

**MINUTES OF THE MEETING OF OCTOBER 31, 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 31, 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 4 Councilmember Kelly Zachary 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 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: Agenda Corrections, Members of Council...you're being asked to suspend Rule 24B to add Resolution #99. Member Casar, the Chair will recognize that motion now.... Member Casar, the Chair will recognize a motion to suspend Rule 24B.

MEMBER CASAR: Mr. President, I move we suspend Rule 24B to add Resolution #99 to this evening's agenda; seconded.

PRESIDENT DENCZAK: Moved and seconded to suspend Rule 24B; are there any remarks?.... If not, roll call vote please.

NO REMARKS

ROLL CALL VOTE: 12 YEAS, 0 NAYS

PRESIDENT DENCZAK: Rule 24B is suspended and Resolution from the I & PS Committee is on your agenda legally. You're being asked to suspend Rule 22A to add the second readings of Ordinances 7 through and including #17, Member Casar.

MEMBER CASAR: Mr. President, I move we suspend Rule 22A and add Ordinances #7 through and including #17 to tonight'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 has been suspended and Ordinances 7 through and including #17 are a legal part of your agenda. This brings your agenda up to date, Members of Council.

**MINUTES OF THE MEETING OF OCTOBER 31, 2005****PUBLIC HEARINGS:****7:30PM PUBLIC HEARING RE: VACATION OF GROVE PLACE SW**

PRESIDENT DENCZAK: We had a public hearing scheduled for 7:30 pm. The Chair designates the public hearing open now to the public. It's in regards to vacating a portion of Grove Place SW between Park and Greenfield Avenues as requested by Mark and Georgianne Finnicum. The Planning Commission recommends approval. Is there anyone in the audience wishing to speak for or against this vacation, please come forward?... Is there anyone in the audience wishing to speak for or against this vacation, please come forward...? Is there anyone in the audience wishing to speak for or against this issue, please come forward...? Apparently not; the Chair declares the public hearing over in regards to this matter. The matter now rests in the hands of Council. The Ordinance will follow later this evening.

**PUBLIC SPEAKS (ORDINANCE OR RESOLUTIONS FOR ADOPTION ONLY):**

PRESIDENT DENCZAK: No one 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. At the request of the ward councilman, the Chair is going to exercise a prerogative and go to ordinances for the third and final reading to discuss ordinance #21 under third reading.

**ORDINANCES AND FORMAL RESOLUTIONS FOR THIRD & FINAL READING**

PRESIDENT DENCZAK: Let the journal show that all ordinances are being given their reading as required by State law. Madam Clerk, Ordinance #21 please.

***NOTE: PRESIDENT OF COUNCIL DENCZAK CALLED UPON CLERK VANCKUNAS TO READ ORDINANCE #21 FOR THE THIRD & FINAL TIME BY TITLE, AS FOLLOWS.***

#21 (3<sup>ND</sup> RDG) **(ADOPTED AS ORDINANCE NO. 221/2005)** AN ORDINANCE VACATING A PORTION OF GROVE PLACE SW; 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 VOTE: 12 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance #21 is adopted.

**#21 ADOPTED AS ORDINANCE NO. 221/2005**

**MINUTES OF THE MEETING OF OCTOBER 31, 2005****RETURN TO INFORMAL RESOLUTIONS**

PRESIDENT DENCZAK: We go back to the original place on the agenda. Resolution #98?...

***PRESIDENT DENCZAK CALLED UPON CLERK VANCKUNAS TO READ RESOLUTIONS #98 AND #99 BY AGENDA TITLE AS SHOWN BELOW. THE RESOLUTIONS ARE ON FILE IN THEIR ENTIRETY IN THE COUNCIL OFFICE WITH THE AGENDA ITEMS DATED OCTOBER 31, 2005.***

98. CASAR, DONALD E., COUNCILMEMBER-AT-LARGE: REQUESTING THE SERVICE INVESTIGATE NEW SIDEWALK INSTALLATION ON THE SOUTH SIDE OF 12<sup>TH</sup> STREET NW FROM MERCY DRIVE TO WEST SIDE OF PARK DRIVE. - ADOPTED BY COUNCIL, COPY TO SERVICE DIRECTOR & SIDEWALK/STREET LIGHT COMMITTEE

MEMBER CASAR: Mr. President, I move we adopt Resolution #98; seconded.

PRESIDENT DENCZAK: Moved and seconded that you adopt Resolution #98. Are there any remarks?... If not, by voice vote, all those in favor signify by saying aye; those opposed, no.

NO REMARKS

RESOLUTION #98 APPROVED BY UNANIMOUS VOICE VOTE

PRESIDENT DENCZAK: The ordinance is adopted; it will be sent to the Service Director and the Sidewalk/Street Light Committee.

99. INTERGOVERNMENTAL & PUBLIC SERVICE COMMITTEE: OBJECTING TO THE NEW D1 LIQUOR PERMIT REQUESTED BY HISTORIC CITI ENTERPRISES LIMITED AT 104 - 6TH STREET SW. - ADOPTED BY COUNCIL

MEMBER CASAR: Mr. President, I move we adopt Resolution #99; seconded.

PRESIDENT DENCZAK: Moved and seconded that you adopt Resolution #99. 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 #99 APPROVED BY UNANIMOUS VOICE VOTE

PRESIDENT DENCZAK: The Resolution is adopted objecting to the new liquor license.

**COMMUNICATIONS**

PRESIDENT DENCZAK: Under Communications, 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 OCTOBER 31, 2005.***

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515. AUDITOR, CITY OF CANTON, RICHARD A. MALLONN II: REPORT OF TOTAL FUNDING IN 2211 COMMUNITY DEVELOPMENT FUND; PRESENTING OPTIONS FOR FURTHER FUNDING OF DEMOLITION OF HOUSES IN THE CITY. - RECEIVED & FILED
516. COMMUNITY & ECONOMIC DEVELOPMENT/PLANNING DIRECTOR MARGY POORMAN, CITY OF CANTON: REQUESTING LEGISLATION AUTHORIZING THE MAYOR &/OR DESIGNEE TO MAKE APPLICATION & ACCEPT OHIO DEPARTMENT OF DEVELOPMENT ASSESSMENT GRANT FOR FORMER HERCULES ENGINES PROPERTY. - REFERRED TO COMMUNITY & ECONOMIC DEVELOPMENT COMMITTEE
517. HEALY, WILLIAM J., II, STATE REPRESENTATIVE, 52<sup>ND</sup> HOUSE DISTRICT, 77 SOUTH HIGH STREET, COLUMBUS, OHIO 43215: LETTER OF RESPONSE REGARDING RESOLUTION FOR ACTUAL METER READS TAKEN DURING WINTER MONTHS. - RECEIVED & FILED
518. LIQUOR CONTROL DIVISION, STATE OF OHIO, 6606 TUSSING ROAD, P.O. BOX 4005, REYNOLDSBURG, OHIO 43068-9005: NOTICE TO LEGISLATIVE AUTHORITY THAT GOLFERS AND HACKERS INC, DBA DIGGERS, HAS REQUESTED A NEW D1 LIQUOR PERMIT AT 2001 KIMBALL ROAD SE. - REFERRED TO INTERGOVERNMENTAL & PUBLIC SERVICE COMMITTEE
519. LIQUOR CONTROL DIVISION, STATE OF OHIO, 6606 TUSSING ROAD, P.O. BOX 4005, REYNOLDSBURG, OHIO 43068-9005: NOTICE TO LEGISLATIVE AUTHORITY THAT GOODTIMES PUB AND DRIVE-THRU INC, DBA GOODTIMES PUB & DRIVE THRU & PATIO AT 1907-1911 HARRISBURG ROAD NE, HAS REQUESTED TRANSFER OF OWNERSHIP OF D2,2X,3&3A LIQUOR PERMIT FROM GEORGE A. LEDFORD. - REFERRED TO INTERGOVERNMENTAL & PUBLIC SERVICE COMMITTEE
520. SCHURING, KIRK, 29<sup>TH</sup> DISTRICT STATE SENATOR, STATEHOUSE, COLUMBUS, OHIO 43215: LETTER OF SUPPORT FOR ACTUAL METER READS TAKEN DURING THE WINDER MONTHS. - RECEIVED & FILED
521. SAFETY DIRECTOR BERNARD L. HUNT, CITY OF CANTON: REQUEST TO AUTHORIZE THE SAFETY DIRECTOR TO MAKE APPLICATION & ACCEPT \$1,000 GRANT FROM WAL MART FOUNDATION FOR CANTON POLICE DEPARTMENT; REQUEST RE-DESIGNATION OF 2775 SCHOOL PARTNERSHIP GRANT & RE-NAME 2776 ARMORED VEHICLE FUND; REQUEST \$1,000 SUPPLEMENTAL APPROPRIATION FROM THE 2775 SAFE NEIGHBORHOOD HEROS GRANT FUND. - REFERRED TO FINANCE COMMITTEE
522. TREASURER ROBERT C. SCHIRACK, CITY OF CANTON: THIRD QUARTER REPORT OF TRANSIENT LODGING TAX REVENUE IN ACCORDANCE WITH ORDINANCE NO. 174/2004. - RECEIVED & FILED

**MINUTES OF THE MEETING OF OCTOBER 31, 2005****ORDINANCES & FORMAL RESOLUTIONS FOR FIRST READING**

PRESIDENT DENCZAK: Ordinances and Formal Resolutions for the first reading. Ordinance #1?...

***NOTE: PRESIDENT 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 (1<sup>ST</sup> RDG) AN ORDINANCE AMENDING CHAPTER 105, CONTRACTS, OF THE CODIFIED ORDINANCES OF THE CITY OF CANTON  
Referred to Judiciary & Finance Committees
- #2 (1<sup>ST</sup> RDG) AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO CONTRACT WITH THE OHIO DEPARTMENT OF TRANSPORTATION FOR THE IMPROVEMENT OF I-77 WITHIN THE CITY LIMITS; AND DECLARING THE SAME TO BE AN EMERGENCY  
Referred to Public Safety & Thoroughfares & Finance Committees
- #3 (1<sup>ST</sup> RDG) AN ORDINANCE DECLARING 22 BUILDINGS TO BE PUBLIC NUISANCES; AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY TO ENTER INTO CONTRACT FOR THE DEMOLITION OF SAID BUILDINGS; AUTHORIZING THE CLERK OF CANTON CITY COUNCIL TO CERTIFY THE COSTS OF DEMOLITION TO THE STARK COUNTY AUDITOR; AND DECLARING THE SAME TO BE AN EMERGENCY  
Referred to Community & Economic Development & Finance Committees
- #4 (1<sup>ST</sup> RDG) AN ORDINANCE AUTHORIZING THE CITY AUDITOR TO PAY A MORAL OBLIGATION IN AN AMOUNT NOT TO EXCEED \$4,607.32 TO BLOCHER'S AUTO BODY, INC.; AND DECLARING THE SAME TO BE AN EMERGENCY  
Referred to Finance Committee
- #5 (1<sup>ST</sup> RDG) AN ORDINANCE AMENDING ORDINANCE NO. 181/2005; AND DECLARING THE SAME TO BE AN EMERGENCY  
Referred to Public Safety & Thoroughfares & Finance Committees
- #6 (1<sup>ST</sup> RDG) AN ORDINANCE APPROVING A CANTON CITY WATER MAIN EXTENSION TO PLAIN 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

**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 #7 THROUGH & INCLUDING #17 FOR THE SECOND TIME BY TITLE, AS FOLLOWS. ORDINANCE #12 WAS ADOPTED FOLLOWING ITS 2<sup>ND</sup> RDG.***

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- #7 (2ND RDG) AN ORDINANCE AMENDING ORDINANCE NO. 17/89, AS AMENDED, AUTHORIZING THE MAYOR TO ENTER INTO AN AMENDED CONTRACT WITH THE CANTON COMMUNITY IMPROVEMENT CORPORATION TO ADMINISTER ADDITIONAL COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS IN AN AMOUNT NOT TO EXCEED \$445,000.00; AND DECLARING THE SAME TO BE AN EMERGENCY
- #8 (2ND RDG) AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO CONVEY CITY-OWNED REAL PROPERTY, NO LONGER NEEDED FOR MUNICIPAL PURPOSES, TO THE CANTON COMMUNITY IMPROVEMENT CORPORATION; AND DECLARING THE SAME TO BE AN EMERGENCY
- #9 (2ND RDG) AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 253/2004, AS AMENDED, BY MAKING THE SUPPLEMENTAL APPROPRIATIONS AND TRANSFER HEREIN DESCRIBED; AND DECLARING THE SAME TO BE AN EMERGENCY
- #10 (2ND RDG) AN ORDINANCE DECLARING THE BUILDING LOCATED AT 601 NEWTON AVENUE NW TO BE A PUBLIC NUISANCE; AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY TO ENTER INTO CONTRACT FOR THE DEMOLITION OF SAID BUILDING; AUTHORIZING THE CLERK OF CANTON CITY COUNCIL TO CERTIFY THE COSTS OF DEMOLITION TO THE STARK COUNTY AUDITOR; AND DECLARING THE SAME TO BE AN EMERGENCY
- #11 (2ND RDG) AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 253/2004, AS AMENDED, BY MAKING THE SUPPLEMENTAL APPROPRIATIONS HEREIN DESCRIBED; AND DECLARING THE SAME TO BE AN EMERGENCY
- #12 (2ND RDG) (**ADOPTED AS ORDINANCE NO. 222/2005**) AN ORDINANCE APPROVING TERMS AND CONTRACT AMENDMENTS TO THE COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY OF CANTON AND LOCAL 2937 AND OHIO COUNCIL 8, AFSCME; AND DECLARING THE SAME TO BE AN EMERGENCY

MEMBER CASAR: Mr. President, I move that statutory rules be suspended on Ordinance #12; seconded.

PRESIDENT DENCZAK: There is a move to dispense with the three readings of Ordinance #12; are there any remarks?... If not, roll call vote please.

NO REMARKS

ROLL CALL VOTE: 12 YEAS, 0 NAYS

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

MEMBER CASAR: Mr. President, I move we adopt Ordinance #12; seconded.

PRESIDENT DENCZAK: Moved and seconded that you adopt Ordinance #12. Are there any remarks under this Ordinance?... Very well, roll call vote please.

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NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance #12 is adopted. **#12 ADOPTED AS ORDINANCE NO. 222/2005**

#13 (2ND RDG) AN ORDINANCE AMENDING ORDINANCE NO. 55/77, AS AMENDED, KNOWN AS THE CITY OF CANTON ZONING ORDINANCE (TO REFLECT CHANGES TO THE OFFICIAL ZONING MAP, 37<sup>TH</sup> & FRAZER & ETC)

#14 (2ND RDG) AN ORDINANCE APPROVING AND ACCEPTING THE REPLATTING OF LOT NO 41821; AND DECLARING THE SAME TO BE AN EMERGENCY

#15 (2ND RDG) AN ORDINANCE APPROVING AND ACCEPTING THE REPLATTING OF PART OF LOT NO. 1654 AND ALL OF LOT NO. 1655; AND DECLARING THE SAME TO BE AN EMERGENCY

#16 (2ND RDG) AN ORDINANCE VACATING A PORTION OF 10<sup>TH</sup> STREET NE; AND DECLARING THE SAME TO BE AN EMERGENCY

#17 (2ND RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ACCEPT A GRANT IN THE AMOUNT OF \$1,000.00; AMENDING APPROPRIATION ORDINANCE NO. 253/2004, AS AMENDED; 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 #18 please.

***NOTE: PRESIDENT OF COUNCIL DENCZAK CALLED UPON CLERK VANCKUNAS TO READ ORDINANCES #18 THROUGH & INCLUDING #23 FOR THEIR THIRD & FINAL TIME BY TITLE, WITH THE EXCEPTION OF ORDINANCE #21 PREVIOUSLY ADOPTED.***

#18 (3RD RDG) (**ADOPTED AS ORDINANCE NO. 223/2005**) AN ORDINANCE AMENDING SECTIONS 503.04, COMPULSORY SCHOOL ATTENDANCE; PARENTAL DUTY IMPOSED, AND 503.99, PENALTY, OF THE CODIFIED ORDINANCES OF THE CITY OF CANTON.

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. 223/2005**

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#19 (3RD RDG) (**ADOPTED AS ORDINANCE NO. 224/2005**) AN ORDINANCE AUTHORIZING THE MAYOR TO FILE WITH THE US DEPARTMENT OF HOUSING & URBAN DEVELOPMENT A 2006 CONSOLIDATED PLAN FOR THE 2006 COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM, 2006 HOME INVESTMENT PARTNERSHIP PROGRAM AND 2006 EMERGENCY SHELTER GRANT PROGRAM; RATIFYING SUBMISSION AND FILING OF SAID PLAN; AUTHORIZING THE MAYOR TO EXECUTE GRANT AGREEMENTS WITH THE US DEPARTMENT OF HOUSING & URBAN DEVELOPMENT AND TO ACCEPT FUNDING FOR THE THREE PROGRAMS; AND DECLARING THE SAME TO BE AN EMERGENCY

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

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. 224/2005**

#20 (3RD RDG) (**ADOPTED AS ORDINANCE NO. 225/2005**) AN ORDINANCE AMENDING SECTION 123.05, TRAVEL EXPENSES GENERALLY, OF THE CODIFIED ORDINANCES OF THE CITY OF CANTON

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 under this Ordinance?...

MEMBER CASAR: Mr. President...

MEMBER HAWK: Mr. President, yes, in regards to increasing this, several weeks ago we had a meeting, Finance Committee Meeting about automobiles being taken home by City employees and we had asked for some information that we list the number of times these folks were called back in when they took the cars home. Bill, I know you were working on it; have you come up with those figures yet?

PRESIDENT DENCZAK: One moment, please, you may be ahead of yourself here. Now there's an amendment on this first.

MEMBER HAWK: Sorry, sir.

PRESIDENT DENCZAK: Member Casar, make your amendment.

MEMBER CASAR: Mr. President, I move that we amend Ordinance 20 per the copy that all Councilpersons received; seconded.

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**AMENDMENT:** Pursuant to Rule 36, I move to amend Agenda Item No. 20 by the substitution of proposed Section 1, with the following language: *“Section 1. The third sentence of subsection (a) to Section 123.05, Travel Expenses Generally, is amended to read as follows: Payment per mile for the utilization of private vehicles shall be paid pursuant to the most current applicable mileage standard established by the Internal Revenue Service in effect upon the date the approved mileage was incurred.”*

PRESIDENT DENCZAK: Moved and seconded to amend this ordinance per the copy placed before each of you; are there any remarks on the amendment?... If not, the question you're voting on now is the amendment. By voice vote, all those in favor, signify by saying aye; those opposed, no.

NO REMARKS

AMENDMENT APPROVED BY UNANIMOUS VOICE VOTE

PRESIDENT DENCZAK: The amendment has passed. The question you're voting on now is the ordinance as amended. Are there any remarks under the ordinance as amended?...

MEMBER HAWK: *(HIS BEGINNING REMARKS ARE INAUDIBLE—MICROPHONE NOT TURNED ON)* ...is that several weeks ago in the Finance Committee Meeting we had talked about cars that were being driven home. We had asked that we receive the number of times that they were called out on emergency usage, to get a better handle on this. Has that, have you found that information out yet?

CHIEF OF STAFF/FINANCE DIRECTOR ALLEN: Mr. President, Councilman Hawk. That was on surveys that I asked each one of them to fill out. I do not have that information with me here, but I can refer to that and get back to you.

MEMBER HAWK: Thank you, sir. I appreciate that.

PRESIDENT DENCZAK: Any other remarks?.... If not, the question you're voting on now is the ordinance as amended. Roll call vote please.

NO FURTHER REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance 20 has been adopted as amended.

**#20 ADOPTED AS AMENDED AS ORDINANCE NO. 225/2005**

PRESIDENT DENCZAK: Ordinance 21 has been previously adopted.

#21 (**ADOPTED AS ORDINANCE NO. 221/2005—SEE PAGE 572 HEREIN**)

#22 (3RD RDG) (**ADOPTED AS ORDINANCE NO. 226/2005**) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CONTRACTS WITH THE OHIO POWER COMPANY TO PROVIDE ELECTRIC ENERGY; AND DECLARING THE SAME TO BE AN EMERGENCY

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

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

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NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance #22 is adopted. **#22 ADOPTED AS ORDINANCE NO. 226/2005**

#23 (3RD RDG) (**ADOPTED AS ORDINANCE NO. 227/2005**) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A CONTRACT AMENDMENT WITH COMPMANAGEMENT, INC. FOR WORKERS' COMPENSATION ADMINISTRATIVE SERVICES; AND DECLARING THE SAME TO BE AN EMERGENCY

MEMBER CASAR: Mr. President, I move we adopt Ordinance #23; seconded.

PRESIDENT DENCZAK: Moved and seconded that you adopt Ordinance #23. Are there any remarks under this Ordinance?... Very well, roll call vote please.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance 23 is adopted. **#23 ADOPTED AS ORDINANCE NO. 227/2005****ANNOUNCEMENT OF COMMITTEE MEETINGS**

PRESIDENT DENCZAK: Announcement of committee meetings, please.

MEMBER CARBENIA: Mr. President, Community and Economic Development along with the Finance Committee will meet on November 14<sup>th</sup> at 6 p.m.

MEMBER DIAMOND: Mr. President, Intergovernmental will meet at 6:00 on November the 14th.

MEMBER BERNABELI: Mr. President, Judiciary will meet on November 14 at 6 p.m.

MEMBER GRIFFIN: Mr. President, Environmental &amp; Public Utilities will meet at 6 p.m. also.

MEMBER BABCOCK: Mr. President, Public Safety & Thoroughfares will also meet on the 14<sup>th</sup> at 6:00.MEMBER HAWK: Mr. President, Finance Committee meeting will meet 11/14 at 6:00. In addition, as a little advance warning, we will calling, the week of the 14<sup>th</sup>, and I will call it on the 14<sup>th</sup>, we will be having another budget Finance Committee meeting and budget evaluation the week of the 14<sup>th</sup>. So we can get a little heads up and get prepared for that.PRESIDENT DENCZAK: I have a communication from Margy to Debbie Vanckunas, Clerk. It says, 'Councilmen Casar and Carbenia have asked that Mandwel Patterson and I do a presentation to City Council's Committee-of-the-Whole. The subject is economic growth initiative, which is a possible new economic development incentive for the City of Canton. The date is November 14<sup>th</sup> at 5:30 p.m. in Council Chambers. We will have a power point presentation for the meeting. Thanks so much.' Is that to take place?

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MEMBER CASAR: Mr. President, that date is fine with myself and Member Carbenia—but she didn't tell us when it was going to be, but that's fine.

PRESIDENT DENCZAK: Okay.

**PUBLIC SPEAKS (OPEN FORUM--CITY BUSINESS ONLY)**

PRESIDENT DENCZAK: Public Speaks, Open Forum; we have five people signed up. The first speaker is Ronald Simmons.

MR. SIMMONS: Yes, I'm Ronald Simmons residing at 4619 Gray Metal NW, Canton, Ohio. To the Honorable President of Council, Mayor, and Council. I have a question as far as to footers, when they are actually building a home or a commercial building, is it necessary to actually have an inspection done at that point?

PRESIDENT DENCZAK: Can anyone answer that?

SAFETY DIRECTOR HUNT: Mr. President, it's my understanding all homes require a footer, however, I'd have to defer to the Building Inspectors to have them check their Code to make sure.

MR. SIMMONS: Okay, I guess that was a question that has always been said that you can't actually build without a footer. I know I've run into situations where I haven't been able to get inspections due to the fact that we even had water in them—we could not actually get a permit at that point to continue to build. I happen to be in an area, to make it clear, Georgetown Estate—Georgeview Estates, and a company was out there actually building and not installing footers. I think that is very annoying to be in a position of that right there with our City. I have never seen a home built without a footer. They're using a 18 by 18 slab of concrete, 3 inches thick and they're actually putting walls in of concrete—they're not pouring them, they're setting them nothing—you're not setting them on a footer. I don't understand the thinking of that and that's a question that I would like to be answered.

PRESIDENT DENCZAK: Sir, the standard architectural...for a footer, common footer is 16 inches wide and 6 inches thick with an 8 inch concrete block centered, meaning there will be 4 inches on each side of the concrete block wall. I don't know if the City has anything relative to that common architectural practice...Safety Director?...

SAFETY DIRECTOR HUNT: Mr. President, I am going to travel to Georgeview Estates with the Building Inspector tomorrow. There is another resident from Georgeview Estates in the audience and I told him I'd stop by his house also to take a look at this situation.

MEMBER ZACHARY: Mr. President...Mr. President...

PRESIDENT DENCZAK: Who's calling?... Member Zachary?

MEMBER ZACHARY: I happen to live in Georgeview Estates and I know exactly what Mr. Simmons is referring to. And the whole atmosphere of the neighborhood is getting ready to change and it's not going to be for the good. It's something that we've fought for a long time, but unfortunately when you deal with a private developer who chooses to sell lots to a company who is just in it for big business purposes, then they don't have to adhere to...or it seems that they do not have to adhere to any type of regulations that have been put in place.

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I watched these footers come in on a truck. I watched the foundations being dug in the pouring rain. I watched the footers, or not even the footers—the foundations being set into these holes in the pouring rain. And it seems to me that there should be something that we can do from a City perspective, whether it's guidelines that we currently have in place, to make sure that the houses that do go up and are constructed within our City are done the right way. It almost seems as if these are pre-fab homes that are going to be constructed and surely that's not within City Code. I would like the Safety Director as well as the Building Inspector to come out. We do have a resident who is taking pictures because some of the holes that they've dug and put these concrete foundations in, there's water seeping inside of them. And surely I would not want to purchase a home that was built so shabbily. So if you could please come out, let me know when you're coming out. I'd like to be there.

PRESIDENT DENCZAK: Is this within the corporate limits of the City?

MEMBER ZACHARY: Yes, it is.

PRESIDENT DENCZAK: That's shabby construction. We'll look into that.

MR. SIMMONS: Yeah, I would like to make a comment—even doing business with SMHA, with the Stark County Housing Authority, they actually take pride in their homes of what they sell, even though they've actually paid, and it's no secret, they've even paid as far as to \$110,000 to erect the homes, which I've done several—not at any given time, but they actually go out and do an inspection prior to you actually starting to put the block on that foundation. How we can actually allow this to happen, I think it's a major concern of the City that we should attack.

PRESIDENT DENCZAK: They'll look into it tomorrow.

MR. SIMMONS: All right, thank you.

PRESIDENT DENCZAK: The next speaker is Tim Moore.

MR. MOORE: Good evening, my name's Tim Moore and I reside at 1424 - 19<sup>th</sup> Street NW. Where I live there's no driveway off of 19<sup>th</sup> Street, no on-street parking. You have to park behind the house. Within the last month, myself and three neighbors, broken into. My car, my partner's truck, the neighbor's car, the neighbor's house. I would like to have a street light back there. I make \$2.13 an hour. I can't afford any more. Richard Hart's been looking into this situation—all I get are excuses on, well, can you and your neighbors go in on this?... Don't want to do that. I would like a street light back there. It's a City-maintained street; I've lived there 5 years. The City has plowed it one time. So, talking about money—my street is being re-done with a water line. Five years I've lived there, third time the street's been dug up. If you dig it once, see that it's bad, replace the whole line then. Why should you have to do it three times? So I'd like to know how to go about getting that street light back there.

PRESIDENT DENCZAK: Member Hart, are you aware of this problem? (*Member Hart indicates an affirmative response*) What's being done about it?

MEMBER HART: (*The first part of his response is inaudible—not using microphone*).....\$2,000 to run that from Myrtle to the back of the alley. And talking to the Service Director, at this present time finishing up some re-wiring on lights that are being repaired in other areas of the City, at this point in time did not have the, you know, \$2,000 to do that at this point in time. Now whether or not money would show up later, that, you know, I don't

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know.

PRESIDENT DENCZAK: Anybody know anything about this?...

SERVICE DIRECTOR CONCATTO: Mr. President. Member Hart pretty much said what it is—we have to put two poles in to put, to bring a light back to that back of that alley, that street. And at this time with the costs that we have appropriated in our budget for streets and lights, I do not have any more funds to do that. There is a means of doing it if the residents want to pay a small fee to have a light back there. Right now, adding two poles to bring a light—we have talked to AEP about it, bringing two poles back there to add that light and at this time, it was not budgeted.

MEMBER CASAR: Mr. President, if I may insert, you know, I'm Chairman of the Street Light and Sidewalk Committee, and Member Hart or any other Councilman in this Chamber here, when they wanted a street light, they would put in a resolution and then the committee would go out and review it. In fact, I was just out with Member Griffin last Monday night to check out a situation with a flash light. So I would recommend you put in a resolution, put the area and so forth, and let the committee go out and check it out. And if it's deemed necessary, we'll have to find the funds for it.

MR. MOORE: I mean, I feel that the crime is pretty bad and when the Police came out when we reported the break-ins, no dusting of fingerprints, I mean not even trying, just writing it on paper and taking a record. If you don't get these criminals, juveniles, whomever it is in the system, you know nothing's going to stop or get any better. And I feel that the citizens of this City deserve to be protected and I think we should have some more patrolling and do something about the kids, or whomever's breaking into the cars. I have a 1990 Honda, it's a piece of crap, but it's the only piece of crap I have. I'm still without a window 'cause, you know, I work lunch and make \$20. That pays for my gas, parking and something to eat. So, you know, I can't even afford my window and you want me to pay more for a light. So, please consider what I'm asking for and I hope we get somewhere. Thank you. (*Audience Applause*)

PRESIDENT DENCZAK: The next speaker is Justin Kuemerle.

MR. KUEMERLE: My name is Justin Kuemerle, I live at 1003 - 11<sup>th</sup> Street NW in the Summit neighborhood. I have sat her and listened to many people talk about the problems in my neighborhood. I would like to point out that the City is like the human body. And my neighborhood is like a cut that is being ignored. The cut is now getting infected and will spread throughout the City and eventually kill the body. Though I have seen some improvements over the last few weeks, the cut still needs much attention to fully heal with minimal scarring left behind. The Summit housing project has been delayed and has created continuous problems with people looting, vacant houses, and even a lot of theft to occur at the new Summit School building site. As much as I'd like to see the new houses be built, I'd rather see the vacant houses be tore down and, 'cause they cause a public nuisance and invite crime. As previous speakers have stated, the City should adopt a nuisance ordinance to help justify the laws in the City. There are houses on my street that are filled with people that do not have the community's best interests in mind. I am sure that it would be interesting to see just how many times the Police have come out to these houses. The landlords should be held responsible for their tenants' actions. I ask that each of you consider taking a look at some type of nuisance ordinance to help heal this City. (*Audience Applause*)

PRESIDENT DENCZAK: I'm sorry to say, young man, I don't think you'll ever see those new houses built in the Summit neighborhood.

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SERVICE DIRECTOR CONCATTO: Mr. President, we had met this morning with the Urban Housing Foundation. And it was found this morning, they do have, now have the verbal commitment of their 501C3 and by the end of this week, they should have that in writing. Once we see that, we will review the project agreement and we believe that that Summit Housing Project through the Urban Foundation, will go forward. (*Audience Applause*)

PRESIDENT DENCZAK: I gotta see it to believe it. The next speaker is David Sexton.

MR. SEXTON: Hello, my name is David Sexton, I live at 920 - 9<sup>th</sup> Street NW, that's Summit neighborhood also, Greg Hawk is my Councilman. I want to thank the Council President, the Members, the Mayor and the Mayor's constituents. What has happened to my beloved City? Have you asked yourself that question lately? If you live near me, I know you have. Once upon a time as a young Canton native, I grew up when hookers didn't chase down Councilmen in efforts to proposition them and drug dealers didn't wave down cars in an effort to make a sale. When did the wheels come off, people, and what are we doing to fix the problem? My colleague, Mr. Rod Pisani, spoke to Members of this Council to express violations to our civil rights through subtle and open intimidation. These things are occurring every day on our front doorstep. I often wonder if the Council, Mayor, or some others had these occurring on their doorstep, what would their reaction be? I can only guess, but I'm sure that the action would certainly beat out the talk. Our forefathers addressed many of these problems with the rule of law. However laws must be enforced. There is a blatant disregard by people in this community for the rule of law. We need to start getting the Police out of their cruisers and writing the tickets and enforcing the law as it is written. Bring back community policing and enforce the laws that are on the books. I want my son to grow up in the Canton that I had the experience of knowing and loving. (*Audience Applause*)

PRESIDENT DENCZAK: The final speaker is Deloris Angeli.

SAFETY DIRECTOR HUNT: Mr. President, if I could, to respond to Mr. Sexton's comments. Last week I met with Chief McKimm; we also met with Sergeant Mark Fox who used to run the Newton Zone Task Force. We also met with Captain Myers who is the head of our Gang Task Force. Based upon that meeting and conversations with the Mayor, we are going to re-institute the Newton Area Task Force—it will work with the Gang Task Force. We are right now lining up off-duty police officers to work, start working specifically in the Newton Zone. I want to say that whatever the Police do in this area, they need strong neighborhood response. We are not there 24 hours a day, but I would ask that the neighborhood groups work together to help us as we start to work in this area again. Thank you. (*Audience Applause*)

PRESIDENT DENCZAK: The final speaker is Deloris Angeli.

MS. ANGELI: That's Deloris Angeli and I live and work at 1524 Fulton Road, which is Plant-Et Art. And I come here, I have the utmost respect for the political process and I can't even imagine what it would take to run a City. But I'm with pretty much every speaker here tonight, talking about the problem. And there's a big problem out there. The way I see it if you're not part of the solution, you're part of the problem. I had a prostitute on my corner, on Cottage and Fulton, which, we're just running them out of the Summit neighborhood up the street. Maybe we need to look at this problem a little bit differently. Maybe we need to look a lot of these problems a little bit differently. Be a pro-active City instead of a re-active City. I know that I have planted roots very, very deeply in this City, I feel that same, I'm 45 years old and I've never lived out of Canton, Ohio, out of Stark County. This is my home, I'm very proud of this town, I do many, many philanthropic, community-oriented things and I don't want to see my City go into the direction into which it's going, so, please, all of you who are running for office, again, election next Tuesday remember everyone, please help us fix this problem. Help us fix

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everything that's wrong with our City, and let's begin at the beginning and follow the yellow brick road. Thank you. (*Audience Applause*)

**MISCELLANEOUS BUSINESS**

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

MEMBER ZACHARY: Mr. President, I'm going to address this to the Administration because I have an on-going issue within my ward that I think we need to at least try to step in and resolve. On my way home from work tonight, I take Sherrick Road to Cherry Avenue—there was an accident there, very bad accident, they had two huge wreckers there to pull the cars apart and one of the vehicles was on the wrecker. But I say that to say this, there has been a continued insistence from the constituents in that area for a street light. And although the Department of Transportation has dictated there's not enough road traffic to warrant putting a light there, I think for safety reasons, we need to advocate that we do put a street light there. I've seen numerous near misses on my way to and from work. And although I can't personally be responsible or no one here can personally be responsible for other peoples' idiotic driving habits, I think we need to do everything that we can to either slow that process down or make it more difficult to make left-hand turns in front of people without any regard to caution. So I am asking the Administration, whatever we can do to advocate for a traffic signal at Cherry and Sherrick, we need to pull out all stops at this point; it's not going to get any better. And in fact, since I am in that area every day, five days a week practically, then I've seen a lot and I think we need to advocate for that.

PRESIDENT DENCZAK: Well, Member Zachary, I'm sure that we could take one away from The Repository and put it there.

MEMBER ZACHARY: I'll take it.

PRESIDENT DENCZAK: They've got six instruments there.

SAFETY DIRECTOR HUNT: Mr. President, the last review of that intersection was done two years ago. I will have our City Engineer go back out and do another survey of that area...

MEMBER ZACHARY: (*interrupting*) I've talked to Dan and he's opened it back up, so to speak, but I think we can't just accept the State telling us there's not enough traffic to put a light there. A kid was hit in that area this past Summer; I've seen, like I said numerous near-misses as far as car accidents, and a really bad car accident was there, and I would hate for someone to have to get killed for us to open our eyes and say we need a traffic signal there.

SAFETY DIRECTOR HUNT: Mr. President, the State of Ohio has rules and regulations pursuant to putting a light up—if you put a light up that you don't jump through all the hoops—that is an illegal light. The City could be not only fined, but the City could be brought to court for putting a traffic light up that has not been determined to have a need for that. We will review that area; I will have the City Engineer go out and take a look at it.

PRESIDENT DENCZAK: Well, therein lies the problem...ODOT. There's another argument for—I don't want to get involved in this traffic situation—it's so messed up in this City, it's pathetic. I do a lot of traveling and Stark County and the City of Canton has got the worst traffic problems of any city. Something has to be done about it and ODOT isn't going to correct it. They're a bureaucratic arm of the government; they're not going to

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do the job. Is there anybody else under Miscellaneous Business?

MEMBER HART: Yeah, Mr. President. Yeah, just a comment for the Safety Director. I want to thank Officer Talkington and Monter; they're both canine officers, for handling a stray dog problem in Ward 7 Friday night. And I guess what I find more upsetting, after the Dog Warden was called, you know, he was telling me he was on his way, and that was at 6:00—he did not show up until 8:00 to get the dog that both canine officers were able to subdue. They, in their trunk they do have the, I guess you want to call them lassos or hoops that they can string around the dog's neck. But, again, I want to thank them for their quick response and I guess with the County, is there anything that could be done, I mean the man, when I called him at 6:00, tells me he's on his way, and I don't know where he came from, but it certainly shouldn't have taken him two hours to get there. Saturday morning, I received a call from somebody from the County wanting to know if a couple of the residents there had been nipped by the dog and were left bruises—but they wanted to know if they received any medical attention, so they did get the message. But, again, I didn't think it would take him two hours to, you know, find the area there.

PRESIDENT DENCZAK: Is there any.....

MEMBER WEST: Mr. President, I would like to piggyback off what Hart just said. I got a call this week also about the Dog Warden not coming out. A woman who had a big dog and was hanging it off of her porch, that was strung up by this big block. And the Dog Warden didn't call until actually the next day. The woman ended up going out and giving the dog some meat and being able to release the dog so the dog didn't choke himself. But I have to mimic Hart's concern in that, do we have that protection from the County, or do we not?

MEMBER CASAR: Mr. President, since we're on that subject in regards to animals and dogs. About 3 years, 4 years ago, I proposed that the City of Canton come up with an animal control officer for the City of Canton, but it kinda fell on deaf ears, that's when we were having all the cats and the raccoons and so forth and etc. And I had a couple individuals from Massillon who have the animal control over there. And it was thought, how are we going to pay for this?...well I'm going to resurface, bring this back up again. And since the County won't do their job as the Dog Warden, I think it's time that we start our own animal control and take the license fees that the County receives from our dogs. And I want to talk with the Law Department to see if it's possible and if we could afford it, and we will do a heck of a lot better job. But I think it's something we've got to look at. I have all my information from back then and I will bring it back and see what can be done, because I know with the barking dogs and everything else we have, and the stray cats, I think it's time we really get serious and look at patrolling our streets with our own people and don't have to rely on the County. And let the people that have the dog license pay us instead of the County. I don't know if it's legal, but I will be talking with the Law Director to see if it's possible that we do this.

PRESIDENT DENCZAK: Is there any other....

MEMBER DOUGHERTY: Mr. President. Yeah, I was glad you brought that up, Member Casar, 'cause I remember that years back when we looked at that. And I'd be happy to work with you on that.

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.

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NO REMARKS PERMITTED ON THE MOTION TO ADJOURN      ROLL CALL: 12 YEAS, 0 NAYS

PRESIDENT DENCZAK: This meeting is adjourned.

ADJOURNMENT TIME: 8:20 PM

ATTEST:

APPROVED:

DEBRA VANCKUNAS  
CLERK OF COUNCIL

RAY DENCZAK  
PRESIDENT OF COUNCIL