Police Department at this point because the Chief was out of town last week and we intend to get with the Chief hopefully tomorrow and discuss that with the Police Department, but I am gathering that information. I don't know what kind of records in the past there have been, but I am gathering and having them respond to questions as to how they're using those cars both on a-- during the day type situation and what their needs are to respond to something after hours, after an eight to five day. So I should have that all summarized for our meeting on Thursday.

PRESIDENT DENCZAK: Is there any other Miscellaneous Business?...

MEMBER ZACHARY: Mr. President, I just want to thank the Mayor for proclaiming October 6th Seniors in Motion Day. It is a day where the Association for Public Transportation has designated nationwide for seniors to ride public transportation free of charge throughout the country, and she was the first to step up and since that time we've had the Mayor from Alliance as well as the Mayor from Massillon proclaim October 6th Seniors in Motion Day. So if you're 55 or older, you can take any of the fixed routes on SARTA free of charge all day that day, and it's an effort to get seniors out of the house.

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PRESIDENT DENCZAK: Any other Miscellaneous Business?...

MEMBER WEST: Mr. President, you also qualify for that I believe. (*LAUGHTER*) I had to.

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

PRESIDENT DENCZAK: You weren't recognized yet. I got to figure out how old I am here. Member Casar, now make your motion.

MEMBER CASAR: Move to adjourn; seconded.

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

NO REMARKS PERMITTED ON THE MOTION TO ADJOURN

ROLL CALL: 12 YEAS, 0 NAYS

ADJOURNMENT TIME: 8:13 PM

ATTEST:

APPROVED:

DEBRA VANCKUNAS
CLERK OF COUNCIL

RAY DENCZAK
PRESIDENT OF COUNCIL