

**MINUTES OF THE MEETING OF NOVEMBER 14, 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, November 14, 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 5 Councilmember Terry Prater followed by the Pledge of Allegiance led by President of Council Denczak.*

**ROLL CALL TAKEN BY CLERK VANCKUNAS:**

ALL 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 22A to add the second readings of Ordinances 4 through and including #10, Member Casar.

MEMBER CASAR: Mr. President, I move we suspend Rule 22A and add Ordinances 4 through and including #10 to 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 4 through and including #10 are a legal part of your agenda.

**PUBLIC HEARINGS:****7:30PM PUBLIC HEARING RE: AMENDMENTS TO OFFICIAL ZONING MAP**

PRESIDENT DENCZAK: We have two scheduled public hearings this evening. The first one was scheduled for 7:30. The Chair opens the public hearing in regards to the matter of amending city zoning ordinance number 55/ passed in '77 to reflect changes to the official zoning map proposed by the City of Canton. The Planning Commission recommends approval. Is there anyone in the audience wishing to speak for or against amending the city zoning ordinance?... Is there anyone in the audience wishing to speak for or against amending the city ordinance...? Is there anyone in the audience wishing to speak for or against amending the city zoning ordinance, 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.

**7:31PM PUBLIC HEARING RE: VACATION OF PART OF 10<sup>TH</sup> STREET NE**

PRESIDENT DENCZAK: We had another scheduled public hearing scheduled for 7:31 pm. The Chair opens the public hearing in regards to the matter of vacating apart of 10<sup>th</sup> Street NE between Payne Court and Warner Avenue NE as requested by John Picard fore Stark Metropolitan Housing Authoring. The Planning Commission

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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):ka**

PRESIDENT DENCZAK: No one signed up for Public Speaks under Ordinances and Resolutions.

**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.

***PRESIDENT DENCZAK CALLED UPON CLERK VANCKUNAS TO READ RESOLUTION #100 BY AGENDA TITLE AS SHOWN BELOW. THE RESOLUTION IS ON FILE IN ITS ENTIRETY IN THE COUNCIL OFFICE WITH THE AGENDA ITEMS DATED NOVEMBER 14, 2005.***

100. BY HART, RICHARD, WARD 7 COUNCILMEMBER: REQUESTING A STREET LIGHT AT THE REAR OF 1424 19<sup>TH</sup> STREET NW. - ADOPTED BY COUNCIL, COPY TO SERVICE DIRECTOR & SIDEWALK/STREET LIGHT COMMITTEE

MEMBER CASAR: Mr. President, I move we adopt Resolution #100; seconded.

PRESIDENT DENCZAK: Moved and seconded that you adopt Resolution 100. Are there any remarks under this resolution?...

SERVICE DIRECTOR CONCATTO: Mr. President, if I may ask a question of Member Hart?

PRESIDENT DENCZAK: You may.

SERVICE DIRECTOR CONCATTO: Member Hart, is this the light that we were talking about at the last meeting?

MEMBER HART: Yes.

SERVICE DIRECTOR CONCATTO: Does this resolution then require the City to put the light in, is that was this resolution does say?

MEMBER HART: No, I think Member Casar had suggested this and it was just to look at it and study it. You know, I mean considering the cost of....you know, I think AEP's was \$2,000 to run the poles and wiring and the light. My own personal thought, that it would be money better spent fore us, or for the City, to try to put lights out in the front of houses where more people are going to get use out of it and that the residents maybe go together and pool their money 'cause there is about 7 or 8 houses that could get a use out of it. But if the money could

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possibly be there, you know, according to you when I had discussed this with you, you know, money was the big issue here, you know, being able to fund that.

SERVICE DIRECTOR CONCATTO: Mr. President, I don't have a problem with the resolution, I just didn't know what it required of us. If it was just to meet with you as the Sidewalk and Light Committee?...

MEMBER CASAR: Mr. President. Service Director Concatto and I have a pretty good relationship in regards to sidewalks...I mean street lights. I will personally, as I've done on every other one, I had a few in Zachary's ward, and every Councilman here probably, and I've checked them out and the Administration has followed through and did put them up. So we will do the same on this, investigate the feasibility of it.

PRESIDENT DENCZAK: Member Hart, is this in regards to the matter of the young man that spoke here? (*Inaudible response*) Oh, okay. Are there any further remarks under this resolution?... If not, the question you are voting on now is Resolution #100. By voice vote, all those in favor signify by saying aye; those opposed, no.

NO FURTHER REMARKS                      RESOLUTION #100 APPROVED BY UNANIMOUS VOICE VOTE

PRESIDENT DENCZAK: The resolution is adopted.

**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 NOVEMBER 14, 2005.***

- 523. ANGELO, & KURZINSKY, F.O.P. OFFICERS, OHIO LABOR COUNCIL INC. MCKINLEY LODGE #2, 1411 CHERRY AVE., NE, CANTON, OH 44714: PUBLICLY RETRACTING A STATEMENT IN A LETTER DATED 9/8/04 WHEREIN IT WAS NOT THEIR INTENT TO IMPLY THAT POLICE CHIEF MCKIMM MISUSED PUBLIC FUNDS - RECEIVED & FILED
- 524. AUDITOR MALLONN, CITY OF CANTON: MONTHLY REPORT BY FUND FOR 10/1-31/05 - RECEIVED & FILED
- 525. AUDITOR MALLONN, CITY OF CANTON: YEARLY REPORT BY FUND FOR 1/1/05 - 10/31/05 - RECEIVED & FILED
- 526. AUDITOR MALLONN, CITY OF CANTON: IN CONJUNCTION W/MAYOR'S REQUEST TO INCREASE THE MANAGEMENT WAGE SCHEDULE, REQUESTING 3.4% INCREASES IN THE CHIEF DEPUTY, CHIEF INFORMATION OFFICER, DEPUTY AUDITOR III & DEPUTY INTERNAL AUDITOR'S POSITIONS; REQUEST QUALIFYING LANGUAGE BE ADDED TO THE MANAGEMENT PERSONNEL ORDINANCE TO PERMIT AUTOMATIC FUTURE INCREASES. - PERSONNEL & FINANCE CMTES

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527. CANTON PRESERVATION SOCIETY, 131 WERTZ AVE., NW, CANTON, OH 44708: SUPPORTING THE EFFORTS OF NEIGHBORS TO SAVE FROM DEMOLITION THE HOME LOCATED AT 3319 WEST TUSC - WARD 3 COUNCILMEMBER & SAFETY DIRECTOR
528. HART, RICHARD, WARD 7 COUNCILMEMBER: LETTER TO LAW DIRECTOR REQUESTING TO CHANGE THE CITY'S DEMOLITION POLICY IN ORDER FOR THE CCIC TO ACCEPT DEMO-LIST HOMES FOR PURCHASE & RENOVATION BY DEVELOPERS . - RECEIVED & FILED
529. HART, RICHARD, WARD 7 COUNCILMEMBER: LETTER TO THE MAYOR & HEALTH COMMISSIONER WITH QUESTIONS AS TO THE CITY'S PREPAREDNESS FOR AN OUTBREAK OF THE BIRD FLU. - RECEIVED & FILED
530. HEALTH BENEFITS ADMINISTRATOR BRESSON, CITY OF CANTON: OCTOBER 2005 MONTHLY COMPARATIVE REPORT OF INSURANCE CLAIMS & JANUARY-OCTOBER 2005 PAID CLAIMS & COMPARATIVE REPORT. - RECEIVED & FILED
531. LIQUOR CONTROL DIVISION, 6606 TUSSING ROAD, PO BOX 4005, REYNOLDSBURG OHIO 43068-9005: NOTICE TO LEGISLATIVE AUTHORITY THAT MURPHY OIL USA INC HAS REQUESTED A NEW C1 LIQUOR PERMIT AT 3220 ATLANTIC BOULEVARD NE - INTERGOVERNMENTAL & PUBLIC SERVICE CMTE
532. LIQUOR CONTROL DIVISION, 6606 TUSSING RD, PO BOX 4005, REYNOLDSBURG OHIO 43068-9005: NOTICE TO LEGISLATIVE AUTHORITY THAT RLK INC HAS REQUESTED A NEW D1 LIQUOR PERMIT AT RICKY LY'S 2, 101 CLEVELAND AVENUE. - INTERGOVERNMENTAL & PUBLIC SERVICE CMTE
533. LIQUOR CONTROL DIVISION, 6606 TUSSING RD, PO BOX 4005, REYNOLDSBURG OHIO 43068-9005: NOTICE TO LEGISLATIVE AUTHORITY THAT AMVETS POST 0555 HAS REQUESTED A NEW D4 LIQUOR PERMIT AT 221 5<sup>TH</sup> STREET NW. - INTERGOVERNMENTAL & PUBLIC SERVICE CMTE
534. MAYOR JANET WEIR CREIGHTON, CITY OF CANTON: REQUEST A 3.4% INCREASE TO ALL STEPS IN ALL GRADES OF THE MANAGEMENT NON-BARGAINING PERSONNEL ORDINANCE EFFECTIVE 1/1/06; ALSO EFFECTIVE 1/1/06 AUTOMATIC CPI-U WAGE INCREASES FOR ELECTED OFFICIALS ARE NO LONGER SUSPENDED. - PERSONNEL & FINANCE CMTES
535. MAYOR JANET WEIR CREIGHTON, CITY OF CANTON: REQUESTING CHANGES TO THE MANAGEMENT PERSONNEL ORDINANCE TO DELETE THE WPCC ASSISTANT SUPERINTENDENT & GENERAL FOREMAN POSITIONS & ADD A COLLECTION SYSTEMS DEPARTMENT WITH A SUPERINTENDENT, SANITARY SEWER ENGINEER & GENERAL FOREMAN IN ORDER TO MAKE PERMANENT THE SEPARATION OF THE WPCC & THE COLLECTION SYSTEMS DEPARTMENTS. - PERSONNEL & FINANCE CMTES
536. MAYOR JANET WEIR CREIGHTON, CITY OF CANTON: REQUEST CHANGES IN THE BARGAINING UNIT PERSONNEL ORDINANCE IN BUILDING MAINTENANCE, PURCHASING & MIS DEPARTMENTS & INCLUDING THE SEPARATION OF COLLECTIONS SYSTEMS FROM

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THE WPCC AS PART OF CONTINUING EFFORTS TO REORGANIZE CITY OPERATIONS; ALSO INCLUDING CHANGES AS REQUESTED BY THE CITY AUDITOR & CITY TREASURER. - PERSONNEL & FINANCE CMTE

537. MUNICIPAL COURT ADMINISTRATOR MICHAEL KOCHERA, CITY OF CANTON: REQUEST A \$2,297.87 TRANSFER FROM THE GENERAL FUND TO THE COMMUNITY SANCTIONS GRANT FUND; & REQUEST A \$23,662.99 SUPPLEMENTAL APPROPRIATION FROM THE COMMUNITY SANCTIONS GRANT FUND. - FINANCE CMTE
538. PLANNING COMMISSION, CITY OF CANTON, BRUCE WILLIAMS, SECRETARY: RECOMMENDING APPROVAL OF THE ACCEPTANCE OF A NEW UPDATED CITY ZONING MAP WHICH INCLUDES ALL ZONE CHANGES, ANNEXATIONS & NEW ZONING CATEGORIES ADOPTED BY COUNCIL. - JUDICIARY CMTE **PUBLIC HRG 12/19/05 @ 7:30 PM**
539. PLANNING COMMISSION, CITY OF CANTON, BRUCE WILLIAMS, SECRETARY: RECOMMENDING APPROVAL OF THE REPLAT OF OUTLOT 1005 ON COLUMBUS ROAD NE REQUESTED BY OSTER SAND & GRAVEL FOR RESIDENTIAL DEVELOPMENT. - PUBLIC SAFETY & THOROUGHFARES
540. PLANNING COMMISSION, CITY OF CANTON, BRUCE WILLIAMS, SECRETARY: RECOMMENDING APPROVAL OF THE REPLAT OF VARIOUS LOTS IN THE AREA OF 37<sup>TH</sup> & FRAZER NW AS REQUESTED BY T & K CAMPBELL FOR SINGLE-FAMILY HOUSING. - PUBLIC SAFETY & THOROUGHFARES
541. SAFETY DIRECTOR BERNARD HUNT, CITY OF CANTON: REQUEST A \$2,800 SUPPLEMENTAL APPROPRIATION FROM THE STREET MAINTENANCE FUND FOR THE SIGN & PAINT DEPARTMENT TO PURCHASE ADDITIONAL SIGN-MAKING SUPPLIES. - FINANCE CMTE
542. SAFETY DIRECTOR BERNARD HUNT, CITY OF CANTON: REQUEST A \$15,575 SUPPLEMENTAL APPROPRIATION FROM THE CAPITAL IMPROVEMENT FUND FOR THE CITY ENGINEERING DEPARTMENT TO PURCHASE A NEW TRAFFIC CONTROLLER AT 6<sup>TH</sup> & PROSPECT SW. - PPCI & FINANCE CMTE
543. SERVICE DIRECTOR JOSEPH CONCATTO, CITY OF CANTON: REQUEST TO AMEND O.226/2005 TO CHANGE THE EFFECTIVE DATES FOR CONTRACTS TO PROVIDE ELECTRIC ENERGY TO THE WPCC, SUGARCREEK WATER FIELD, HARRISBURG WATER FIELD & THE CITY HALL BUILDING. - EPU & FINANCE CMTE
544. SERVICE DIRECTOR JOSEPH CONCATTO, CITY OF CANTON: REQUEST TO ACCEPT 3 GRANTS FROM THE BUREAU OF WORKERS COMPENSATION IN THE TOTAL AMOUNT OF \$16,800 TO BE USED TO SECURE THE SERVICES OF TRANSITIONAL MANAGEMENT SOLUTIONS INC FOR A TRANSITIONAL WORK PROGRAM FOR CITY EMPLOYEES RECOVERING FROM WORK-RELATED INJURIES. - PERSONNEL & FINANCE CMTE
545. SERVICE DIRECTOR JOSEPH CONCATTO, CITY OF CANTON: REQUEST TO AMEND CITY CODE CHAPTER 947 TO INCLUDE AN "INDUSTRIAL" ACCOUNT SEWER RATE IN ORDER TO BE MORE COMPETITIVE IN SEEKING AREAS FOR ANNEXATION. - JUDICIARY CMTE

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546. STARK COUNTY COMMISSIONERS, 110 CENTRAL PLAZA SOUTH, CANTON, OHIO: RESOLUTION ESTABLISHING THE COUNTY COMMISSIONERS' PUBLIC HEARING FOR 12/20/05 AT 11 AM IN THE COMMISSIONERS' BOARD ROOM RE: THE PROPOSED MOORE ANNEXATION AREA. - RECEIVED & FILED
547. TREASURER ROBERT C. SCHIRACK, CITY OF CANTON: COMPARATIVE REPORT OF INCOME TAX RECEIPTS AS OF 10/31/05. - RECEIVED & FILED
548. TREASURER ROBERT C. SCHIRACK, CITY OF CANTON: REPORTS OF TREASURER'S OFFICE BANK RECONCILIATIONS & CITY'S OUTSTANDING INVESTMENTS AS OF 10/31/05. - RECEIVED & FILED
549. TREASURER ROBERT C. SCHIRACK, CITY OF CANTON: COMPARATIVE REPORT OF PARKING METER REVENUE FOR OCTOBER 2005. - RECEIVED & FILED
550. TREASURER ROBERT C. SCHIRACK, CITY OF CANTON: COMPARATIVE REPORT OF THE AMBULANCE LOCK BOX ACCOUNT FOR OCTOBER 2005. - RECEIVED & FILED

**ORDINANCES & FORMAL RESOLUTIONS FOR FIRST READING**

PRESIDENT DENCZAK: Ordinances and Formal Resolutions for their first reading. Ordinance number 1 please.

***NOTE: PRESIDENT DENCZAK CALLED UPON CLERK VANCKUNAS TO READ THE FOLLOWING ORDINANCES #1 THROUGH AND INCLUDING #3 FOR THE FIRST TIME BY TITLE & ANNOUNCED THE COMMITTEE REFERRAL, AS FOLLOWS.***

- #1 (1<sup>ST</sup> RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CONTRACT WITH THE STARK COUNTY PUBLIC DEFENDER COMMISSION FOR THE PROVISION OF LEGAL SERVICES TO INDIGENTS; AND DECLARING THE SAME TO BE AN EMERGENCY  
Referred to Intergovernmental & Public Service and Finance Cmtes
- #2 (1<sup>ST</sup> RDG) AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO MAKE APPLICATION FOR AND ACCEPT ASSESSMENT GRANT FUNDS FROM THE OHIO DEPARTMENT OF DEVELOPMENT FOR THE FORMER HERCULES ENGINES PROPERTY; AND DECLARING THE SAME TO BE AN EMERGENCY  
Referred to Community & Economic Development Cmte
- #3 (1<sup>ST</sup> RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY TO ACCEPT A GRANT IN THE AMOUNT OF \$1,000.00; AUTHORIZING THE AUDITOR TO RE-DESIGNATE TWO FUNDS; AMENDING APPROPRIATION ORDINANCE NO. 253/2004, AS AMENDED; AND DECLARING THE SAME TO BE AN EMERGENCY  
Referred to Finance Cmte

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PRESIDENT DENCZAK: The Chair states that all ordinances are being given their reading as required by State Law. Ordinances and Formal Resolutions for the Second Reading please.

***NOTE: PRESIDENT OF COUNCIL DENCZAK CALLED UPON CLERK VANCKUNAS TO READ THE FOLLOWING ORDINANCES #4 THROUGH & INCLUDING #10 FOR THE SECOND TIME BY TITLE, AS FOLLOWS.***

#4 (2<sup>ND</sup> RDG) AN ORDINANCE AMENDING CHAPTER 105, CONTRACTS, OF THE CODIFIED ORDINANCES OF THE CITY OF CANTON

#5 (2<sup>ND</sup> RDG) **ADOPTED AS ORDINANCE NO. 228/20205** 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

MEMBER CASAR: Mr. President, I move the statutory rules be suspended on Ordinance #5; seconded.

PRESIDENT DENCZAK: Moved and seconded that you dispense with the three readings of Ordinance #5; are there any remarks?... If not, roll call vote please.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

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

MEMBER CASAR: Mr. President, I move we adopt Ordinance #5; seconded.

PRESIDENT DENCZAK: Moved and seconded that you adopt Ordinance #5; are there any remarks under this ordinance?.... Very well, roll call vote please.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance #5 is adopted.

**#5 ADOPTED AS ORDINANCE NO. 228/2005**

#6 (2<sup>ND</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

#7 (2<sup>ND</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

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#8 (2<sup>ND</sup> RDG) **ADOPTED AS ORDINANCE NO. 229/20205** AN ORDINANCE AMENDING ORDINANCE NO. 181/2005; AND DECLARING THE SAME TO BE AN EMERGENCY

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

PRESIDENT DENCZAK: There is a move to dispense with the three readings on Ordinance #8; are there any remarks?... If not, roll call vote please.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

PRESIDENT DENCZAK: You have 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 please..

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance #8 is adopted.

**#8 ADOPTED AS ORDINANCE NO. 229/2005**

#9 (2<sup>ND</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

#10 (2<sup>ND</sup> RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A SUPPLEMENTAL SEWER AGREEMENT WITH STARK COUNTY; AND DECLARING THE SAME TO BE AN EMERGENCY

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

PRESIDENT DENCZAK: Ordinances for the third and final reading. Ordinance number 11.

***NOTE: PRESIDENT OF COUNCIL DENCZAK CALLED UPON CLERK VANCKUNAS TO READ ORDINANCES #11 THROUGH & INCLUDING #20 FOR THEIR THIRD & FINAL TIME BY TITLE SHOWN AS FOLLOWS. ALL THE ORDINANCES WERE ADOPTED FOLLOWING THEIR THIRD & FINAL READINGS.***

#11 (3<sup>RD</sup> RDG) **ADOPTED AS ORDINANCE NO. 230/2005** 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

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MEMBER CASAR: Mr. President, I move we adopt Ordinance #11; seconded.

PRESIDENT DENCZAK: Moved and seconded that you adopt Ordinance #11. Are there any remarks under this Ordinance?... Very well, roll call vote please.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance #11 is adopted. **#11 ADOPTED AS ORDINANCE NO. 230/2005**

#12 (3RD RDG) **ADOPTED AS ORDINANCE NO. 231/2005** 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

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.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance #12 is adopted. **#12 ADOPTED AS ORDINANCE NO. 231/2005**

#13 (3RD RDG) **ADOPTED AS ORDINANCE NO. 232/2005** 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

MEMBER CASAR: Mr. President, I move we adopt Ordinance #13; seconded.

PRESIDENT DENCZAK: Moved and seconded that you adopt Ordinance 13. Are there any remarks under this Ordinance?... Very well, roll call vote please.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance #13 is adopted. **#13 ADOPTED AS ORDINANCE NO. 232/2005**

#14 (3RD RDG) **ADOPTED AS ORDINANCE NO. 233/2005** 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

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MEMBER CASAR: Mr. President, I move we adopt Ordinance #14; seconded.

PRESIDENT DENCZAK: Moved and seconded that you adopt Ordinance 14. Are there any remarks under this Ordinance?... Very well, roll call vote please.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance #14 is adopted. **#14 ADOPTED AS ORDINANCE NO. 233/2005**

#15 (3RD RDG) **ADOPTED AS ORDINANCE NO. 234/2005** 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

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. 234/2005**

#16 (3RD RDG) **ADOPTED AS ORDINANCE NO. 235/2005** 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)

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: 11 YEAS, 0 NAYS, 1 ABSTENTION (ZACHARY)

PRESIDENT DENCZAK: Ordinance #16 is adopted. **#16 ADOPTED AS ORDINANCE NO. 235/2005**

#17 (3RD RDG) **ADOPTED AS ORDINANCE NO. 236/2005** AN ORDINANCE APPROVING AND ACCEPTING THE REPLATTING OF LOT NO 41821; AND DECLARING THE SAME TO BE AN EMERGENCY

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

PRESIDENT DENCZAK: Moved and seconded that you adopt Ordinance #17. Are there any remarks under

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this Ordinance?... Very well, roll call vote please.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance #17 is adopted. **#17 ADOPTED AS ORDINANCE NO. 236/2005**

#18 (3RD RDG) **ADOPTED AS ORDINANCE NO. 237/2005** 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

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. 237/2005**

#19 (3RD RDG) **ADOPTED AS ORDINANCE NO. 238/2005** AN ORDINANCE VACATING A PORTION OF 10<sup>TH</sup> STREET NE; 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?... If not, roll call vote please.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance #19 is adopted. **#19 ADOPTED AS ORDINANCE NO. 238/2005**

#20 (3RD RDG) **ADOPTED AS ORDINANCE NO. 239/2005** 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

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?... Very well, roll call vote please.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

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PRESIDENT DENCZAK: Ordinance #20 is adopted. **#20 ADOPTED AS ORDINANCE NO. 239/2005**

**ORDINANCES AND FORMAL RESOLUTIONS: POSTPONED MATTER**

#21 **POSTPONED AGAIN TO 11/21/2005:** ORDINANCE NO. 94/2005 AUTHORIZING THE DEMOLITION OF 22 PROPERTIES WAS AMENDED ON THE COUNCIL FLOOR DURING THE MAY 16, 2005 COUNCIL MEETING TO POSTPONE ONE PROPERTY LOCATED AT 2039 EAST TUSCARAWAS STREET FOR A PERIOD OF SIX MONTHS TO MONDAY, NOVEMBER 14, 2005.

MEMBER CASAR: Mr. President, I move we adopt Ordinance number...

PRESIDENT DENCZAK: Wait, wait, wait.... All right, Member Casar.

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?

MEMBER CASAR: Mr. President, I move we postpone Ordinance #21 until next week, November 21<sup>st</sup>; seconded.

PRESIDENT DENCZAK: Moved and seconded that you postpone Ordinance 21 until the next meeting, November 21<sup>st</sup>; are there any remarks?... If not, by voice vote, all those in favor, signify by saying aye; those opposed, no.

NO FURTHER REMARKS

MOTION APPROVED BY UNANIMOUS VOICE VOTE

PRESIDENT DENCZAK: Ordinance 21 is postponed until November 21<sup>st</sup>, year 2005.

**ANNOUNCEMENT OF COMMITTEE MEETINGS**

PRESIDENT DENCZAK: Announcement of committee meetings, please.

MEMBER CARBENIA: Mr. President, Community & Economic Development will meet at 6:30 on November 21<sup>st</sup>.

MEMBER DIAMOND: Mr. President, Intergovernmental and Public Service will meet at the same time on that date.

MEMBER HAWK: Mr. President, Finance Committee will meet Monday, November 21<sup>st</sup> at 6:30. There will be an additional Finance Committee Meeting to discuss the 2006 budget at 9:30 a.m. Thursday, November 17<sup>th</sup> in the Caucus Room.

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

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PRESIDENT DENCZAK: Public Speaks, Open Forum. The first speaker is Kathy Lopez.

MS. LOPEZ: Yes, my name is Kathy Lopez and I am a parent volunteer at Lehman Middle School.

PRESIDENT DENCZAK: State your address please.

MS. LOPEZ: I live at 1209 Hoover Place NW in Canton. The reason why I'm here this evening is my concern about getting security on school campuses in the Canton School District. Being at Lehman as a citizen and as a parent, I've seen things on the other side of the fence. We had an incident that occurred on November the 9<sup>th</sup> regarding a fight that almost ensued. Had I not gotten to the campus early for other business matters, some children could have been injured. The students that had come to the campus were from McKinley and Timken High School, they were there to basically beat up an 8<sup>th</sup> grader. Myself and a teacher had to intervene. Nothing happened, thank God. We did call 9-1-1; we did call the Police Department 5 times after that. The response was 1 hour. I'm not saying that anyone's at fault, but I do have a concern as a citizen because, you know, from all the different letters and different things I had read within the paper and other meetings in general regarding the schools, our concern should be our children—not only mine, but everyone else. And the other concern is the faculty's safety. I know at this time there is no security on the campus due to budget cuts or money, but we do somehow or other, need to find a way to find money, put security police on campuses for the safety of these children, not only at Lehman but at all Canton City schools. You know, the times have changed; things are not what they used to be. And I know that many of you that sit here, who are here tonight, may or may not have children in the City schools, but either way, whether it's our children or someone else's, we need to be concerned—as a community and as people who sit on all these boards within Canton City.

PRESIDENT DENCZAK: Ma'am, have you addressed the School Board itself?

MS. LOPEZ: I have spoken with the principal, assistant principal, I have also sent a letter to the Mayor, I have sent a letter to the Police Chief. I have also sent a letter to Mr. Ken Kendal, who is the Supervisor of Security for the school campuses, and he has referred me to speak with Mr. Bernard Hunt, which I intend to do. And I also intend to address the School Board as well on this matter. (*Audience applause*)

PRESIDENT DENCZAK: Okay.

SAFETY DIRECTOR HUNT: Mr. President, presently the City of Canton School Board contracts with the City of Canton for two officers at Timken and McKinley High Schools. I will contact Mr. Kendal to see if he has any other wishes...if he is interested in contracting for more officers or just what he needs.

PRESIDENT DENCZAK: The next speaker is Roger Zachary.

MR. ZACHARY: Good afternoon. My name is Roger Zachary, I reside at 2621 Wood Owl Street NE, Canton, Ohio. To the President of City Council, the Honorable Mayor and Members of Council, City Managers and associates. I'm here before you again today to ask you again to correct one of the problems that has existed since the beginning of Georgeview Estates allotment. The problem is sump pumps discharging water onto the street. We brought this problem to you on August 11, 2003, which at that time you asked us to compile a list of all the problems that we thought needed attention. By the way, this was just before the General Election. And again on October the 18<sup>th</sup>, 2004, we was instructed by the Canton City Building Department to discharge this water to the street. I personally talked to the City Service Director at that time and expressed that I thought behind the curb drain would be a better source. He told me that behind the curb drain would plug up and there would be no way

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to clean it. From what I hear in Phase 2 and 3 behind the curb drains have now been okayed by the Building Department. It cost me an additional \$600 to run a pipe to the street, \$150 to have the curb cored for the pipe that would dump this water on the street. Today to correct the problem in my case, we would have to run a discharge behind the city block just to get to a storm drain, because the storm drain system was possibly improperly installed or maybe something was just overlooked. After this was done, it was discovered during the winter months that discharged water would freeze up at the street and the water backed up in garages of a lot of homes. When the ice becomes snow-covered, the snow plow driver plowed the middle of the street—in my opinion, the reason why this was done was because if the snow plow driver got next to the curb, he would possibly slip and run over some mailboxes. Due to the curb not being plowed, we sometimes got a week or more, we've went a week or more without mail delivery. What do we have to do to get this problem addressed? I have one more problem. Problem number two—gravel and crushed limestone has been okayed for a footer to build a home in the City of Canton. We couldn't get a City Building inspector to okay a cement footer because it had water in the trenches along the sides back in the year 2000. Today, we can put gravel and crushed limestone footers in and set manufactured walls on it in pouring rain and knee-deep water. Did the City of Canton Building Code change that drastically in 5 years? Do anyone know the life expectancy of these homes? I'd like to know what is the city government of Canton doing to support and help its citizens that are investing in the City of Canton to maintain and keep their investment?

PRESIDENT DENCZAK: Mr. Zachary, your 3 minutes are up. Bring your remarks to a close.

MR. ZACHARY: I'm done. But I'd like some answers.

PRESIDENT DENCZAK: Okay. I'll say this, I went out there and I looked at the problem with you. This evening, I gave the cross-section view of the homes being constructed to the Mayor. She's going to look into it with Mr. Hunt. Now I was always taught that when pouring placed footers, you dig your trench 16 inches wide, 8 inches deep, put rebar in it, pour concrete in place, vibrate it, and then lay your block wall up or cement poured-in-place walls. But this type of construction is shoddy. They're going to look into it. I don't know how these people can get away with this type of construction. But the City is going to look into it. I'll see to that.

MR. ZACHARY: I'm worried about my investment; I've invested my life savings in the City of Canton.

PRESIDENT DENCZAK: Well, the City's going to look into this and your problem. Thank you sir.

MR. ZACHARY: Thank you.

SERVICE DIRECTOR CONCATTO: Mr. President, Mr. Zachary. I will talk to you after the meeting. I have met with our drainage committee about the sump pump issue—there's two alternatives that we have with that. I will discussed them with you after this meeting. And also, I'm not so sure that we would be avoiding that plowing issue; I would want to talk to our Street Department. I don't believe it's the ice, but I will talk to them and make sure the street's plowed correctly.

MR. ZACHARY: Yeah, well, we went more than a week without mail delivery. And you can ask anybody out there because the mailman would not deliver because he can't get to the boxes.

SERVICE DIRECTOR CONCATTO: Mr. President, I don't question what you're saying—I just question the fact that maybe we....let me talk to you about that too and I will talk to our Street Department for this year's plowing.

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MR. ZACHARY: Okay, thank you.

MEMBER ZACHARY: Mr. President, I would ask the Mayor's Administration to please keep me abreast of any information that is found out. In the research that I've been doing with our Building Department, I've been told that these footers are quite legal, which I find appalling. I've been told that they're not doing anything that they shouldn't be doing within the scope of the Building Code. And that they can do it because they're building a large number of homes. I find that reprehensible. I think it's also to our advantage if we're doing our own home program for the City of Canton, and we've put guidelines in place for ourselves to follow, then we should be making other people do it too. And it's just totally deplorable that we are in a situation where a company is going to be able to come into an established development and totally demoralize it and lower the property values that have already been established. So I would like to be kept abreast of what's going on and making that they do what they're supposed to do by the book every step of the way. And right now, I can tell you right now that they're not. Because that man that just stood at that podium for about a year fought to get a City ordinance put on the books that under new home construction you have to have a dumpster and a port-a-john in front of each construction site and that's not happening.

PRESIDENT DENCZAK: All right now, we have to remember that this is Public Speaks. But I want to get your ideas, so that those that are here and spoke can hear what you have to say. Who else is asking?.... Safety Director.

SAFETY DIRECTOR HUNT: Mr. President. I did go to Georgeview and spoke to both of these gentlemen that are sitting in the back last week. We walked around, we looked at the homes. I had the Building Inspector come out and not only review the buildings that they're talking about, but there were some other drainage issues that we looked at. We're also going to have someone from BIA take a look at the area and there's another question about plumbing, plastic pipe, we're going to take a look at that also.

PRESIDENT DENCZAK: Okay, the next speaker has a funny first name...Debbie Harding. Deborah.

MS. HARDING: Hello, Deborah Harding, 702 Clarendon Avenue NW. As you know, I've had lots of problems in my neighborhood. Last Friday on November 4<sup>th</sup> and Monday, November 7<sup>th</sup>, and Wednesday, November 9<sup>th</sup>, I came home from work to broken bottles in my driveway. On November 7<sup>th</sup>, I filed a police report by phone. And on November 9<sup>th</sup>, an officer came out and filed a report and saw the glass. My security camera caught it on tape on Wednesday and we saw two bottles being thrown on the tape, but we didn't, we could see they came from across the street—the officer came in the house and looked at the tape, saw that they looked they came from 2522 - 7<sup>th</sup> Street NW where we've had all the problems. But you couldn't see anyone. So then my, the cop went over and talked to our one neighbor and he said that he heard the bottles break between 10 and 11 a.m. on the 9<sup>th</sup>. He failed to tell us that the one kid came back in to pick up one of the bottles, which we also caught on tape. So I called the Police Department yesterday and told them that we did have the guy on tape coming back in to pick up one of the bottles. He told me now I have to go to the Prosecutor's Office, that they couldn't come out even though we have who it is. I have sent several e-mails to Mr. Hunt and Mr. Hawk about my concerns in the neighborhood. They never e-mail me back, call me, I have no idea if they're even getting my e-mails, I'm sure they are. These neighbors have cost me \$300 in repairs to my air conditioner lines, over \$1800 in vet bills for my dogs when they poisoned it and my husband and I are thinking about calling Homeland Security because to me this is a form of terrorism and I'm not getting anywhere with the Police Department. Officer Nolte that did come out the other night was wonderful, he is the best officer I've ever seen that has come out for anything. He took the time to talk over to their house, knock on their door, unfortunately no one was home. He looked around the trash can, I mean he did go around and talk to people. I was very proud of him and he is a wonderful officer.

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Also there was a detective or a Patrolman Marino that stopped by my house on Saturday. I was not home; he did leave a note that he wanted to talk to me regarding concerns of criminal activity in the neighborhood. I really hate to have to take the time off work to go back down to the Prosecutor's Office. I will do whatever it takes, but I want this kid talked to, I want him prosecuted. I want something done. I've got it right here. He did it. I want something done. That's it. Thank you. (*Audience applause*)

MEMBER HAWK: Mr. President, may I comment?

PRESIDENT DENCZAK: Yes.

MEMBER HAWK: All of your e-mails are received and the reason you got some of the good response is because they all get forwarded to our Community Interaction Officer, Mark Fox. He indicated he would have people out there looking into the problem and process each and every time we receive one—each and every complaint is handled to the best of our ability and he's working on it. But trust me on that one, he does a fine job with us. And Mark always e-mails me back that he received it and tells me what he's going to do.

PRESIDENT DENCZAK: The next speaker is Dank Webb.

MR. WEBB: Council President, Mayor and Members of Council. I live at 2638 Wood Owl Street in the Georgeview Estates development. And my concern today is kind of dealing with the standards of building homes and the standards that the City has set and whether or not the builders that are building out there are meeting those standards. It's quite evident that there are many changes based on the homes that have been built already versus the homes that are going in. Why there are changes allowed and we have not been advised of it, I don't know. The fact that pre-poured walls are going in, I'm not saying it is bad, I'm not saying that it's good. But we don't know the effect that these particular walls will have on the homes that they are building there, the longevity of those walls, the longevity of the homes that's going to be there—the impact that it's going to have, whether their homes are going shift, what these houses are sitting on. They're sitting on very small pads that are about 12 by 12 at each corner. I personally cannot see where this is going to maintain some stability. It has been addressed already and I don't want to belabor the point, but just to kind of reinforce what has been said already in terms of the impact that it's having on our community. The one thing that concerns me is that the advertising signs that are out there right now indicate that they are willing to accept individuals in the homes that have not necessarily made sacrifices to get into the homes. It looks as if they're going to put the people in the homes at any cost. If that is an indication of their concern about the quality of the houses, then maybe they are going to build a house at any cost and be substandard as well. Build a house, leave, and in 5 or 10 years we have to deal with the issue of a devaluation in our homes. I would appreciate it if the City Council would be able to kinda let us know what those standards are, if they've changed, and if they've changed whether they've changed for the good. And if you've done any research on it, you'll find out that, yes, these walls have been built on this particular type of setting. People have never had any problems. We'd like to be reassured that that's the case. Thank you for your time. (*Audience applause*)

PRESIDENT DENCZAK: The final speaker is Brenda Baylor.

MS. BAYLOR: My name is Brenda Baylor, I live at 2722 Wood Owl. And I would like to say greetings to all of City Council. I, however, am here not because I am pleased. I am here because to be very honest with you, I am quite angry. I am very much concerned about the building codes and regulations. I moved where I live in Georgeview Estates, I took a leap of faith. And I want to start with the things as I see them as being bad. And then I see that nothing is being done, or that some of us because we were there first, are being overlooked. First

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of all, the street. If you come down Marietta, I guarantee you that you either have to drive in the middle of the street or you will have an extremely bumpy ride all the way down. It is a relatively new street. Why it is that the Building Code or the City Code or whatever it is did not make sure that that street is put in correctly is beyond my comprehension. The next problem of course is the water. We have been fighting this water problem since we have been there. It is my understanding that the water problem is now going to be somewhat corrected in Phase 3, possibly Phase 2, which means those of us in Phase 1 I guess are supposed to lose out, or are we supposed to spend our money? The next problem is the tax abatement. We moved into the area, it is supposed to be a development. But when the City decided they wanted to change to a 10-year tax abatement, those of us who had been there, which were 20-some strong, lost out on the 10-year abatement. We were told sorry, you only got the 3. The next problem is the new builders who have signs up that are the most degrading thing that I have ever seen. I can't imagine any place in the City that I would want to live to see signs up that are that degrading. Not only that, but in my opinion, not anyone else's, I feel that they are predatory lenders. Because I can't imagine how in the world you can offer somebody the home of their dreams, okay...you could offer them the home of their dreams and they have no money. If that had been the case, I think I would have probably moved elsewhere. Okay, the next problem, of course, is our sump pumps. The sump pumps have been on-going. It is my understanding that the City doesn't even have a code that says that you have to have sump pumps. Consequently we have homes in our area that do not have sump pumps and it could very well be that the new builders are not planning on putting in sump pumps. Because at the look of what they've done so far, I am sure that they are going to cut corners any way that they possibly can. My third concern is the foundations. I have no problem with concrete foundations, in fact I think that's what they're doing in Alaska because they have been found to be extremely secure. But these were brought in on huge cranes, they were dropped into the ground. There are now 5 houses and I'm not real sure why there's only 5, because at the rate that they're putting them up, they probably could do more. I am thoroughly disgusted. I am a citizen of Canton, Ohio. I moved here as I said before on a leap of faith. Assuming that I was moving to a place where regulations were already in place. I am quite disgusted when someone says to me, well after all you did, know that you moved into a swamp--there are many areas everywhere where it is a swampy area. But the Codes and the Building Codes take care of that prior to anyone ever moving there. I am here because I am questioning this. I would like to know when it's going to be set in place. I would like to know when the 20-some of us who are already there are going to get the benefits of what...because we have fought for or 4 years or more is now set in place for everybody else all over the City. Are we to lose out because we happen to be the forerunners. I'm not sure. But at this point, I'm upset.

PRESIDENT DENCZAK: Ma'am, bring your remarks to a close.

MS. BAYLOR: I'm through. (*Audience applause*)

**MISCELLANEOUS BUSINESS**

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

MEMBER ZACHARY: Mr. President, I'd like to ask the Law Director because it's been a couple months now, I had asked the Law Department to draft legislation banning predatory lending within the City of Canton and at the time I was told that we were waiting for ruling I believe it was from the Ohio Supreme Court in reference to the same issue. Has anything been concluded?

LAW DIRECTOR MARTUCCIO: Mr. President. Member Zachary, not yet. As you recall there's a conflict among different courts of appeals which are the sandwich layer between the trial courts and the Supreme Court

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of Ohio. They've ruled different ways on whether or not cities enact their own predatory lending ordinances that are in conflict with or are different from the State law. As soon as that is issued, we'll have the guidance we need to decide whether or not we need our own or whether the Supreme Court said that the State law is the law of the land.

MEMBER ZACHARY: I would just be interested in knowing how customary is it to see a development that has homes that are valued between 200 and 250,000 dollars with vacant lots in between that are advertising newly constructed homes for people with poor credit, no money down, bad credit, okay. That to me is not customary. And I'm not denouncing anyone in a position that is under those circumstances per se. But to me it's a contradiction in terms to see that and then to see 26 signs in this development saying, hey, you can have this type of house even if your credit is totally shoddy. To me it's setting people up for failure and that's morally wrong. And we as a City need to get behind, pushing for something against these predatory lenders to make sure that they don't take advantage of people.

PRESIDENT DENCZAK: Is there any other Miscellaneous Business?

MEMBER WEST: Mr. President, some time ago we passed I believe it was a resolution where we had given the railroad, we had given them permission to close several crossings. We also had, I guess it was an exchange to update certain railroad crossings as well. Twelfth Street was one of them, and this winter, right now currently 12<sup>th</sup> Street is not repaired and I think several of those closings have not happened. Do we know where they're at with that in terms of repairing those crossroads and closing those?

PRESIDENT DENCZAK: Service Director?...Safety Director...? Anybody know?

SAFETY DIRECTOR HUNT: Mr. President, I do not know where we are at this point in time. I will check with the City Engineer. I know there was I believe 12 that they did and I know there was a time frame on those. I don't know where they are, but I'll find out.

MEMBER WEST: Yeah, I'd appreciate that because this winter, of course, we want to make sure...yeah, it's 12<sup>th</sup> & Lawrence. And then also, we had gotten some, a letter back in reference to the cameras being placed somewhere by AEP. Where are we at with the security cameras for neighborhoods?

SAFETY DIRECTOR HUNT: At long last, I put in a purchase order to purchase the cameras last week. Hopefully within a week or two, those cameras will be in. I've done all the ground work with AEP and SBC for the connections. So the cameras are on order.

PRESIDENT DENCZAK: Any other Miscellaneous Business?

MEMBER CARBENIA: Mr. President, yes, and I'll be looking forward to those cameras since I was first up. But what I have to say is, it's not funny, I'm not too happy with *The Repository* with what they done right after election. The front page showing a couple of our Councilpeople in a trash can. I can't believe that we have a rag like that in this town. That is so degrading to people who have given good service to this City. Mary Babcock has been a long time Councilperson and has done a good job here and that is degrading to her. Rosemary Diamond has also been a long time Councilperson. She is going to be replaced, but let's have a little bit of dignity and let them go out with dignity, not showing them in a trash can. Because that's exactly what it looked like, that they were degrading them. And even though Butch Kraus is a good friend of mine and I'm happy that he's coming on Council and he's a democrat, I still don't like what they did to our peers at this, here in our City of Canton.

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And that's why I hate even advertising in that paper. (*Applause*)

PRESIDENT DENCZAK: Member Carbenia, those of us in public service that are elected by the people can bear that embarrassment, but it's our families who suffer the most when they do that. And I agree with you, that rag should not be allowed to print that kind of tripe. But of course there's that First Amendment that guarantees them the right to degrade people. I can't believe that goes on in this country. What an excuse to degrade people, the First Amendment. Is there any other Miscellaneous Business?

MEMBER DOUGHERTY: Tomorrow and...thank you, Mr. Carbenia, for those comments. Tomorrow at 12 noon, downtown will be dedicating the City Clock for our birthday. Tomorrow's our birthday, folks, let's not forget it, 200 years. So, there will be a dedication at 12 noon. I'm sure the Mayor will be there, hopefully, and they'll be dedicating that at 12 noon, Market Avenue in front of the Millennium Building, between 2<sup>nd</sup> and 3<sup>rd</sup> Street there. So I want to be sure everybody knows about that. Also Mr. Hawk, the Finance meeting specifically will be talking hopefully about the money we need for demolition of homes? In your one meeting you have, is that going to be on the agenda.

MEMBER HAWK: Mr. President, yes, at that point in time, Gary Young from the Auditor's Office will be bringing us down several options to appropriate the dollars to continue the demolition of homes.

MAYOR CREIGHTON: Mr. President, just a couple things, first of all, thank you for the reminder about the clock tomorrow. Also a reminder to everyone in our City that Thursday we will light the park decorations in our beautiful Canton City Parks. All the displays made by our own employees. That is free and open to the public and we encourage families to come out. On the other note, I concur with Councilmember Carbenia. I have made my voice heard by writing a Letter To The Editor. So we will see if it is published. My only question to *The Repository* is you wonder why people don't run for office? I think that answers my question. I mean, you know, it is unfair and I'm not going to go into a tirade about it, but I was sickened by what I saw.

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

SERVICE DIRECTOR CONCATTO: Mr. President, just for Council's information, the BIA Urban Housing Foundation has received their 501(C)(3). We got notified of that this morning. The next phase of that will be to come together to sign the project agreement, which we've looked at. That we'll do very soon. The time lines for that I think are still effective August of 2006, I believe, or September, for half of the houses. So that project is finally moving forward. (*Audience applause*)

PRESIDENT DENCZAK: Any other Miscellaneous Business?

LAW DIRECTOR MARTUCCIO: Mr. President, we do live in a flawed society; we have our dysfunctions. We show disrespect to one another sometimes and not love. But I want to take this opportunity to say to President Denczak, who is a veteran of the armed services, those of you who are veterans of the armed services, in the audience and City—thank you. Because you all put your lives on hold for a while, or put your lives on the line, we have freedom to disagree. We have the freedom to defend the First Amendment and to criticize those who we believe show a lack of love and a lack of respect for dignity. Again, I want to say thank you on behalf of all of us who live a better life because of all of you. (*Applause*)

PRESIDENT DENCZAK: Well in World War II, if I'd of known we was going to have a newspaper like *The Repository*, I think I would have surrendered to the comrades and given up.

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MEMBER CARBENIA: Mr. President, just to add to that, Mr. President, are you going to be there to wind the clock, since you were there to wind the first one? (*Laughter*)

PRESIDENT DENCZAK: That's a cheap shot. Yes, I will be there if there's free food. Is there any other...

MEMBER DOUGHERTY: Mr. President, Service Director I need you to stay after too, I have a constituent that needs to talk to you, okay? (*Inaudible response*)

PRESIDENT DENCZAK: Is there any other Miscellaneous Business?...before somebody shoots at me again.

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

PRESIDENT DENCZAK: This meeting is adjourned.

ADJOURNMENT TIME:      8:26 PM

ATTEST:

APPROVED:

DEBRA VANCKUNAS  
CLERK OF COUNCIL

RAY DENCZAK  
PRESIDENT OF COUNCIL