

**MINUTES OF THE MEETING OF JULY 24, 2006**

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

***ROLL CALL TAKEN BY CLERK TIMBERLAKE:***

11 COUNCILMEMBERS PRESENT: (MARY M. CIRELLI, BILL SMUCKLER, GREG HAWK, THOMAS E. WEST, JAMES GRIFFIN, KELLY ZACHARY, TERRY PRATER, DAVID R. DOUGHERTY, RICHARD HART & KARL "BUTCH" KRAUS AND JOE CARBENIA)

1 COUNCILMEMBER ABSENT: DON CASAR,

PRESIDENT DENCZAK: Will you please stand, we will have the invocation given by member Hart. Please remain standing for the Pledge of Allegiance.

*The regular meeting of Canton City Council was held on Monday, July 24, 2006, at 7:30 P.M. in the Canton City Council Chamber. The roll call was taken (see above) by Clerk of Council Cynthia Timberlake. The invocation was given by Richard Hart followed by the Pledge of Allegiance led by President Ray Denczak.*

PRESIDENT DENCZAK: Thank you member Hart.

**AGENDA CORRECTIONS & CHANGES**

PRESIDENT DENCZAK: Members of Council to bring your Agenda up to date your being asked to suspend rule 22A to add second readings of Ordinances #12 to #22. Member Carbenia, the Chair will recognize that motion

MEMBER CARBENIA: Mr. President. I move ah Rule 22A be suspended to add second readings Ordinances 12 through 22.

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

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

PRESIDENT DENCZAK: Rule 22 has suspended. Communication #360 is an official part of the Agenda. Communication # 360 is from Mr. Concatto, Service Director this is in regards to the 38<sup>th</sup> Street project, that's not on my street. It's further east, okay, I'm not involved in this. This is the 38<sup>th</sup> Street Project and it's being referred to the Finance Committee. Later on (INAUDIBLE)

**PUBLIC HEARING**

PRESIDENT DENCZAK: There is no scheduled public hearing at this time.

**PUBLIC SPEAKS**

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

**MINUTES OF THE MEETING OF JULY 24, 2006****INFORMAL RESOLUTIONS**

PRESIDENT DENCZAK: Informal Resolutions excusing members. Member Carbenia.

MEMBER CARBENIA: Mr. President, I move we excuse Member Casar from tonight's meeting.

PRESIDENT DENCZAK: Moved and seconded that Member Casar be excused. Are there any remarks? If not roll call vote please.

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

PRESIDENT DENCZAK: Let the Journal show that Member Casar has been excused. Resolution #61.

***NOTE: PRESIDENT DENCZAK CALLED UPON THE CLERK OF COUNCIL TO READ THE FOLLOWING INFORMAL RESOLUTIONS #61 - #63 BY AGENDA TITLE. ALL INFORMAL RESOLUTIONS WHICH FOLLOW, LISTED BY AGENDA TITLE, ARE ON FILE IN THEIR ENTIRETY IN THE COUNCIL OFFICE WITH THE AGENDA ITEMS FILE DATED JULY 24, 2006.***

#61. COUNCIL-OF-THE-WHOLE: COMMENDING RABBI JOHN SPITZER FOR 25 YEARS OF SERVICE AND COMMITMENT TO THE CANTON COMMUNITY - ADOPTED

PRESIDENT DENCZAK: Member Carbenia.

MEMBER CARBENIA: Mr. President, I move we adopt Resolution #61; seconded.

PRESIDENT DENCZAK: Moved and seconded that you adopt Resolution #61, are there any remarks? If not, by voice vote, all those in favor, signify by saying aye. Those opposed, no.

NO REMARKS

RESOLUTION #61 IS ADOPTED BY UNANIMOUS VOICE VOTE

PRESIDENT DENCZAK: The Resolution is adopted. Resolution #62.

#62. HART, R., WARD 7 COUNCILMEMBER: COMMENDING ALL THOSE INVOLVED IN THE ULSTER PROJECT - ADOPTED.

MEMBER CARBENIA: Mr. President

PRESIDENT DENCZAK: Member Carbenia

MEMBER CARBENIA: I move we adopt Resolution #62; seconded.

PRESIDENT DENCZAK: Moved and seconded that you adopt Resolution #62. Are there any remarks under this Resolution? Very well, all those in favor signify by saying aye. Those opposed, no.

NO REMARKS

RESOLUTION #62 IS ADOPTED BY UNANIMOUS VOICE VOTE

PRESIDENT DENCZAK: Resolution #62 is adopted.



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NO REMARKS MATTER REFERRED TO JUDICIARY COMMITTEE BY UNANIMOUS VOICE VOTE

PRESIDENT DENCZAK: The matter is referred to the Judiciary Committee. The Judiciary Committee will meet, stamp it, the Law Department will make the Ordinance, then the Ordinance and the Communication will come back to Council for their ah decision.

PRESIDENT DENCZAK: Member Carbenia, you are being asked to suspend rules to add Communication #360 to the Agenda. Member Carbenia.

MEMBER CARBENIA: Mr. President, I move that we, that Council, or the Communication #360 be added to the Agenda; seconded.

PRESIDENT DENCZAK: Moved and seconded that Communication #360 be added to the Agenda. Are there any remarks? If not, roll call vote please

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

PRESIDENT DENCZAK: Communication #360 is a legal part of your Agenda, it's a letter from Service Director Concatto, it's in regards to the 38<sup>th</sup> Street Project, it will be referred to the Finance Committee. This brings your Agenda up to date to this point.

342. CIRELLI, M., CNCL-AT-LARGE: REQUEST AMENDING CODIFIED ORDINANCE NO. 1129.19, SECTION C (GARAGE SALE SIGNS). - JUDICIARY COMMITTEE
343. LIQUOR CONTROL DIVISION (OHIO): SUBMITTING NOTICE OF A NEW PERMIT APPLICATION (AMVETS POST 555). - INTERGOVERNMENTAL & PUBLIC SERVICE COMMITTEE
344. LAW DIRECTOR, MARTUCCIO: REQUEST AUTHORIZATION FOR THE PERSONNEL COMMITTEE TO FILE & PRESENT AN INFORMAL RESOLUTION WHICH WILL AUTHORIZE VACATION TIME FOR A FULL-TIME ATTORNEY THAT HE PROPOSES TO HIRE IN SEPTEMBER OF 2006. - PERSONNEL COMMITTEE
345. MAYOR CREIGHTON: REQUEST TO AMEND APPROPRIATION ORDINANCE 1/2006 TO INCREASE THE APPROPRIATIONS IN A NUMBER OF CITY FUNDS. - FINANCE COMMITTEE
346. PLANNING COMMISSION: RECOMMENDING APPROVAL OF DEDICATION OF ADDITIONAL RIGHT OF WAY ON 25<sup>TH</sup> ST NE EAST OF ROOT AVE AND THE REPLAT OF LOTS 23330 THRU 23334 BY HABITAT FOR HUMANITY. - PUBLIC SAFETY & THOROUGHFARES COMMITTEE
347. PLANNING COMMISSION: RECOMMENDING APPROVAL OF REPLAT OF LOTS 24279 THRU 24281 (S.E. CORNER OF 22<sup>ND</sup> ST NE AND SUPERIOR AVE). - PUBLIC SAFETY & THOROUGHFARES COMMITTEE
348. PLANNING COMMISSION: RECOMMENDING APPROVAL OF DEDICATION OF HOFFMAN

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CT NE BETWEEN 10<sup>TH</sup> ST NE NORTH TO AN UNNAMED ALLEY AND THE REPLAT OF LOTS 29135 THRU 29139, 42545, 29133 AND PART OF LOT 6254 BY CITY OF CANTON. - PUBLIC SAFETY & THOROUGHFARES COMMITTEE

349. PLANNING COMMISSION: RECOMMENDING APPROVAL OF REPLAT OF LOTS 13800, 13801 AND 13802 (THE 1900 BLOCK OF ROOSEVELT NE BY CASTLE ROCK HOMES.) - PUBLIC SAFETY & THOROUGHFARES COMMITTEE
350. PLANNING COMMISSION: RECOMMENDING APPROVAL OF VACATION OF AN UNNAMED ALLEY EAST FROM DERBY CT SW TO THE WESTERN LINE OF LOT 33355 (APPROXIMATELY 62' AND THE REPLAT OF SAID VACATED ALLEY AND ALL OF LOTS 3134, 3135, 3417 THRU 3419, 6607 THRU 6627, 19193, 19194, 20383, 20384, 33355, 37080, 39151, 39934, 39935, PART OF OUTLOTS 60, 61, 62, 63, 176, 332, AND PART OF LOTS 6475, 6628, 6494 BY NORTH AMERICAN GALVANIZING. - PUBLIC SAFETY & THOROUGHFARES COMMITTEE
351. SAFETY DIR., HUNT: REQUEST AUTHORIZATION FOR THE DIRECTOR OF PUBLIC SAFETY TO ADVERTISE, RECEIVE BIDS AND ENTER INTO CONTRACT; AND/OR ALTERNATIVELY ENTER INTO CONTRACT IN ACCORDANCE WITH O.R.C. SECTION 125.04, STATE COOPERATIVE PURCHASING AGREEMENT; AND/OR ALTERNATIVELY ENTER INTO CONTRACT IN ACCORDANCE WITH O.R.C. SECTION 5513.01, OHIO DEPT. OF TRANSPORTATION PURCHASING AGREEMENT FOR THE PURCHASE OF COMPUTERIZED ON-STREET PARKING ENFORCEMENT EQUIPMENT; AND REQUEST \$70,000.00 SUPPLEMENTAL APPROPRIATION FROM UNAPPROPRIATED BALANCE OF CAPITAL IMPROVEMENT FUND TO 4501 10-40-01, TRAFFIC ENGINEERING. - PUBLIC SAFETY & THOROUGHFARES & FINANCE COMMITTEES
352. SAFETY DIR., HUNT: REQUEST AMENDMENT TO THE BARGAINING UNIT CLASSIFICATION PLAN IN POSITION GROUP 10FI, FIRE DIVISION. - PERSONNEL COMMITTEE
353. SAFETY DIR., HUNT: REQUEST AMENDMENT TO THE MANAGEMENT, NON-BARGAINING UNIT CLASSIFICATION PLAN IN POSITION GROUP 10FI, FIRE DIVISION. - PERSONNEL COMMITTEE
354. SCHIRACK, TREASURER: COMPARATIVE REPORT OF CASH RECEIPTS FILED AS OF JUNE 30, 2006.- RECEIVED & FILED
355. SERVICE DIR., CONCATTO: REQUEST AUTHORIZATION FOR THE MAYOR TO APPLY FOR, ENTER INTO AGREEMENT AND RECEIVE FUNDS FOR THE 2007 PROGRAM FROM THE DIR. OF OHIO PUBLIC WORKS COMMISSION; AND TO EXECUTE CONTRACTS FOR CURRENT STATE CAPITAL IMPROVEMENT AND LOCAL TRANSPORTATION IMPROVEMENT PROGRAMS FUNDING FOR CAPITAL IMPROVEMENTS PROJECTS. - PUBLIC PROPERTY CAPITAL IMPROVEMENT & FINANCE COMMITTEES
356. SERVICE DIR., CONCATTO: REQUEST AUTHORIZATION FOR THE MAYOR TO APPLY FOR, ENTER INTO AGREEMENT AND RECEIVE FUNDS FOR 2007 PROGRAM YEAR FROM

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THE CLEAN OHIO CONSERVATION FUND THAT IS ADMINISTERED THROUGH THE NATURAL RESOURCES ASSISTANCE COUNCIL AND THE OHIO PUBLIC WORKS COMMISSION. - FINANCE COMMITTEE

357. SAFETY DIR., HUNT: REQUEST AUTHORIZATION FOR DIRECTOR OF PUBLIC SAFETY TO ACCEPT THE OHIO DIVISION OF EMS TRAINING AND EQUIPMENT GRANT FROM THE OHIO DEPARTMENT OF PUBLIC SAFETY IN THE AMOUNT OF \$3,500.00 FOR THE CANTON FIRE DEPARTMENT FOR TRAINING AND THE PURCHASE OF EQUIPMENT; REQUEST OF SUPPLEMENTAL APPROPRIATION FROM UNAPPROPRIATED BALANCE 2812, EMS TRAINING & EQUIPMENT FUND TO 2812, EMS TRAINING & EQUIPMENT FUND. - PUBLIC PROPERTY CAPITAL IMPROVEMENT & FINANCE COMMITTEES
358. SERVICE DIR., CONCATTO: REQUEST AUTHORIZATION FOR DIRECTOR OF PUBLIC SERVICE TO ADVERTISE, RECEIVE BIDS AND ENTER INTO CONTRACT FOR THE RESTORATION OF THE LOWER ROOF AREAS OF THE CITY HALL BUILDING. - PUBLIC PROPERTY CAPITAL IMPROVEMENT & FINANCE COMMITTEES
359. SMUCKLER, W, CNCL-AT-LARGE: REQUEST LAW DEPT. TO PREPARE LEGISLATION TO PUT THE FOLLOWING QUESTION ON THE BALLOT: SHALL A COMMISSION BE CHOSEN TO FRAME A CHARTER GOVERNMENT. IF SO, 15 MEMBERS SHALL BE ELECTED CITY WIDE. - JUDICIARY COMMITTEE
360. SERVICE DIR., CONCATTO: REQUEST AUTHORIZATION FOR DIRECTOR OF PUBLIC SERVICE TO ADVERTISE, RECEIVE BIDS AND ENTER INTO CONTRACT FOR THE 38<sup>TH</sup> ST NW IMPROVEMENT, GP 1067; REQUESTING \$597,920.00 FROM 4553-38TH ST NW IMPROVEMENT UNAPPROPRIATED BALANCE TO 4553-202001-38TH ST NW IMPROVEMENT AND \$300,000.00 FROM 4501-202001-CAP.-ENGINEER ADMINISTRATION TO 4501-202072-CAP.-38TH ST NW IMPROVEMENT, GP 1067 - FINANCE COMMITTEE

**ORDINANCES & FORMAL RESOLUTIONS FOR FIRST READING**

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

***NOTE: PRESIDENT DENCZAK CALLED UPON CLERK TIMBERLAKE TO READ THE ORDINANCES #1 THROUGH #11 FOR THE FIRST TIME BY TITLE & ANNOUNCED THE COMMITTEE REFERRAL, AS FOLLOWS.***

- #1 (1<sup>ST</sup> RDG) AN ORDINANCE VACATING A PORTION OF DEWALT AVENUE NW AND DECLARING THE SAME TO BE AN EMERGENCY.  
Referred to PUBLIC SAFETY & THOROUGHFARES COMMITTEE  
**PUBLIC HRG. 8/21/06 @ 7:30 PM**
- #2 (1<sup>ST</sup> RDG) AN ORDINANCE VACATING PORTIONS OF NOEL COURT NW, HARRIET AVE NW AND CROAD COURT NW AND APPROVING AND ACCEPTING

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THE REPLATTING OF ALL OF LOTS 1890, 1891, 19130, 19131, 2926 THROUGH 2931 AND THE VACATED PORTIONS OF NOEL COURT NW, HARRIET AVE NW, AND CROAD COURT NW; APPROVING AND ACCEPTING THE DEDICATION OF TWO 15 FOOT TURN-OUT RADIUSES AND A 20 FOOT WATERLINE EASEMENT AND DECLARING THE SAME TO BE AN EMERGENCY

Referred to PUBLIC SAFETY & THOROUGHFARES COMMITTEE

**PUBLIC HRG. 8/21/06 @ 7:31 PM**

#3 (1<sup>ST</sup> RDG) AN ORDINANCE AMENDING ORDINANCE NO. 55/77, AS AMENDED KNOWN AS THE CITY OF CANTON ZONING ORDINANCE AND DECLARING THE SAME TO BE AN EMERGENCY.

Referred to PUBLIC SAFETY & THOROUGHFARES COMMITTEE

**PUBLIC HRG. 8/21/06 @ 7:32 PM**

#4 (1<sup>ST</sup> RDG) AN ORDINANCE VACATING A PORTION OF RUTH PLACE NW AND DECLARING THE SAME TO BE AN EMERGENCY.

Referred to PUBLIC SAFETY & THOROUGHFARES COMMITTEE

**PUBLIC HRG. 8/21/06 @ 7:33 PM**

#5 (1<sup>ST</sup> RDG) AN ORDINANCE AMENDING ORDINANCE NO. 174/83 AND DECLARING THE SAME TO BE AN EMERGENCY.

Referred to PERSONNEL COMMITTEE

#6 (1<sup>ST</sup> RDG) AN ORDINANCE AUTHORIZING MAYOR OR DIRECTOR OF PUBLIC SERVICE TO FILE AN APPLICATION WITH THE STATE OF OHIO TO PARTICIPATE IN THE CLEAN OHIO ASSISTANCE FUND, APPLY FOR FINANCIAL ASSISTANCE AND ADMINISTER THE FUNDS RECEIVED; AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CONTRACT WITH BROWNFIELD RESTORATION GROUP IN AN AMOUNT NOT TO EXCEED \$300,000.00 AND DECLARING THE SAME TO BE AN EMERGENCY.

Referred to COMMUNITY & ECONOMIC DEVELOPMENT COMMITTEE

#7 (1<sup>ST</sup> RDG) AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 1/2006, AS AMENDED, BY MAKING THE SUPPLEMENTAL APPROPRIATION HEREIN DESCRIBED AND DECLARING THE SAME TO BE AN EMERGENCY.

Referred to FINANCE COMMITTEE

#8 (1<sup>ST</sup> RDG) AN ORDINANCE AMENDING ORDINANCE NO. 164/2001, AS AMENDED, THE CLASSIFICATION PLAN AND SALARIES FOR ALL MANAGEMENT AND NON-BARGAINING UNIT EMPLOYEES OF THE CITY OF CANTON; AMENDING EXHIBIT A TO ORDINANCE NO. 164/2001, AS AMENDED AND DECLARING THE SAME TO BE AN EMERGENCY.

Referred to PERSONNEL COMMITTEE

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- #9 (1<sup>ST</sup> RDG) AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 1/2006, AS AMENDED, BY MAKING THE SUPPLEMENTAL APPROPRIATION HEREIN DESCRIBED AND DECLARING THE SAME TO BE AN EMERGENCY.  
Referred to PUBLIC SAFETY & THOROUGHFARES AND FINANCE COMMITTEES
- #10 (1<sup>ST</sup> RDG) AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A CONTRACT FOR THE SALE OF THE HOUSE LOCATED AT 402 HIGH AVE., S.W. AND DECLARING THE SAME TO BE AN EMERGENCY.  
Referred to PUBLIC PROPERTY CAPITAL IMPROVEMENT COMMITTEE
- #11 (1<sup>ST</sup> RDG) AN ORDINANCE ESTABLISHING THE FAIR MARKET VALUE OF REAL PROPERTY; AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO NEGOTIATE AND PURCHASE SAID PARCELS AND DECLARING THE SAME TO BE AN EMERGENCY.  
Referred to PUBLIC PROPERTY CAPITAL IMPROVEMENT COMMITTEE

PRESIDENT DENCZAK: Members of Council will everyone check their microphones? There is a microphone that is open. I'm getting some feedback. I don't want the same thing to happen to one of you that happened to President Bush. (LAUGHTER)

**ORDINANCES & FORMAL RESOLUTIONS FOR SECOND READING**

PRESIDENT DENCZAK: Ordinances and for the second reading, Ordinance #12 please.

***NOTE: PRESIDENT DENCZAK CALLED UPON CLERK TIMBERLAKE TO READ THE FOLLOWING ORDINANCES # 12 THROUGH #22 FOR THE SECOND TIME BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS***

- #12 (2<sup>ND</sup> RDG) **ADOPTED AS ORDINANCE #117/2006** AN ORDINANCE AMENDING ORDINANCE NO. 174/95 ESTABLISHING A PETTY CASH FUND FOR THE COUNCIL OFFICE AND DECLARING THE SAME TO BE AN EMERGENCY  
Referred to Finance Committee

PRESIDENT DENCZAK: Member Carbenia.

MEMBER CARBENIA: Mr. President. I move that ah we suspend Rule 22B to adopt 2<sup>nd</sup> RDG #12, Ordinance #12; seconded.

PRESIDENT DENCZAK: Not 22B.

MEMBER CARBENIA: Alright I move to suspend Statutory 3 readings. Please.

PRESIDENT DENCZAK: Yeah okay, ah Members of Council, in the future just please suspend the rule number, okay, that takes care of everything. Okay, it's moved and seconded to dispense with the 3 readings

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of Ordinance #12. Are there any remarks? Roll Call vote please.

MEMBER HAWK: Mr. President. I would like to thank.....

PRESIDENT DENCZAK: Member Hawk.

MEMBER HAWK: Yeah thank you sir, I'm sorry, sorry I'm out order.

PRESIDENT DENCZAK: You wont let me call you out of order. (LAUGHTER)

PRESIDENT DENCZAK: Okay um, The question before you now is to dispense with the 3 readings. If there are no further remarks, roll call vote please.

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

PRESIDENT DENCZAK: We've heard the 3 readings Member Carbenia.

MEMBER CARBENIA: Mr. President, I move that ah Ordinance #12 be adopted; seconded.

PRESIDENT DENCZAK: Moved and seconded that you adopt Ordinance #12. Are there any remarks?

MEMBER HAWK: Mr. President.

PRESIDENT DENCZAK: Member Hawk.

MEMBER HAWK: Thank you, I would like to commend Council staff for looking into this and researching it and coming up with this petty cash fund. It will save us dollars in the long run. We were currently doing purchase orders for some very small amounts of money. This will alleviate a lot of paperwork and help everyone out and I am very proud of them for finding this way to save our city money.

PRESIDENT DENCZAK: Any other remarks? If not roll call vote please.

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance #12 is adopted **#12 ADOPTED AS ORDINANCE #117/2006**

#13 (2<sup>ND</sup> RDG) AN ORDINANCE AUTHORIZING MAYOR TO ENTER INTO AMENDED ENTERPRISE ZONE AGREEMENT WITH RMI TITANIUM COMPANY dba RTI ALLOYS AND DECLARING THE SAME TO BE AN EMERGENCY.  
(Community & Economic Development Committee)

#14 (2<sup>ND</sup> RDG) AN ORDINANCE AUTHORIZING ESTABLISHING THE FAIR MARKET OF REAL PROPERTY IN CONJUNCTION WITH THE COLUMBUS RD/HARMONT AVENUE NE INTERSECTION PROJECT; AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO NEGOTIATE & PURCHASE SAID PARCELS AT THE ESTABLISHED FAIR MARKET VALUES AND ENTER INTO A STANDARD HIGHWAY EASEMENT AND TEMPORARY EASEMENT AND DECLARING

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THE SAME TO BE AN EMERGENCY.

(Community & Economic Development & Finance Committees)

- #15 (2<sup>ND</sup> RDG) A RESOLUTION DECLARING OF NECESSITY & INTENT OF THE CITY OF CANTON TO APPROPRIATE PROPERTY WITHIN ITS CORPORATE LIMITS PURSUANT TO OHIO REVISED CODE, CHAPTER 719, FOR THE PURPOSE OF ACQUIRING PROPERTY FOR THE COLUMBUS RD/HARMONT AVE., NE INTERSECTION PROJECT AND DECLARING THE SAME TO BE AN EMERGENCY.  
(Public Safety &Thoroughfares & Finance Committees)
- #16 (2<sup>ND</sup> RDG) AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 1/2006, AS AMENDED AND MAKING A SUPPLEMENTAL APPROPRIATION HEREIN DESCRIBED AND DECLARING THE SAME TO BE AN EMERGENCY.  
(Community & Economic Development & Finance Committees)
- #17 (2<sup>ND</sup> RDG) AN ORDINANCE APPROVING AND ACCEPTING THE REPLATTING OF ALL OF LOTS 24608, 24609 AND 24610 AND DECLARING THE SAME TO BE AN EMERGENCY.  
(Public Safety &Thoroughfares Committee)
- #18 (2<sup>ND</sup> RDG) AN ORDINANCE APPROVING & ACCEPTING REPLATTING OF ALL OF LOTS 1436 & 1437 AND DECLARING THE SAME TO BE AN EMERGENCY.  
(Public Safety &Thoroughfares Committee)
- #19 (2<sup>ND</sup> RDG) AN ORDINANCE APPROVING & ACCEPTING REPLATTING OF OUT LOT 1065 AND DECLARING THE SAME TO BE AN EMERGENCY.  
(Public Safety & Thoroughfares Committee)
- #20 (2<sup>ND</sup> RDG) AN ORDINANCE AMENDING EXHIBIT A TO ORDINANCE 164/2001, AS AMENDED THE CLASSIFICATION PLAN AND SALARIES FOR ALL MANAGEMENT & NON-BARGAINING UNIT EMPLOYEES OF THE CITY OF CANTON AND DECLARING THE SAME TO BE AN EMERGENCY.  
(Personnel Committee)
- #21 (2<sup>ND</sup> RDG) **ADOPTED AS ORDINANCE #118/2006** AN ORDINANCE AUTHORIZING THE CITY AUDITOR TO PAY A MORAL OBLIGATION IN AN AMOUNT NOT TO EXCEED \$61,116.91 TO BITZEL EXCAVATING AND DECLARING THE SAME TO BE AN EMERGENCY.  
(Finance Committee)

PRESIDENT DENCZAK: Um, Madame Clerk, would you read that again?

CLERK TIMBERLAKE: 21? You want that read again?

PRESIDENT DENCZAK: No just the amount.

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CLERK TIMBERLAKE: \$66, 116.91.

PRESIDENT DENCZAK: Alright, Member Carbenia.

MEMBER CARBENIA: Mr. President, I move we dispense with the statutory 3 readings for Ordinance #21; seconded.

PRESIDENT DENCZAK: There's a move to dispense for the 3 readings of Ordinance #21. Are there any remarks? If not roll call vote please.

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

PRESIDENT DENCZAK: We've heard the 3 readings Mr. Carbenia.

MEMBER CARBENIA: 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: 11 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance #21 is adopted

**#21 ADOPTED AS ORDINANCE #118/2006**

#22 (2<sup>ND</sup> RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A CONTRACT WITH CAMP DRESSER & MCKEE FOR BIDDING AND CONSTRUCTION SERVICES; AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ADVERTISE, RECEIVE BIDS AND ENTER INTO CONTRACT FOR THE WPCC BIOFILTER MEDIA REPLACEMENT PROJECT; AMENDING APPROPRIATION ORDINANCE NO. 1/2006 AND DECLARING THE SAME TO BE AN EMERGENCY  
(Environmental & Public Utilities and Finance Committees)

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

PRESIDENT DENCZAK : Ordinances for their third and final reading.

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

PRESIDENT DENCZAK: One moment, the clerk has to read it first.

***NOTE: PRESIDENT DENCZAK CALLED UPON CLERK TIMBERLAKE TO READ THE FOLLOWING ORDINANCES #23 THROUGH #25 FOR THE THIRD TIME BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS. ALL THE ORDINANCES WERE ADOPTED BY COUNCIL FOLLOWING THEIR THIRD READING.***

#23 (3<sup>RD</sup> RDG) **ADOPTED AS ORDINANCE #119/2006** AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 1/2006 AS AMENDED, BY MAKING THE

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SUPPLEMENTAL APPROPRIATION HEREIN DESCRIBED AND DECLARING THE SAME TO BE AN EMERGENCY.

PRESIDENT DENCZAK: Member Carbenia.

MEMBER CARBENIA: 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: 11 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance #23 is adopted.

**#23 ADOPTED AS ORDINANCE #119/2006**

#24 (3<sup>RD</sup> RDG) **ADOPTED AS ORDINANCE #120/2006** AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO AGREEMENT WITH THE STARK METROPOLITAN HOUSING AUTHORITY FOR THE RECONSTRUCTION OF A PUBLIC STORM SEWER AND DECLARING THE SAME TO BE AN EMERGENCY.

PRESIDENT DENCZAK: Member Carbenia.

MEMBER CARBENIA: Mr. President, I move we adopt Ordinance #24; seconded.

PRESIDENT DENCZAK: Moved and seconded that you adopt Ordinance #24. Are there any remarks under this Ordinance? Very well, roll call vote please.

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance #24 is adopted.

**#24 ADOPTED AS ORDINANCE #120/2006**

#25 (3<sup>RD</sup> RDG) **ADOPTED AS ORDINANCE #121/2006** A RESOLUTION WITHDRAWING THE CITY OF CANTON'S OBJECTION TO THE RENEWAL OF A LIQUOR PERMIT LOCATED WITHIN THE CITY OF CANTON AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT DENCZAK: Member Carbenia?

MEMBER CARBENIA: Mr. President, I move we adopt Ordinance #25; seconded.

PRESIDENT DENCZAK: Moved and seconded that you adopt Ordinance #25. Are there any remarks under this Ordinance? Or Resolution, I'm sorry? If not, roll call vote please.

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

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PRESIDENT DENCZAK: Ordinance #25 is adopted.

**#25 ADOPTED AS ORDINANCE #121/2006**

**ANNOUNCEMENT OF COMMITTEE MEETINGS**

PRESIDENT DENCZAK: Announcement of Committee Meetings please.

MEMBER CABENIA: Mr. President.

PRESIDENT DENCZAK: Member Carbenia.

MEMBER CARBENIA: The Community & Economic Development Committee will meet on August 7<sup>th</sup> at 6:00 pm.

MEMBER KRAUS: Mr. President.

PRESIDENT DENCZAK: Member Kraus.

MEMBER KRAUS: The Public Safety and Thoroughfares will meet 8/7/06 at 6:00.

MEMBER HAWK: Mr. President.

PRESIDENT DENCZAK: Member Hawk.

MEMBER HAWK: Finance Committee will meet the Monday, August 7<sup>th</sup> at 6:00.

MEMBER PRATER: Mr. President.

PRESIDENT DENCZAK: Member Prater.

MEMBER PRATER: Personnel Committee will meet Monday, August 7<sup>th</sup> at 6:00.

PRESIDENT DENCZAK: Any other committees?

MEMBER DOUGHTERY: Mr. President.

PRESIDENT DENCZAK: Member Dougherty.

MEMBER DOUGHERTY: Public Property and Capital Improvement will also meet the 7<sup>th</sup> at 6 pm.

PRESIDENT DENCZAK: What about the ah Judiciary Committee?

MEMBER WEST: Is that for the matter you brought up today?

PRESIDENT DENCZAK: Yes.

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MEMBER WEST: Um, I was told it would go up to the Law Department.

PRESIDENT DENCZAK: No, it has to be referred to a committee first, it's been referred by Council to Judiciary. Judiciary Committee must meet.

MEMBER WEST: But do we have a hearing on that next week?

PRESIDENT DENCZAK: What's that?

MEMBER WEST: Would we have a hearing on that?

CLERK TIMBERLAKE: A committee meeting.

MEMBER WEST: Okay, it's a communication. Alright well, Wouldn't that be a first reading Mr. President?

PRESIDENT DENCZAK: No, no, you will discuss the communication as to whether you want the Law Department to prepare an Ordinance for this. And then you will stamp it for the Law Department to prepare the Ordinance and then the Ordinance and the communication will come back and be sent to you to ah propose the Ordinance to Council.

MEMBER WEST: Okay.

MEMBER SMUCKLER: Mr. President.

PRESIDENT DENCZAK: Member Smuckler.

MEMBER SMUCKLER: Mr. President, point of information.

PRESIDENT DENCZAK: Yes.

MEMBER SMUCKLER: On all the other ones you refer to committee, all the other communications you refer to committee. Does the Committee Chairman hold or does the Committee Chairman just sign out for an Ordinance?

PRESIDENT DENCZAK: I have no idea what they do.

MEMBER SMUCKLER: I am being told.....

PRESIDENT DENCZAK: All I know is the office gets the communication back and puts a stamp on it for the Law Department to prepare the Legislation.

MEMBER SMUCKLER: Mr. Chairman.

PRESIDENT DENCZAK: Yes.

MEMBER SMUCKLER: Could you please ask the Clerk when the other Committees get a Communication, do they just sign it, the chairperson and send it up for an Ordinance? Because I am being told here by the Assistant Majority Leader that that's what normally happens. The Committee Chairperson signs off, the

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Ordinance is sent down and then...am I right Cindy?

CLERK TIMBERLAKE: Yes.

MEMBER WEST: Well that's what I just did with an earlier one, that's why I was.....

PRESIDENT DENCZAK: In all Committee matters, the Chairman does not have the sole authority to act on any Committee. The Chairman must have at least one other signature for this matter to go further to Council.

MEMBER SMUCKLER: Mr. Chairman, he does for an Ordinance but he does not do it to prepare an Ordinance.

PRESIDENT DENCZAK: There is no specific rule in your rule book that states that. That's the problem with these rules members of council, there are no, they're ambiguous, they're conflicting with each other. Law Director, I want you to check this out for me.

MEMBER WEST: Well would you like me to go ahead and.....

PRESIDENT DENCZAK: Rule 45 is in direct conflict with Rule 22B. I want an interpretation, a legal interpretation on that. Okay, Member Smuckler, what's your problem now? It's up to the Committee Chairman, I don't care how you handle it, but it would seem just proper that the Committee Chairman get 1 more member of his Committee that agree with him that this matter goes further.

MEMBER WEST: Yeah, lets go ahead and call a committee meeting for 6:00 pm on August 7<sup>th</sup> to settle matter for Judiciary Committee. Thank you.

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

PRESIDENT DENCZAK: We are now under Public Speaks. We have quite a few people signed up this evening.

MEMBER CARBENIA: Mr. President. Point of personal (inaudible).

PRESIDENT DENCZAK: Mr. Carbenia.

MEMBER CARBENIA: Um, since I have been in Council, all, every time the Committee Chairman gets the Communication to have it sent up to have the Law Department prepare legislation, the Committee Chairman always signs it and sends it up and then when the 1<sup>st</sup> reading comes back then it is ah, read on Council, then the 2<sup>nd</sup> reading everybody meets on it.

PRESIDENT DENCZAK: If that's the way you do it, that's alright with me, I'm just saying that I would only think it proper that he gets the endorsement of his Committee to go further with the matter.

MEMBER SMUCKLER: According to Rule.....

PRESIDENT DENCZAK: Is this the way you do that Member Smuckler?

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MEMBER SMUCKLER: Mr. President, just so you understand, and I'm not, I'm not trying to pick a fight with you, I just want this done the way they're doing everything else because this will add 2 extra more weeks to this if not. And I am suggesting to you, if you look at 22B, that's the way this has been happening since at least the last 8 months here and according to what I've heard.....

PRESIDENT DENCZAK: I understand that Member Smuckler, I don't know how you people do it, I am not involved in your committee work, but if that's the way (inaudible) then alright. You don't have to change it because I think so. The committee chairman's gonna sign it off and have the Ordinance be prepared by the Law Department.

MEMBER SMUCKLER: Okay, thank you.

PRESIDENT DENCZAK: There are quite a few people signed up this evening members of council. Several speakers didn't follow the rules on signing up for public speaks. They did not print their name. Under council rules, if they don't print their name the Chair has the right to not recognize them. I felt that since they have taken the time to come down here, I am going to recognize them. First speaker is Henry Preston.

HENRY PRESTON: Good evening Mr. President, Madame Mayor, Council Members and town citizens, my name is Henry Preston, I live at 1718 Market Ave North in Canton 44714. My message this evening is Thanks, since I addressed Council 2 weeks ago about the deteriorating quality of living at the Embassy Park Place Apartments, the quality of living has improved. I want to thank all of the people that played a part in the marked improvement of the living conditions at the Embassy Park Place Apartments. WHBC, The Repository coverage gave a significant boost for a positive change at the Embassy Park Place Apartments. To the others that played a part that I do not know, I say thank you. I want to thank the Mayor for taking the time out of her busy schedule to come to the Embassy Park Place Apartments to meet the Rick Ash, our maintenance man. Little things like that make a big difference in peoples lives. So I thank you Madame Mayor for taking the time out of your busy schedule to recognize one of the many citizens of Canton that contribute day in and day out making other people's lives better. Thank you.

PRESIDENT DENCZAK: The next speaker is Paul Martin.

PAUL MARTIN: My name is Paul Martin, I live at 1815 St. Elmo, Canton. I signed up to speak on behalf of um concerns of Jackson Pool. I know that you have already made your decision and I am not here to change your mind. I strongly feel that your decision has not been to the advantage of the individuals living in the 4<sup>th</sup> Ward and many other individuals that have used that pool over the last 50 or 55 years. I am very much concerned about all of the articles that was written by the Canton Repository, 4 or 5. If we had the time, we could challenge each one of those um items that was stated that the reason for the pool to be closed. But since the Health Department was involved, I know you wasn't involved as deeply as you should have been. I come to you to ask this question in regards to Jackson Pool. Is Jackson Pool a prelude of what to come in the future for recreation? Will the Eddie Peel Coleman Community Center be next? My main purpose here tonight is too full, the Canton Recreation Alignment Study and a warning of what to come, what is to come. I don't know if you've had an opportunity to read the ah, Canton Recreation Alignment Study. But for those of you that represent the 4<sup>th</sup> Ward, the 5<sup>th</sup> Ward and particularly the 2<sup>nd</sup> Ward. It be whose to take a very serious look at this document because it deals with the future of Canton Recreation and there's some points in there that needs to be discussed and an open forum with more than just 5 or 6 people that represent the power structure of recreation in the City pf Canton. 2) The warning that bring to you, if you recall on all of the major riots or disruptions that we have in our Cities throughout the United States, afterwards there were studies made, many, many studies made and it all came down to jobs and recreation for people. Let's not get into that pattern that we have to travel all over this city to participate in any

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recreation program. As we discuss making streets 2 ways let's make our recreation 2 ways. Some people must come to us and we must go to other people as well. Thank you.

PRESIDENT DENCZAK: Next speaker is Patricia Kirk.

PATRICIA KIRK: My name is Patricia Kirk, I live in downtown Canton. Good evening everyone. Today Canton is a.....

PRESIDENT DENCZAK: For the record state your address.

PATRICIA KIRK: Oh, 131 - 5<sup>th</sup> St NE. Today Canton is a city without protected environmental standards and at the mercy of out of town developers. These companies hold Green Space awards in other cities. A city tree Ordinance that goes beyond street trees and liability gives the city power to stop damaging development and insists on equal replacement. I am very glad to hear that the City of Canton is finally developing one. Canton can learn to protect itself in its environment instead of becoming an asphalt scar. Overwhelmingly, if you saw The Repository, people want the downtown Kresge Lot to remain green. What better green place for homeowners, renters and children to experience hands on learning about tree choice, care, alternate energy, recycling and flood control. They learn facts like an unshaded parked car gives off more evaporated pollution than a city bus and that's for our lungs. An acre of trees can produce enough oxygen for 18 people annually. Trees and grass control the temperature and lower the costs while rising the property value and pollution is absorbed. Canton and Akron's Tree Canopy in 1973 and 1977 was removed but it would have removed 35 million pounds of pollution and saved 8.3 billion dollars. Other cities watch the urban tree canopy despot run off problems and save money. We all know that the roads and the parking lots and the roof tops create a lot of run off problems and trees are better noise barriers than retainment laws. If you do know about porous pavement, it's made out of recycled material and it allows for drainage and run off and plants can co-exist at the same time. Maintaining the urban forest is not just beautification, it's knowledge of the most efficient city planning as the book Nature Friendly Communities, Habitat Protection and Land Use Planning says "good business people are created educated high technology workers and are attracted to good places, those that value and protect natural resources and open space, also there are advantages of protecting natural area for all residents but especially for low income residents. Especially in urban areas." There are other cities like Green and their City Council that have worked out these problems and maybe someday people will want to move into Canton instead of leave. Thank you very much.

PRESIDENT DENCZAK: The next speaker is Jeff Bracken. Sir, I'm going to ask that next time you want to appear please print your name so I can.

JEFF BRACKEN: Oh I'm sorry, I apologize for that. Alright Mr. Denczak.

PRESIDENT DENCZAK: Oh okay.

JEFF BRACKEN: My name is Jeff Bracken, I am, I live a 4072 Gilford Avenue NW in Canton Ohio. I was born and raised in Canton, Ohio but today is a sad day for me and I'm gonna, before I say what makes me sad, and why I'm going to say what I'm going to say, I want to read from Samuel Adams, The Rights of the Colonists, which are Citizens Rights. And the one Citizens Rights I would like to read it says that all men have the right to remain in a state of nature as long as they please and in a case of intolerable oppression, civil or religious, to leave the society they belong to and enter to another. Today ladies and gentlemen at approximately 8:11 tonight on June 24<sup>th</sup> I am officially denouncing my citizenship as a Cantonion and/or an Ohioion and I'm stating my citizenship to 4 other states that I haven't made a decision, whether it's Idaho, Wisconsin, Massachusetts or Virginia. Today,

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this is a sad day for me, I don't know what you define as sociable norms in this City or ah conduct or ah, rules regulation and proper procedure or um protocol, formality, standards or guidelines but sir, I was born and raised here and I've been all over the world, I've traveled all over the world, I've been in 29 of the 50 states and to me this state has become a jail, a prison, a mental institution and/or a drug and alcohol rehab center. I've never seen nothing like this. Some days I fear for my safety out here because of the activities that are going on and not being addressed and I have come to the point where under my rights as a citizen of the United States of America, I have this right to denounce my citizenship. That is the first thing I wanna talk about. The second thing is I came in here to talk about education. Alright and the first thing I wanna say about education is I would like into a term a word called Oxymoron, you can find it on page 1039 of the Microsoft College Dictionary in any library. And an Oxymoron is, and I quote " a phrase in which 2 words of contradictory meaning are used together for special effects. For example, "wise fool" or "legal murder" or better yet why don't we yet why don't we try "politically correct or "corporate America" or "African-American" or "European American" or better yet, "Stark County, the Home of the Pro Football Hall of Fame." That's like the biggest oxymoron I've ever heard. Because these are 2 words that don't make any sense when they're put together. For example, I want to address the African-American community. From this day forth, as far as I'm concerned, you're not African-Americans, you're Americans of African decent....

PRESIDENT DENCZAK: Sir talk to this, talk to this Council.

JEFF BRACKEN: Okay, sir, to the African-American community, or to the Americans of African decent, to the Americans of European decent, to the Americans of Asian decent, Jewish decent, this is the proper way to pronounce this. Now, that's an oxymoron to say it like that because there is 2 different government styles....

PRESIDENT DENCZAK: Okay, sir, your 3 minutes are up, bring your remarks to a close.

JEFF BRACKEN: Okay, bring my remarks, okay, I just wanted to say that the other word I wanted to bring in closing is embellishment. Embellishment means to beautify or increase the beauty of something by adding ornaments or decoration to add fictitious or exaggerated details to make or accept description more interesting or inviting or exaggerating details. The main problem is the bridge. I, I just cant see that being born and raised here sir, that's, that's, that's to me is just another oxymoron. Thank you for your time.

PRESIDENT DENCZAK: The next speaker is Larry Henderhan. Mr. Henderhan, the chair is going to instruct you the next time you print your name before you come here. I'll recognize you tonight. Go ahead sir.

LARRY HENDERHAN: You want my name?

PRESIDENT DENCZAK: State your name and address now.

LARRY HENDERHAN: My name is Larry Henderhan, I live at 122 Claremont NW, Canton, Ohio, NW. Now can I ask you a question?

PRESIDENT DENCZAK: Please, specific subject matters, 1132, what do you mean by that?

LARRY HENDERHAN: Alright now, when I get to talking for my 3 minutes, I'd like not to be interrupted, I just, rather just talk my 3 minutes.

PRESIDENT DENCZAK: I haven't started talking to you, I haven't start timing you. I want to get something clear first. The subject matter is 1132, what do you mean by that? (INAUDIBLE) Okay now, go ahead, your time

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starts.

LARRY HENDERHAN: Okay, I'm not gonna argue the issue, we, I already know how everybody up here feels about that issue about a gas station not being a gas station, retail store. So, I'm not gonna argue that point. You know but, oh just forget that now, because, you know it'd take a lawyer to decide all that not just the city lawyers. But I was misleded, I was lied to, people don't want to hear it was a lie. It was an honest mistake. But you got someone working at the zoning that sent me this letter and I specifically asked her where that gas stations gonna be built in front of my house and she told me it was gonna be built away from my house, further then what it was built before so I had no problem. Then I found out later when they tore it down and started the diggin and the surveyors were out there, they marked the lines out for the, for the building and he said no that's where the buildings going. I said "no, you're wrong man, the lady told me it's gonna be out front" they said "well the lady was wrong." Okay now, my issue is she miss led me, cuz she knew if I knew where that building was gonna be built that I'da been up here like I am right now complaining about how close that gas station was gonna be to my house. Instead of the 50 feet where it's supposed to be, it's 20 feet from my house. And they're saying it's not a gas station, it's a retail store. Well you can call it whatever you want, I call it a gas station. Now it's convenient she takes a vacation at the time that they're diggin the footer, she's on vacation. And then when I call City Hall and talk to a lot of these gentlemen up there none of em know nothin, nobody knows nothin. Nobody, nobody, I don't know nothin. Ya know, we gotta wait till Darla gets back. When Darla gets back Darla knows. I even called.....then they give me the guy that they just hired for 2 weeks and I ask him, "you know, what's going on?" he said "I don't know." "Well you're the boss, you don't know?" "No, I don't know." I called Joe ah, Mars ah, whatever his name is...

PRESIDENT DENCZAK: Martuccio.

LARRY HENDERHAN: Yeah. He didn't even know what was going on. Now you guys pass these Ordinance right? You pass em? Well okay. You pass em, the Mayor signs em, the Law Department looks at em. Are you gonna tell me when I called and nobody could answer none of my questions, the only one that knew the questions was Darla that was on vacation at the time. Then when Darla comes back on Monday she still tellin me that the gas station ain't being built where it's gonna be built at. Then they're gonna tell me "Well your wrong Mr. Henderhan, it's in a B-3 ward, they're allowed to do what they want." Well, its been a B-3 ward ever since I know its been a B-3 ward. Then she tried to tell me that it used to be a service station.

PRESIDENT DENCZAK: Sir, your 3 minutes are up. The next speaker, I cannot read this name. This is another name that's written out and I cannot read it. They live at 2....

CLERK TIMBERLAKE: Can you clarify that?

CHARLES ANTWI-OEIMPEH: Good evening. Ah, thank you very much ah, for not knowing my name. I am from Africa.

PRESIDENT DENCZAK: Well can you spell your name for me please?

CHARLES ANTWI-OEIMPEH: My name is Charles Antwi-Oeimpeh.

PRESIDENT DENCZAK: Charles.

CHARLES ANTWI-OEIMPEH: Antwi-Oeimpeh.

PRESIDENT DENCZAK: Can you spell your last name please?

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CHARLES ANTWI-OEIMPEH: Capital A-n-t-w-i hyphen Capital O-e-i-m-p-e-h

PRESIDENT DENCZAK: Okay and your address is 2..

CHARLES ANTWI-OEIMPEH: 34 Roslyn

PRESIDENT DENCZAK: 234 Roslyn?

CHARLES ANTWI-OEIMPEH: Yes.

PRESIDENT DENCZAK: Okay go ahead.

CHARLES ANTWI-OEIMPEH: Okay, thank you. Ah, I came here ah this afternoon ah with Larry and the reason why I came here was that I was going to listen to what he was coming to City Hall for. I've never been here before. I been in this city for 22 years and this is my first time that I been in ah City Hall. So I wanted to come and see what was going on. What I saw was very very very very very disgusting. Because he came to ask a question not to fight. The person he was talking to, I can recognize ah, Mr. Zachary, or what..... and I sittin down there temper went high. Whoever understood which one is not (inaudible) I did not know that. Oh what I say was that, the man he was talking to just got up and said I have only 5 minutes witch you and used some explicit language. I was very embarrassed because I think if you have an office, if you have an office in America. I've been to so many countries, almost 15 countries in the world and this country, if this country doesn't exist the world doesn't exist. And Americans doesn't know America. Americans don't know America. And I used to say that. I met my wife is Switzerland. She was a student, I was a student and I came to America and I been here for 22 years. I've raised 2 kids. My first kid, Kristiana Antwi-Oeimpeh, went to McKinley, she was top of the class. Went to Kent State University, she was top of the class. Canton is a very great country, sorry, great city. As I see you here in reminds me of home, why? Because home they say the eldest meet together to solve problems. That is village government. Village government. You can go to your grandfather and then ask for an advice or want to know for your grandfather to tell you that explicit. America was built by understanding each other and I (inaudible) and I told my wife, "if I die, bury me here don't take me to Africa cuz this Heaven on Earth." He didn't even do anything to get into that concept. Thank you very much.

PRESIDENT DENCZAK: The next speaker is Richard Daniska.

RICHARD DANISKA: Ah good evening, my name is Richard Daniska, I live at 123 Fawcett Ct NW, Canton, Ohio and I am here to speak about this ah, not really to speak ah just maybe ask a question, whatever. Well, we have 2 Ordinances here that they are explaining about this so called service/retail store, whatever. One Ordinance they say, you know the people we talk to say is Gospel was wrote in 1977. It explained what a service station was and I am 63 years old and 1977 that's what a service station was. Now we have one here that they wrote not all over, you know not a service station but it says service station other drive-ins and it was wrote in 7/15/2002. It explains that a service station, as station for the storage and sale of fuel, lubricating oil and accessories for motor vehicles maybe established, erected and (inaudible) providing it is built, the building is built 20 feet from a road right a ways and 50 feet from a residently zoned district. And what Mr. Henderhan was asking is that this building, not that it be re....you know not to build a gas station here but not to build this building right on top of his house, which they have. I mean they've stalled him, this is what they've done. Now they say this is a retail store but this is a memo sent him by the Canton Law Department and it says regarding Speedway Station, it does not say Speedway Retail Store and that's really all I really have to say about it. I just wanted to get it on record so that you very much for putting up with me.

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PRESIDENT DENCZAK: The next speaker is Samuel Mohammad.

SAMUEL MOHAMMAD: Good evening Madame Mayor, Mr. President, Council, we ah have a situation that we ah like to make you aware of.

PRESIDENT DENCZAK: State your name and address.

SAMUEL MOHAMMAD: Minister Samuel Mohammad, 517 Webster Ave NE, Canton Ohio. Excuse me. Um, yeah we have a situation that we wanted make you aware of. Um and that situation is this, there was a young man who was approached by the Canton City Police Department, members of the Gang Task Force. This young man was um asked to ah, first of all he approached them and he was cursed out by them. After he was cursed out by them and told to leave, his cousin had ran, the Gang Task Force was trying to apprehend his cousin. His cousin had ran. He proceeded to ask the Gang Task Force what was going on, said to said to so and so, um, he was cursed out and asked to leave okay. At that particular point in time these young men began to pursue his cousin to find out where his cousin was. Then he was stopped again by the Gang Task Force in another area that was relatively close. It began in Highland Park around up in Pully Hill Jackson Sherrick Projects. Never the less, um the young man didn't stop okay, and he proceeded on and he told the officers "you got the wrong person" at that point in time they began to chase him, they chased him down to the bottom of Jackson Sherrick Projects and ultimately he dove on the ground once they got into close proximately. He was apprehended and arrested with several witnesses, officers beat him, um kicked him, threw a bag of crack cocaine on him. This young man is an impeccable young man. He graduated in Akron, Buchtel High School when I taught there. Um, he has a uh, no criminal record whatsoever and had the officers decided to leave that crack cocaine and to charge him with that he would have been in a position where his college financial aid could have been ah, interfered with, his ability to vote ah, could have been interfered with. His ability to work as a school teacher or a nurse or even a public official and certain environments could have been interfered with. Not to mention the beating that he took and the officers ah accosted the crowd and threatened them with Tasers. Now I am making you aware of this. I realize that there are very many social vices going on in that area of town. My father-in-law was just beaten by a group of young men on a late night about a month ago into unconsciousness around the corner from Mr. Martin's house. And so I understand the frustration and I understand the, the, the, the, irritation that you, that I I understand that personally as a citizen in the City of Canton. I also understand that America has some threads running through it and those threads are threads of white supremacy and I don't mean the Area nation and Klu Klux Klan. I'm talking about the idea and the notion that white is superior and that black is inferior. And for those officers, those white officers to beat that young man like that in front of literally 30 plus people. Many of home are afraid to speak but we have at least 15 that are willing to speak. And to tell the people with the camcorders or their cell phones "Turn them off" "Turn them off" to threaten the crowd with Tasers is ridiculous, it's brazen, it's callous and it's more then arrogant to me. To me it reeks and it smells you know with the scent like I said of that notion that undergirds the social, economic and political areas. You know, the the the the the that that undergirds all of those areas.

PRESIDENT DENCZAK: Sir, I'm sorry but your 3 minutes are up. Bring your remarks to a close.

SAMUEL MOHAMMAD: And so we're requesting a seat with the Mayor. We're requesting upon of finding of guilty for these particular officers. We're gonna bring in those witnesses together and we're taking them out together. And we want their jobs. We don't want some little milk toast, soft reprisal for what has happened and I am saying this with all due respect. That type of action will not be tolerated and and in closing, we would, we want to cooperate and work with the city in helping to ease some of the uh root causes of the social vices of why a gang task force would think that they would have to act like this. You know they work under extreme, the stressful and duressful circumstances but there's a deep things that he could be addressed to keep because this

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will not solve it. The task force as it's functioning now will not solve it. There are some remedies and some healing that need to take place in our youth that are really out of control. Thank you. This is the gentleman's father and I put him down at my address. He's from Cleveland and I don't know if that's a conflict.....

PRESIDENT DENCZAK: Now wait a minute the next speaker signed up is Robert....That's him?

SAMUEL MOHAMMAD: Yes.

PRESIDENT DENCZAK: Oh okay.

ROBERT MOHAMMAD: Greetings Chairman, Mayor, her staff, Council, citizens of Canton Ohio. My name is Robert Robinson, my address is 15318....

PRESIDENT DENCZAK: Wait a minute you say your name is Robert.

ROBERT ROBINSON: Yeah, Robinson, Mohammad, yeah. My address is 153.....

PRESIDENT DENCZAK: Right here you have Robert Mohammad.

ROBERT ROBINSON: Robinson, yeah, it's in there, all of it's in there.

PRESIDENT DENCZAK: But I'm saying.

ROBERT ROBINSON: Okay basically, what I was telling you, it's Robert Mohammad Robinson.

PRESIDENT DENCZAK: Okay, I have to put that down.

ROBERT ROBINSON: Okay, 15318 Judson Drive, Cleveland, Ohio.

PRESIDENT DENCZAK: 15....

ROBERT ROBINSON: 318 Judson Drive, Cleveland, Ohio 44128. The reason why I came up here today is I just wanted to let ya'll know that it was last Tuesday that I received the call that my son had been injured. I drove here not knowing what the condition was or anything else. When I got here and I started talking to the Police, to the people that was down there that witnessed it. They was v...I ...I ...was....I became very appalled to find out that the entire beating that he had taken was after he had laid on his ground, prostrate and they handcuffed him. When the kickin, beatin slammin him into a brick wall over and over again and then literally throwing him face first into the back of a patty wagon with his hands cuffed, hand cuffed behind him, which could have broken his neck only to find out that he was not the person that they was looking for and they knew it from the start. But appeared to be more offended by the fact that after he had been kneed in the back in the handcuffed position to say that's the reason that he don't like police is because they brutalize people, then he started receiving kicks and everything else. I was more appalled to find out by a number of people and as ah, brother Samuel said earlier we do have statements was that one of the officers dropped a bag and said "Ewe look we found a bag." And the crowd which had gathered, he said it was 30 but from what I've been told it's been more then 30, stated, they all stated in unison that we saw you put it down in bag was put back up, picked back up and he wasn't charged with it for which I'm thankful because that's the charge that is basically hard to overcome. But it makes me wonder that if they're carrying cocaine or crack around wit 'em, droppin bags on 'em, then who else have they done that to. My concern here and as the brother spoke earlier, we know that drugs and gangs are a problem. We just hope

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and pray and that it is a disease but we hope and pray that the cure to the disease don't become worse then the disease itself because that's what seem like is happening. Thank you.

PRESIDENT DENCZAK: Ah, Mayor and Safety Director, now that Council has been exposed to this situation will you check into this and let Council know what is going on.

SAFETY DIRECTOR HUNT: Ah, Council President, I have spoken to ah both of these gentlemen outside. They already filed charges with our internal affairs ah department. I will be following up on it. I have their names ah and addresses and I will be getting back to them on this.

PRESIDENT DENCZAK: Okay, thank you very much. The next speaker is Ray Bondor. Rea?

REA BONDER: Rea. Good evening, my name is Rea Bondor, I live at 323 Broad Ave NW. Mayor, I am here tonight to thank you for your Ban Litter Project on behalf of the Fairgrounds Residential Neighborhood Association. We participated last Monday, July 17<sup>th</sup>. After our neighborhood application was approved for the clean up. Kevin Monroe, Superintendent of the Canton City Street Department took time from his vacation to speak at our June neighborhood meeting. We were excited but held very high expectations from the City of Canton because Kevin said that on our clean up day he would arrive with a crew of at least 15 city employees, a patch truck for any potholes encountered, a front end loader, street sweepers, dump trucks, a flusher, pickup trucks, weed wackers, trash bags, a bus for volunteers, safety vests for volunteers, tree trimmers, radios and we would be expected to clean for 6 hours. 14 of our neighbors had volunteered and taken time off work to help. When Kevin arrived with his 25 city workers and all that promised equipment, some of us panicked thinking "we don't have enough trash for all these people and trucks." Well, not only did we have plenty of trash, Kevin even sent his crews back the next day to finish up. Our alleys were the worst. Property owners had let the debris pile up for years. Those alleys are now clean with trimmed trees and hedges. Kevin used more then 6 tons of asphalt to fill our alleys potholes. We are thrilled with the successful outcome of this day. Sounds like a simple thing but this was a very important project for our neighborhood. Completing this cleanup gave us a reality check on the city's support, interest and caring. The elderly and handicapped were endearing thankful. The look of joy on their faces when we arrived gave us an emotional high. A brotherhood, volunteerism and civic pride. We would like to thank Kevin Monroe and the city street employees for their hard work, professionalism and camaraderie even on a miserably hot day. Councilman Hawk, thank you for all your hard work that day. Councilman Griffin, thank you for lending us your wife Sandy, who even though she is very petite was surprisingly strong. And Mayor, thank you for your Ban Litter Project, it improved our neighborhood and thus our quality of life. I would like to present you with an honorary Neighborhood Association t-shirt and photos of our clean up day. It's a very small token of our appreciation. Thank you.

MEMBER GRIFFIN: Mr. President, can I speak? On behalf of, ah my wife did participate, ah, I had to work but my wife did participate (laughter) I told her, I said "Sandy, don't pick a bag up over 100 lbs." (Laughter) She was very proud and she was very elated about the organization that they had Rea and Randy and their daughter, they did a lot of work getting flyers out to the ah, to the neighbors and to the Senior Citizens and Sandy said that they would bring out and they had their flyers and they were working for 'em and everybody pitched in. And the lunch that you served was very appreciative. But they do a lot of hard work for the neighbor....so when you go to the Ribs Burnoff go through the alleys the right way. (Laughter) Don't go the way those other guys go. But um, seriously, they did a fine job and we would like to thank you.

REA BONDER: Well thank you.

PRESIDENT DENCZAK: The next time you have this uh, luncheon, please invite me.

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MEMBER GRIFFIN: Of course it is a good choice of colors on the shirts right Mayor?

PRESIDENT DENCZAK: Um, Member Hawk and Member Griffin I wish you'd help me on 38<sup>th</sup> Street, every morning I get up I gotta clean up McDonalds, Burger King bags so ah, I would appreciate some help.

MEMBER GRIFFIN: You need some citizens..... You need citizens like me and Randy.

PRESIDENT DENCZAK: Okay, that's wonderful.

MEMBER HAWK: Mr. President, I would like to second Mr. Griffin's motion and that about the citizens. They got out and did an awful lot of work and they're to be commended. There was a real spirit around that neighborhood, they got everything done. A lot of hard work on a hot day and we're real appreciative that the city did help us all out in the process.

PRESIDENT DENCZAK: Right now Member Hawk and Member Griffin, I should remind you that this is Public's Portion of the meeting and if you have anything to say, say it under miscellaneous business.

(Laughter)

MEMBER HAWK: You gotta train me a little better yet, I'll, I'll.....

PRESIDENT DENCZAK: Okay. The next speaker is Dave L-u-t-y-e-n, is that correct?

DAVE LUTYEN: My name is Dave Lutyen, I live at 141 Smith Ave NW. I'm visually impaired so my wife's going to read a statement for both of us.

PRESIDENT DENCZAK: Okay, your name is Deb?

DEB LUTYEN: Yes, it's Deb Lutyen, also 141 Smith Ave NW.

PRESIDENT DENCZAK: Okay, how do you spell your last name?

DEB LUTYEN: It's spelled L-u-t-y-e-n.

PRESIDENT DENCZAK: Oh okay. State your name and address.

DEB LUTYEN: Yes it's Deb Lutyen, 141 Smith Ave NW.

PRESIDENT DENCZAK: Okay, go ahead.

DEB LUTYEN: Okay, last year during the Hall of Fame celebration Mallonn's Bar and Grill at 2234 West Tuscarawas held an outdoor parking lot party for several nights which included bands that played outside until 2 A.M. the noise level was incredibly loud a block away at our house. Even at 4<sup>th</sup> Street NW the music was still clearly heard. During the night traffic increased as people cruised around to check out the exciting party at Mallonn's. At 2 A.M. a parade of noisy drunken patrons returned to their cars parked along our street, discarding trash as they went. We live near a commercial area with businesses and high traffic. But these parking lot parties had a very negative effect on our neighborhood. Holding an outdoor party and band until 2 A.M. was outrageous. We sent a letter of complaint to Mr. Mallonn afterward with copies to the Safety Director and Jim Griffin. We received no response from anyone. Now, the signs are all along West Tusc. promoting a parking lot party. When

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we called the bar for details the reply was “ There would be bands but definite hours weren’t known. Canton does not need an outdoor party on our main thoroughfare exhibiting public drunkenness. Fairground events close at 11 P.M. So yesterday we circulated a petition requesting the parking lot party end at 11P.M. We were astonished at the response. We counted 96 occupied houses in the area. Of the 48 who were home, 43, 43 voiced varying degrees of negative attitude toward this 3 year old business. On the positive side, the contempt for Mallonn’s Bar and Grill has really unified the neighborhood. Since Mr. Mallonn is a city official, there’s a feeling among the complainants that he has not been held to the same standards that another business would. Residents called the police last year about the noise level, yet the party still until 2 A.M. Parking problems caused by Mallonn’s Bar for Smith Ave SW have forced folks to patrol their own driveways to keep them open. We all know we live next to a commercial zone, business must make a profit, however we hope Mr. Mallonn is an ethical business man who simply is not aware of the hostility in the neighborhood toward his business. We hope City Council understands these issues have not been addressed which has generated distrust and disillusionment among the residents toward the city government. A band playing outside until 2 A.M. is outrages. It shows poor judgment and a total lack of concern for the neighborhood. Let’s have these parking lot parties stop at 11. We hope by coming here and voicing our opinions that a common sense and decency will prevail. If our appearance here tonight and this petition are not enough to initiate change, tell us what we and the other residents need to do so we can take the necessary steps to improve our neighborhood. I have a petition with 54 signatures.

PRESIDENT DENCZAK: The final speaker is Ken Ippolito.

KEN IPPOLITO: Ah, thank you, I appreciate ya lettin me speak here. Ah, I live at 205 -19<sup>th</sup> Street, it’s called the Boardwalk Apartments.

PRESIDENT DENCZAK: State your name too.

KEN IPPOLITO: My name is Ken Ippolito and I’m the owner and I also own Park Place and Ridgewood Castle and Rachel Woods, which is by the Hall of Fame. Ah the first 3 are right by ah like 17<sup>th</sup> Street and Market. And, I’m going to keep this simple, ah, I just want to invite everybody here to come on down, take a look at these communities, my team made a major transformation, put 3 million dollars into these properties, ah making everything, our motto is “It’s all brand new” and the Mayors been down, I appreciate you coming down a couple times. I’d like to invite ah, Carbenia, I think your in that ward and Hart, I think you’re in the other. But I would like to invite everybody on down. Take a look, uh because by making people’s houses better, we’re making people’s lives better. And you just gotta come down, take a look and see, this is like a feel good story here vs. the others ah, I’ve been hearing. Thank you for your time, thank you very much.

**MISCELLANEOUS BUSINESS**

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

MEMBER CIRELLI: Mr. President.

PRESIDENT DENCZAK: Member Cirelli.

MEMBER CIRELLI: Thank you Mr. President. I have um some neighbors of mine here tonight, as um, we hear so much about they say children don’t have anything to do and kids are always getting in trouble. Well this is the Love Family. Um. Joel and his sister Ann, their, their here with their mother. If the 3 of them would stand up I’d like Council to know and all the people here that there are 2 young people that have won 1<sup>st</sup> place, Joels won 2 and um, for 4-H in the electrical aspect of things and 1 in leadership. His sister Ann has won 1 in

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leadership and 1 in sewing. Now they live ah right across the street from me. This is probably 1 of the most outstanding families that I can say that I've witnessed lately and in our neighborhood the mother also does home schooling with the children and she also is employed at a local bank. I don't know how she keeps up with it all that she does and ah, I can almost set my clock by them on Sunday morning when I see the whole family go out for church. I think we should comment, I mean I'm commenting on them, I think we should commend them. Their now going to go to state to the fair ah, with the Ohio State with their projects and hopefully they'll bring home some ribbons for those also. So I just wanted to say to Council, I wanted you to bring your attention to them, that um somebody here that we can be proud of. They are future leaders and Councilman West asked young Joel, Joel Love if he was gonna come after his job and Joel said "Not quite yet" So I got a kick outta that but I just wanted to say that there are some positive things going on in the city and I think we should commend them and as a matter of fact, part of his leadership is to come here tonight and to observe City Council and so they contacted me and asked when could they come and what have you so I think we should applaud them and the whole family, it's a wonderful group. Thank you.

PRESIDENT DENCZAK: Ah, Member Cirelli, did you mention to them that they have an admission fee?

MEMBER CIRELLI: Pardon me sir? (Laughter) No I did not sir, I didn't know there was an admission fee and if there was maybe we could put that into our um petty cash. But these are programs are all open to the public here.

PRESIDENT DENCZAK: Are there any other miscellaneous business?

SERVICE DIRECTOR CONCATTO: Mr. President.

PRESIDENT DENCZAK: Service Director.

SERVICE DIRECTOR CONCATTO: Real quickly if I may, uh, councilperson Cirelli asked a question about Soy Biodiesel at the last meeting, I did research that. #1. If we would use that product, um our warrantee would be no good in our trucks and #2. That product is not being distributed in large enough and refined enough to make it a savings. So there would be no savings in buying the soy biodiesel at this time. Maybe when the production got larger close to what they produce in diesel fuel.

MEMBER CIRELLI: Mr. President, I just wanted to thank a.....

PRESIDENT DENCZAK: Member Cirelli.

MEMBER CIRELLI: Thank you sir. I'd just like to thank Service Director Concatto for looking into that aspect. And in the paper today you might see Julia Roberts is leading a charge on that so maybe we can watch and see what happens there. Thank you.

PRESIDENT DENCZAK: Is there any other miscellaneous business?

MEMBER CARBENIA: Mr. President?

PRESIDENT DENCZAK: Member Carbenia.

MEMBER CARBENIA: I move we adjourn; seconded.

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

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: 11 yeas Mr. President.

PRESIDENT DENCZAK: This meeting is adjourned.

ADJOURNMENT TIME: 8:48 PM

ATTEST:

APPROVED:

CYNTHIA TIMBERLAKE  
CLERK OF COUNCIL

RAY DENCZAK  
PRESIDENT OF COUNCIL