

MINUTES OF THE MEETING OF AUGUST 11, 2003

The regular meeting of Canton City Council was held on Monday, August 11, 2003, at 7:30 P.M. in the Canton City Council Chamber. The meeting was called to order by President of Council Ray Denczak. The roll call was then taken (as follows) by Clerk of Council Debbie Vanckunas. The invocation was given by Councilmember-at-Large Don Casar, followed by the Pledge of Allegiance led by President of Council Denczak.

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 OF COUNCIL:

11 COUNCILMEMBERS PRESENT: (MARY M. BABCOCK, DONALD E. CASAR, GREG HAWK, KATHLEEN ALTIERI-BUCHER, R.A. MALLONN, CRAIG MASSEY, JOHN R. MROCKOWSKI, DAVID R. DOUGHERTY, RICHARD D. HART, ROSEMARY DIAMOND, & JOE CARBENIA)

1 COUNCILMEMBER ABSENT: (*BILL SMUCKLER) ***Smuckler preset at 7:50 p.m.**

AGENDA CORRECTIONS & CHANGES

PRESIDENT DENCZAK: Thank you, Member Casar. Agenda Corrections and Changes, Members of Council, you're being asked to suspend Rule 22A to add Communications 318, 319 and 320 and second reading of Ordinances #8 through and including #17; you're being asked to adopt all second reading Ordinances except #9er. The Chair will now recognize Rule 22A to add communications. Member Casar?

MEMBER CASAR: Mr. President, I move we suspend 22A to add Communications 318, 320 and second reading ordinances....

PRESIDENT DENCZAK: 318, 319 and 320.

MEMBER CASAR: 319. I only have 318 and 320 on my....

PRESIDENT DENCZAK: Well, it's 318, 319 and 320. It's 318 through 320.

MEMBER CASAR: So moved; seconded.

PRESIDENT DENCZAK: Moved and seconded to suspend Rule 22A to add Communications 318, 319 and 320 to the agenda. Are there any remarks?... If not, roll call vote please.

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

PRESIDENT DENCZAK: Rule 22A has been suspended and Communications 318, 319 and 320 are a legal part of your agenda. Referrals, 318 will be referred to Intergovernmental and Public Service, 319 will be referred to

MINUTES OF THE MEETING OF AUGUST 11, 2003

Intergovernmental and Public Service and #320 is being referred to Planning Commission. The Chair now recognizes Rule 22A to add Ordinance #7A to the Agenda for a first reading. Member Casar?

MEMBER CASAR: Mr. President, I move we suspend Ordinance, 22A and add Ordinance #7A to the agenda.

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

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance 7A is a legal part of your agenda and will be referred to Environmental Public Utilities and the Finance Committee. You're being asked to suspend Rule 22A to add Ordinances #8 through and including #17 to the agenda. Member Casar?

MEMBER CASAR: Mr. President, I move we suspend A, Ordinance #22A, and add Ordinances 8 through 17 to tonight's agenda; seconded.

PRESIDENT DENCZAK: Moved and seconded to suspend Rule 22A to add Ordinances 8 through and including #17 to the agenda. Are there any remarks?... If not, roll call vote.

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

PRESIDENT DENCZAK: Rule 22A has been suspended and the ordinances are a legal part of your agenda. This brings your agenda up to date Members of Council.

PUBLIC HEARINGS

PRESIDENT DENCZAK: We have scheduled a public hearing for 7:30 PM and it's a request to annex approximately 885 acres in Canton Township known as the I-77/Faircrest Annexation area, assign said territory to wards 4 & 5, & re-zone said territory as I-1, 1-I, I'm Sorry, I-2, B-3 and R-1C. The Planning Commission recommends approval of this annexation. Is there anyone in the audience wishing to speak for or against this annexation, please come forward.... Is there anyone in the audience wishing to speak for or against this annexation, please come forward.... Is there anyone in the audience wishing to speak for or against this annexation, please come forward.... Apparently not. The Chair closes 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 (ORDINANCES OR RESOLUTIONS FOR ADOPTION ONLY):

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

MINUTES OF THE MEETING OF AUGUST 11, 2003**INFORMAL RESOLUTIONS**

PRESIDENT DENCZAK: Informal Resolutions--excusing members. Member Casar?

MEMBER CASAR: Mr. President, I move that Member Smuckler be excused from tonight's meeting; seconded.

PRESIDENT DENCZAK: Moved and seconded that Member Smuckler 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 Smuckler is missing. Resolution #65.

***Smuckler preset at 7:50 p.m.**

PRESIDENT DENCZAK CALLED UPON CLERK OF COUNCIL VANCKUNAS TO READ RESOLUTIONS #65 THROUGH 67 BY TITLE, AS SHOWN BELOW. THE RESOLUTIONS ARE ON FILE IN THEIR ENTIRETY IN THE COUNCIL OFFICE WITH THE AGENDA ITEMS FILE DATED August 11, 2003.

65. ALTIERI-BUCHER, WARD 2 MEMBER: COMMENDING THE DOWNTOWN CANTON PROUD GROUP. - ADOPTED BY COUNCIL

MEMBER ALTIERI-BUCHER: Mr. President, may I have Clerk Vanckunas read that ordinance, please?

PRESIDENT DENCZAK: We have to move that it be adopted.

MEMBER CASAR: Mr. President, I move we adopt Ordinance #, Communication, Resolution #65; seconded.

PRESIDENT DENCZAK: Moved and seconded that you adopt Resolution #65. Member Altieri, you wish it to be read?

ALTIERI-BUCHER: Yes Mr. President.

PRESIDENT DENCZAK: Clerk Vanckunas, will you please read Resolution #65.

RESOLUTION #65 READ BY CLERK OF COUNCIL VANCKUNAS: An Informal Resolution submitted by Kathleen Altieri-Bucher, Ward 2 Councilmember on this 11th day of August 2003. Whereas, A group of downtown Canton restaurant owners calling themselves the Downtown Canton Proud Group hosted a special event on July 29th and 30th, 2003 during the Football Hall of Fame week, and whereas, Bob Paone, owner of the Conestoga Restaurant, and Maria Byington, owner of the Arcadia Grill, together with the Little Chicago Restaurant and The Agora Social Club, began a new tradition in our City by sponsoring an event running in conjunction with, but separate from, the Hall of Fame Festivities; and whereas, by taking this risk, the Downtown Canton Proud Group ensured not only the success of the

MINUTES OF THE MEETING OF AUGUST 11, 2003

event itself, but in keeping the downtown area actively involved during this historically significant time for the City of Canton; and whereas, in light of the accomplishments of the Downtown Canton Proud Group, the members of the Council of the City of Canton would like to publicly thank the City Administration for their cooperation and assistance in this endeavor and hereby urge the Administration to continue to support this type of event in the future. Now, therefore, be it resolved that

we, the Members of the Council of the City of Canton, Ohio, do hereby go on public record as commending The Downtown Canton Proud Group for their energy and ingenuity in successfully continuing to involve downtown Canton in what has always been "Football's Greatest Weekend." Respectfully submitted by Kathleen Altieri-Bucher.

PRESIDENT DENCZAK: Are there any remarks under this Resolution?... If not, the question you're voting on now is the resolution. By voice vote, all those in favor, signify by saying aye. Those opposed no.

NO REMARKS

RESOLUTION #65 ADOPTED BY UNANIMOUS VOICE VOTE

PRESIDENT DENCZAK: The Resolution is adopted. Member Altieri, are you going to present this?

MEMBER ALTIERI-BUCHER: I just want to thank you, Maria, and I want to present this to you; and, I also have Bob Paone's as well. He could not be here this evening. And, I would appreciate it if you could or one of the representatives could issue the same to him as well. You have no clue the appreciation we have with the efforts and the commitments that you have downtown and I am certain it will become much larger. The first time it's always this way for anything of the first. Especially with the kind of commitment and loyalty that you've had for so many years and all the restaurants and businesses that we've had. Thank you. (APPLAUSE) We'd like to take a picture. (COMMENDATION RESOLUTION ACCEPTED BY A REPRESENTATIVE OF ARCADIA RESTAURANT)

66. ALTIERI-BUCHER, WARD 2 MEMBER: COMMENDING CANTON POLICE OFFICERS, FIREFIGHTERS, AND PARK POLICE OFFICER FOR HEROICS DURING THE FLOODING. - ADOPTED BY COUNCIL

MEMBER CASAR: Mr. President, I move we adopt Resolution #66; seconded.

PRESIDENT DENCZAK: Moved and seconded that you adopt Resolution #66. Are there any remarks under this Resolution?... If not, by voice vote, all those in favor signify by saying aye. Those opposed no.

NO REMARKS

RESOLUTION #66 ADOPTED BY UNANIMOUS VOICE VOTE

PRESIDENT DENCZAK: The Resolution is adopted. Do you have a presentation to make?...

MEMBER ALTIERI-BUCHER: Mr. President, can this be read by Clerk Vanckunas as well?

PRESIDENT DENCZAK: Well, we should have done that before.

MINUTES OF THE MEETING OF AUGUST 11, 2003

RESOLUTION #66 READ BY CLERK OF COUNCIL VANCKUNAS: An Informal Resolution respectfully submitted by Kathleen Altieri-Bucher, Ward 2 Councilmember on this 11th day of August 2003. Whereas, On Monday July 28, 2003 at approximately 2:30 AM, response units were made aware of the catastrophic flooding and emergency evacuation at the Nimisilla/Cook Park area of northeast Canton. Responding to assist in the emergency evacuation was Fire Station No. 7 at Mahoning & 10th Street NE; and whereas, at approximately 3:00 A.M., the Canton Police Department Dispatcher informed the Canton Communication Center that “cries for help” were heard from the Nimisilla Creek behind Lucia’s Restaurant at Mahoning Road & Ira Turpin Way NE; and whereas, immediately thereafter the Canton Police Department radioed the Canton Communication Center for assistance--that a person was struggling in the creek, submerged to his neck and clinging to a tree; and whereas, the Canton Police Department responded to the scene with a Fire/Paramedic unit and were assisted by the Park Police Officer who was equipped with water rescue devices in the form of life vests and flotation devices; and whereas, Fire Captain Fred Bertram at the scene suggested that a paramedic enter the water. All respondents offered to do so. It was agreed that Jason Eberly would enter violent rushing water; and whereas, Firefighter Eberly and the team were equipped with a life vest and preserver for the victim, given to rescuers by Park Police Officer Frank Thristino. The victim was going into shock and losing his grip on the tree he was clinging to. The Fire rescue paramedic van had an additional rescue rope which was used for securing a lifeline to Firefighter Eberly; and whereas, upon voice and hand signals by Canton Police Officers, Canton Fire Officers and the Canton Park Police Officer, a coordinated life-saving effort was made to save the pair--victim and rescuer--by extraction, using hand-over-hand pulling and tugging on lines until all were secure on the embankment; and whereas, it is the belief of this Council Representative that had it not been for the rapid response and coordination of all units on the scene, the Canton Police Department, Canton Fire Department and the Canton Park Police unit, combined with the fact that the Park Police vehicle was the only vehicle equipped with water rescue devices procured by Park Department Director Doug Perry for use in ice or water rescue operations within the park system, the victim would not have had a safe and successful rescue; and whereas, these departments, in my estimation, deserve medals from the City for risking their lives in the middle of the night in the worst natural disaster that Ward 2 and the City of Canton have experienced in nearly 50 years; and, whereas, I, Kathleen Altieri-Bucher, personally witnessed this devastation, chaos and panic along with the willingness to risk life and limb by individuals mentioned to save Mr. Pounds from the violence of the Nimisilla Creek. The Police Officers involved in this life-saving situation were: Ryan Davis, Don Miller, Jr., John Gabbard, John Bosley, Michael Gary and Kevin Sadares. The Firefighters involved were: Captain Fred Bertram, Jason Eberly, & Douglas Parton, along with Park Police Officer Frank Thristino; and whereas, Mr. Pounds was given “courtesy transportation” to his home by Sgt. Frank Thristino of the Canton Park Police. Mr. Pounds stated that he was ‘extremely grateful for being alive’ and that Fire and Police rescuers should be rewarded; Now, therefore, be It resolved that we, the Members of the Council of the City of Canton, Ohio, on this 11th day of August, 2003, do hereby go on public record by offering our commendation and our grateful thanks to Canton Police Officers, Canton Firefighters, and Canton Park Police Officers for their heroism at the flooding of the Nimisilla/Cook Park area of Northeast Canton on July 28th of this year, and for the example they have set for all citizens of Canton that care and concern for human life outweigh the threat of personal risk, and that with people like Ryan Davis, Don Miller, Jr., John Gabbard, John Bosley, Michael Gary, Kevin Sadares, Fred Bertram, Jason Eberly, Douglas Parton, & Frank Thristino, Canton is a better place to live. Thank you all, and may God bless you.

PRESIDENT DENCZAK: First of all, let the Journal show that Member Smuckler is now in attendance. (**Smuckler preset at 7:50 p.m.**) Do you have a presentation to make Member Altieri?...

MINUTES OF THE MEETING OF AUGUST 11, 2003

MEMBER ALTIERI-BUCHER: I would like to distribute these Resolutions to the Firefighters, Police Officers and those thus mentioned and have them pick them up at the podium. Thank you all so much. (*APPLAUSE AS COMMENDATIONS ARE HANDED OUT*)

PRESIDENT DENCZAK: You don't have to smile because I don't think you have any film in that camera.

67. HAWK, WARD 1 MEMBER: URGING CONGRESS TO PASS A VERSION OF THE MEDICARE PRESCRIPTION DRUG AND IMPROVEMENT ACT WHICH INCLUDES BOTH A THERAPY CAP MORATORIUM AND A DIRECT ACCESS DEMONSTRATION PROJECT. - ADOPTED BY COUNCIL

MEMBER SMUCKLER: Mr. President, I move we adopt Resolution #67; seconded.

PRESIDENT DENCZAK: Moved and seconded that you adopt Resolution #67. Are there any remarks under this Resolution?... Very well, by voice vote, all those in favor signify by saying aye. Those opposed no. The Resolution is adopted.

NO REMARKS

RESOLUTION #67 ADOPTED BY UNANIMOUS VOICE VOTE

PRESIDENT DENCZAK: The Resolution is adopted.

COMMUNICATIONS

PRESIDENT DENCZAK: All Communications are received as read.

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 August 11, 2003

- 305. AUDITOR KIM R. PEREZ, CITY OF CANTON: MONTHLY REPORT BY FUND FOR 7/1/03 - 7/31/03. - RECEIVED & FILED
- 306. AUDITOR KIM R. PEREZ, CITY OF CANTON: YEARLY REPORT BY FUND FOR 1/1/03 - 7/31/03. - RECEIVED & FILED
- 307. OHIO EPA, BOX 1049, 450 EAST TOWN STREET, COLUMBUS, OH 43216: PUBLIC NOTICE OF RECEIPT OF APPLICATION FOR A CLEAN WATER ACT SECTION 401 CERTIFICATION FOR PROPOSED PROJECT @ THE I-77 & SHUFFEL DRIVE OVERPASS WHICH IS ESTIMATED TO IMPACT LOCAL WETLANDS & STREAMS. - RECEIVED & FILED
- 308. PLANNING COMMISSION, CITY OF CANTON, SHEILA K. THARP-BARRINO, SECRETARY: RECOMMENDING APPROVAL OF A REQUEST BY KATE PAYNE TO VACATE PART OF

MINUTES OF THE MEETING OF AUGUST 11, 2003

WHIPKEY COURT NW BETWEEN 16th ST & ELLIOTT PL NW TO ALLOW FOR PRIVATE ACCESS. - LAW DIRECTOR (See O#2, 1st Rdg) **PUBLIC HEARING 8/25/03 @ 7:31 PM**

309. SAFETY DIRECTOR JOSEPH J. CONCATTO, CITY OF CANTON: REQUEST TO ENTER INTO AGREEMENT WITH STARK COUNTY COMMISSIONERS WHEREBY THE STARK COUNTY SHERIFF WILL NO LONGER CHARGE THE CITY FOR THE HOUSING OF ARRESTEES, PRETRIAL DETAINEES & PRISONERS IN THE JAIL IN EXCHANGE FOR THE USE OF THE SMART ZONE CONTROLLER RADIO SYSTEM. - LAW DIR. (See O#3, 1st Rdg)
310. SAFETY DIRECTOR JOSEPH J. CONCATTO, CITY OF CANTON: REQUEST TO ESTABLISH & AUTHORIZE A \$2,542 SUPPLEMENTAL APPROPRIATION FROM THE 2777 CANTON POLICE YOUTH CORP FUND & ESTABLISH & AUTHORIZE A \$5,000 SUPPLEMENTAL APPROPRIATION FROM THE 2778 CANTON AUXILIARY POLICE FUND. - LAW DIRECTOR (See O#4, 1st Rdg)
311. SERVICE DIRECTOR MICHAEL L. MILLER, CITY OF CANTON: REQUEST TO ENTER INTO A \$23,600 CONTRACT WITH CTI ENVIRONMENTAL, INC. TO PREPARE A DRAINAGE STUDY FOR THE PLAIN CENTER ESTATES AREA; REQUEST TO ESTABLISH & AUTHORIZE A \$23,600 TRANSFER TO THE 5410 202062 SEWER-PLAIN CENTER ESTATES ACCOUNT. - LAW DIRECTOR (See O#7A, 1st Rdg)
312. SERVICE DIRECTOR MICHAEL L. MILLER, CITY OF CANTON: REQUEST TO APPROVE A WATER MAIN EXTENSION TO THE HOME OF DAVID DEMPSTER LOCATED @ 1030 LAKE CENTER STREET IN LAKE TOWNSHIP. - LAW DIRECTOR (See O#5, 1st Rdg)
313. SERVICE DIRECTOR MILLER MICHAEL L. MILLER, CITY OF CANTON: REQUEST TO NEGOTIATE AUCTION OF PARCEL #02-46631, KNOWN AS THE CHARLES EDE COMMUNITY SERVICE CENTER, AT FAIR MARKET VALUE OF \$10,825. - LAW DIRECTOR
314. TREASURER ROBERT C. SCHIRACK, CITY OF CANTON: COMPARATIVE REPORT OF PARKING METER REVENUE AS OF JULY 31, 2003. - RECEIVED & FILED
315. TREASURER ROBERT C. SCHIRACK, CITY OF CANTON: COMPARATIVE REPORT OF DEPOSITS & PAY INS TO AMBULANCE LOCK BOX ACCOUNT AS OF JULY 31, 2003. - RECEIVED & FILED
316. TREASURER ROBERT C. SCHIRACK, CITY OF CANTON: COMPARATIVE REPORT OF INCOME TAX CASH RECEIPTS AS OF 7/31/03. - RECEIVED & FILED
317. TREASURER ROBERT C. SCHIRACK, CITY OF CANTON: REPORT OF TREASURER'S OFFICE BANK RECONCILIATIONS & CITY'S OUTSTANDING INVESTMENTS AS OF JULY 31, 2003. - RECEIVED & FILED

RULE 22A SUSPENDED TO ADD #318, 319 & 320:

318. LIQUOR CONTROL DIVISION, STATE OF OHIO, 6606 TUSSING RD, PO BOX 4005,

MINUTES OF THE MEETING OF AUGUST 11, 2003

REYNOLDSBURG OHIO 43068-9005: NOTIFICATION THAT THE CAMELOT CAR WASH & DETAIL CENTER, INC. APPLIED FOR A NEW C1,2 LIQUOR PERMIT AT 4806 CLEVELAND AVENUE NW. - INTERGOVERNMENTAL & PUBLIC SERVICE CMTE

319. LIQUOR CONTROL DIVISION, STATE OF OHIO, 6606 TUSSING RD, PO BOX 4005, REYNOLDSBURG OHIO 43068-9005: NOTIFICATION THAT BYRON C. ROSENTHAL HAS APPLIED FOR A NEW D5 LIQUOR PERMIT AT HOG HEAVEN OPEN FLAME BBQ @ 2730 CLEVELAND AVENUE NW. - INTERGOVERNMENTAL & PUBLIC SERVICE CMTE
320. MAGGIORE, CHRIS, 6860 CHILLINGSWORTH CIRCLE NW, NORTH CANTON, OHIO 44718: REQUEST TO REZONE 2535 FULTON DRIVE NW FROM B-3 GENERAL BUSINESS TO PB-4 PLANNED SPECIAL BUSINESS FOR A 1-BAY CAR WASH W/POSSIBILITY OF SECOND CAR WASH IN FUTURE. - PLANNING COMMISSION

ORDINANCES & FORMAL RESOLUTIONS FOR FIRST READING

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

NOTE: PRESIDENT DENCZAK CALLED UPON CLERK VANCKUNAS TO READ THE FOLLOWING ORDINANCES #1 THROUGH AND INCLUDING #7A FOR THE FIRST TIME BY TITLE & ANNOUNCED THE COMMITTEE REFERRAL, AS FOLLOWS.

- #1 (1ST RDG) AN ORDINANCE NAMING AN UNNAMED ALLEY I THE CITY OF CANTON, ZERBY PLACE, NW; EMERGENCY
Referred to Public Safety & Thoroughfares Committee
- #2 (1ST RDG) AN ORDINANCE VACATING A PORTION OF WHIPKEY COURT NW; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Public Safety & Thoroughfares Committee
- #3 (1ST RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY TO ENTER INTO AGREEMENT WITH THE STARK COUNTY COMMISSIONERS FOR THE PURPOSE OF SHARING RADIO EQUIPMENT WITH THE CITY IN THE CANTON COMMUNICATION CENTER AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Intergovernmental & Public Service & Finance Committees
- #4 (1ST RDG) AN ORDINANCE AUTHORIZING THE CITY AUDITOR TO ESTABLISH THE 2777 CANTON POLICE YOUTH CORP FUND AND THE 2778 CANTON AUXILIARY POLICE FUND; AMENDING APPROPRIATION ORDINANCE NO. 236/2002, AS AMENDED, BY MAKING THE SUPPLEMENTAL APPROPRIATIONS HEREIN DESCRIBED AND

MINUTES OF THE MEETING OF AUGUST 11, 2003

DECLARING THE SAME TO BE N EMERGENCY

Referred to Finance Committee

#5 (1ST RDG) AN ORDINANCE APPROVING A CANTON CITY WATER MAIN EXTENSION TO LAKE TOWNSHIP; AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CONTRACT FOR THE EXTENSION OF SAID WATER MAIN AND DECLARING THE SAME TO BE AN EMERGENCY

Referred to Environmental & Public Utilities Committee

#6 (1ST RDG) AN ORDINANCE AUTHORIZING THE EDITING AND INCLUSION OF CERTAIN ORDINANCES AS PARTS OF THE VARIOUS COMPONENT CODES OF THE CODIFIED ORDINANCES OF CANTON, OHIO AND DECLARING THE SAME TO BE AN EMERGENCY

Referred to Judiciary Committee

#7 (1ST RDG) A RESOLUTION AUTHORIZING THE CITY LAW DIRECTOR TO DISTRIBUTE FREE OR CHARGE TO PUBLIC OFFICIALS AND PUBLIC INSTITUTIONS COPIES OF THE 2003 SUPPLEMENTAL TO THE CANTON CITY CODIFIED ORDINANCES TO AFFIX A PRICE FOR THE SALE OF SAME AND DECLARING THE SAME TO BE AN EMERGENCY

Referred to Judiciary Committee

#7A (1ST RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CONTRACT WITH CTI ENVIRONMENTAL, INC. IN AN AMOUNT NOT TO EXCEED \$23,600.00 TO PREPARE A DRAINAGE STUDY FOR THE PLAIN CENTER ESTATES AREA; AMENDING APPROPRIATION ORDINANCE NO. 236/2002, AS AMENDED, BY MAKING THE TRANSFER HEREIN DESCRIBED; AND DECLARING THE SAME TO BE AN EMERGENCY

Referred to Environmental & Public Utilities and Finance Committees

ORDINANCES & FORMAL RESOLUTIONS FOR SECOND READING

PRESIDENT DENCZAK: Ordinances and formal resolutions for the second reading. Ordinance #8.

NOTE: PRESIDENT DENCZAK CALLED UPON CLERK VANCKUNAS TO READ THE FOLLOWING ORDINANCES #8 THROUGH AND INCLUDING #17 FOR THE SECOND TIME BY TITLE, AS FOLLOWS. ORDINANCE #8, & #10 THROUGH #17 WERE ADOPTED FOLLOWING THEIR SECOND READINGS.

RULE 22A SUSPENDED TO ADD #8 THROUGH 17:

#8 (2ND RDG) **ADOPTED AS ORDINANCE NO. 163/2003** AUTHORIZING THE SERVICE DIRECTOR TO ENTER INTO A 3 YR AGREEMENT WITH GONZOIL INC. FOR THE LEASE OF CITY

MINUTES OF THE MEETING OF AUGUST 11, 2003

PROPERTY AND DECLARING THE EMERGENCY

MEMBER SMUCKLER: Mr. President, I move we suspend Statutory 3 readings of Ordinance #8; seconded.

PRESIDENT DENCZAK: There's a move to dispense with the 3 readings of Ordinance #8. Are there any remarks?... If not, roll call vote.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

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

MEMBER SMUCKLER: Mr. President, I move we adopt Ordinance #8; seconded.

PRESIDENT DENCZAK: Moved and seconded that you adopt Ordinance #8. Are there any remarks under this Ordinance?... Very well, roll call vote please.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance #8 is adopted.

#8 ADOPTED AS ORDINANCE NO. 163/2003

#9 (2ND RDG) AMENDING ORDINANCE O.55/77 AS AMENDED KNOWN AS THE CITY OF CANTON ZONING ORDINANCE AND DECLARING THE SAME TO BE AN EMERGENCY

PUBLIC HEARING 8/25/03 @ 7:30 PM

#10 (2ND RDG) **ADOPTED AS ORDINANCE NO. 164/2003** AN ORDINANCE AUTHORIZING THE MAYOR TO MAKE APPLICATION FOR A LOCAL LAW ENFORCEMENT BLOCK GRANT TO THE UNITED STATES DEPARTMENT OF JUSTICE; AUTHORIZING THE MAYOR TO ENTER INTO AGREEMENT TO ACCEPT AND ADMINISTER THE GRANT; AUTHORIZING THE MAYOR TO EXECUTE A LETTER OF UNDERSTANDING WITH STARK COUNTY OHIO CONCERNING REALLOCATION OF PROCEEDS OF THE GRANT AND DECLARING THE SAME TO BE AN EMERGENCY

MEMBER SMUCKLER: Mr. President, I move we suspend Statutory three readings of Ordinance #10; seconded

PRESIDENT DENCZAK: There's a move to dispense with the three readings of Ordinance #10. Are there any remarks?... If not, roll call vote please.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

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

MINUTES OF THE MEETING OF AUGUST 11, 2003

MEMBER SMUCKLER: Mr. President, I move we adopt Ordinance #10; seconded.

PRESIDENT DENCZAK: Moved and seconded that you adopt Ordinance #10. Are there any remarks under this Ordinance?... Very well, roll call vote please.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance #10 is adopted.

#10 ADOPTED AS ORDINANCE NO. 164/2003

#11 (2ND RDG) **ADOPTED AS ORDINANCE NO. 165/2003** AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CONTRACT WITH THE R G SMITH COMPANY INC. IN AN AMOUNT NOT TO EXCEED \$604,900 FOR THE WATER POLLUTION CONTROL CENTER DIGESTER PROJECT; AMENDING APPROPRIATION ORDINANCE NO. 236/2002 AS AMENDED BY MAKING THE SUPPLEMENTAL APPROPRIATION HEREIN DESCRIBED AND DECLARING THE SAME TO BE AN EMERGENCY

MEMBER SMUCKLER: Mr. President, I move we suspend statutory three readings of Ordinance #11; seconded.

PRESIDENT DENCZAK: There's a move to dispense with the three readings of Ordinance #11. Are there any remarks?... If not, roll call vote please.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

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

MEMBER SMUCKLER: 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. 165/2003

#12 (2ND RDG) **ADOPTED AS ORDINANCE NO. 166/2003** AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO PAY FOR EASEMENTS ASSOCIATES WITH THE LAKE-HARTVILLE WATER MAIN EXTENSION PROJECT; AMENDING APPROPRIATION O.236/2002 AS AMENDED BY MAKING THE SUPPLEMENTAL APPROPRIATION HEREIN DESCRIBED AND DECLARING THE SAME TO BE AN EMERGENCY

MINUTES OF THE MEETING OF AUGUST 11, 2003

MEMBER SMUCKLER: Mr. President, I move we suspend statutory three readings of Ordinance #12; seconded.

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

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

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

MEMBER SMUCKLER: 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?... If not, roll call vote please.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance #12 is adopted.

#12 ADOPTED AS ORDINANCE NO. 166/2003

#13 (2nd RDG) **ADOPTED AS ORDINANCE NO. 167/2003** AN ORDINANCE AUTHORIZING THE CITY AUDITOR TO PAY A MORAL OBLIGATION IN AN AMOUNT NOT TO EXCEED \$10,000 TO THE CANTON SYMPHONY ORCHESTRA AND DECLARING THE SAME TO BE AN EMERGENCY.

MEMBER SMUCKLER: Mr. President, I move we suspend statutory three readings of Ordinance #13; seconded.

PRESIDENT DENCZAK: There's a move to dispense with the three readings of Ordinance #13. Are there any remarks?... If not, roll call vote please.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

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

MEMBER SMUCKLER: 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. 167/2003

MINUTES OF THE MEETING OF AUGUST 11, 2003

#14 (2nd RDG) **ADOPTED AS ORDINANCE NO. 168/2003** AN ORDINANCE AUTHORIZING THE MAYOR TO SUBMIT THE 2004 RECYCLE OHIO GRANT APPLICATION TO THE OHIO DEPARTMENT OF NATURAL RESOURCES; AUTHORIZING THE MAYOR TO ACCEPT AND EXECUTE THE GRANT; AUTHORIZING A VARIABLE CASH MATCH FROM COMMUNITY DEVELOPMENT FUNDS; AUTHORIZING THE MAYOR TO ENTER INTO CONTRACT WITH THE GREATER CANTON CHAMBER OF COMMERCE AND DECLARING THE SAME TO BE AN EMERGENCY.

MEMBER SMUCKLER: Mr. President, I move we suspend statutory three readings of Ordinance #14; seconded.

PRESIDENT DENCZAK: There's a move to dispense with the three readings of Ordinance #14. Are there any remarks?... If not, roll call vote please.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

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

MEMBER SMUCKLER: 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. 168/2003

#15 (2nd RDG) **ADOPTED AS ORDINANCE NO. 169/2003** AN ORDINANCE AMENDING EXHIBIT A TO O.40/2000 AS AMENDED THE CLASSIFICATION PLAN FOR BARGAINING UNIT PERSONNEL EMPLOYED BY THE CITY OF CANTON AND DECLARING THE SAME TO BE AN EMERGENCY.

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

PRESIDENT DENCZAK: Moved and seconded that you adopt Ordinance #15.

MEMBER SMUCKLER: Mr. President, I'm sorry. Mr. President I move we suspend Statutory 3 readings of Ordinance #15; seconded.

PRESIDENT DENCZAK: There's a move to dispense with the 3 readings of Ordinance #15. Are there any remarks?... If not, roll call vote please.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

MINUTES OF THE MEETING OF AUGUST 11, 2003

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

MEMBER SMUCKLER: 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. 169/2003

#16 (2nd RDG) **ADOPTED AS ORDINANCE NO. 170/2003** AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO EXECUTE AND DELIVER TO THE BOARD OF STARK COUNTY COMMISSIONERS AN EASEMENT ON PROPERTY OWNED BY THE CITY OF CANTON AND DECLARING THE SAME TO BE AN EMERGENCY.

MEMBER SMUCKLER: Mr. President, I move we suspend statutory three readings of Ordinance #16; seconded.

PRESIDENT DENCZAK: There's a move to dispense with the three readings of Ordinance #16. Are there any remarks?... If not, roll call vote please.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

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

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

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

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance #16 is adopted.

#16 ADOPTED AS ORDINANCE NO. 170/2003

#17 (2nd RDG) **ADOPTED AS ORDINANCE NO. 171/2003** AN ORDINANCE AMENDING APPROPRIATION O.236/2002 AS AMENDED BY MAKING THE SUPPLEMENTAL APPROPRIATION AND TRANSFERS HEREIN DESCRIBED AND DECLARING THE SAME TO BE AN EMERGENCY.

MEMBER SMUCKLER: Mr. President, I move we suspend Statutory three readings of Ordinance #17; seconded.

MINUTES OF THE MEETING OF AUGUST 11, 2003

PRESIDENT DENCZAK: There's a move to dispense with the three readings of Ordinance #17. Are there any remarks?... If not, roll call vote please.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

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

MEMBER SMUCKLER: Mr. President, I move we adopt Ordinance Number 17; seconded.

PRESIDENT DENCZAK: Moved and seconded that you adopt Ordinance 17. Are there any remarks under 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. 171/2003**

ORDINANCES & FORMAL RESOLUTIONS FOR THIRD READING

PRESIDENT DENCZAK: Ordinances and Formal Resolutions for the Third and Final Reading.

NOTE: PRESIDENT DENCZAK CALLED UPON CLERK VANCKUNAS TO READ THE FOLLOWING ORDINANCE #18 FOR THE THIRD AND FINAL TIME BY TITLE, AS FOLLOWS.

#18 (3rd RDG) **ADOPTED AS ORDINANCE NO. 172/2003** AN ORDINANCE AUTHORIZING CANTON TO ANNEX THE TERRITORY KNOWN AS THE I-77/FAIRCREST ANNEXATION AREA, CONTAINING APPROXIMATELY 885 ACRES ASSIGNING SAID TERRITORY TO WARDS 4 & 5 OF THE CITY ASSIGNING SAID TERRITORY AS I-1, I-2, B-3 & R-1C AND DECLARING THE SAME TO BE AN EMERGENCY

MEMBER SMUCKLER: Mr. President, I move that 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. 172/2003**

ANNOUNCEMENT OF COMMITTEE MEETINGS

PRESIDENT DENCZAK: Announcement of Committee Meetings please.

MINUTES OF THE MEETING OF AUGUST 11, 2003

MEMBER MROCKOWSKI: Mr. President, Finance Committee will meet August 25th, 6:30 in the Council Caucus Room.

MEMBER BABCOCK: Mr. President, Public Safety and Thoroughfares will also meet on the 25th at 6:30.

MEMBER HAWK: Mr. President, Environmental and Public Utilities will meet August 25th at 6:30.

MEMBER ALTIERI-BUCHER: Mr. President, Intergovernmental will meet at the same time on Monday the 25th at 6:30.

MEMBER SMUCKLER: Mr. President, Judiciary will meet also at the same time. Mr. President, following the meeting this evening, the Transfer Review Committee, if I could just have the Council people on it which is a limited number stay around just for about 3 minutes so that we can deal with that issue also.

PUBLIC SPEAKS (OPEN FORUM--CITY BUSINESS ONLY)

PRESIDENT DENCZAK: Public Speaks, Open Forum, City Business Only. We have quite a few people signed up this evening. The first speaker is Dwan C. Gordon-St. John.

MR. ST. JOHN: Well, actually I'm not Dwan C. Gordon-St. John, that's my wife. I'm Demetrius St. John. I live at 510 - 10th Street NW, Canton, Ohio and we here to, like everybody else here, most people here dealing with the flooding, so, I'm going to start you out with something different. A zoning matter that we've been dealing with for almost 2 years now. We've gone through the entire process of reporting our problem to, I don't want to call it the Board of Zoning Appeals, because I still haven't found where that is. We, we talked to the Zoning Inspector, we got a mediation with the help of Joe Martuccio and, and the, and the City Prosecutor today, and still, there's a zoning violation of a parking lot next to our house. No resolution, and it's been almost 2 years, so I guess I'm here, I'm here to ask the Councilmembers for some direction, where should we go? Is there a Board of Zoning Appeals? Where should we go when there's a clear violation of City Code, to correct this problem?

PRESIDENT DENCZAK: Who's ward is this in?

MR. ST. JOHN: Ward 2.

MEMBER ALTIERI-BUCHER: Mine, Mr. President.

PRESIDENT DENCZAK: Ward 2? And, Mr. St. John, did you, did you tell us what your address is before you....

MR. ST. JOHN: 510 - 10th Street NW.

PRESIDENT DENCZAK: Are you aware of this problem, Member Altieri?

MEMBER ALTIERI-BUCHER: Yes, I am, Mr. President, and by the estimates of Kathy Tatarsky in the Law

MINUTES OF THE MEETING OF AUGUST 11, 2003

Department, she's been discussing this since this last February with you and a mediation plan and part of that was mediation I was not aware of, by Pastor Bannister at the Church on McKinley Avenue. I was told that this was a civil issue and that at this point that we have, and, I'm not supposed to have a part of it.

MR. ST. JOHN: Say again?

MEMBER ALTIERI-BUCHER: I was advised by Kathy Tatarsky of the Law Department that I should stay out of this.

MR. ST. JOHN: Is that right?

MEMBER ALTIERI-BUCHER: Yes, sir.

MR. ST. JOHN: (*Laughter from Mr. St. John*) Well, I'm concerned, when you read the ordinance. The ordinance clearly states that a parking lot cannot be within 4 feet of residential property. Their blacktop goes up to the base of our foundation and we have somebody, we have the Law Department telling the Council person to stay out of it because it's a civil matter? That concerns me.

PRESIDENT DENCZAK: Law Director, can you clear up this matter?

LAW DIRECTOR MARTUCCIO: Mr. President, Mr. St. John. As you know, it's been an on-going matter that's been very hard on you and your family, and on the other parties involved. Some of the issues we've determined are of a zoning nature. Some we believe are of a private nature, between you and your adjoining neighbors that has to be worked out, privately, maybe in a court of law between you and the neighboring property. I understand what you're saying. You're saying you believe a zoning violation has taken place, you've won it before. I will be talking with our Prosecutor within the next day or two about what happened at the meeting today between you and the property owner and the prosecutors and with our lawyer who acts with the Zoning Board and see if we think it's a violation that we can actually prosecute or take to court and have them enforced. We'll let you know. I'll call you or one of us will call you and tell you what we think after we put all our heads together.

MR. ST. JOHN: Ok, thank you.

PRESIDENT DENCZAK: The next speaker is Carol Sukosd.

MS. SUKOSD: Thank you. I was here at the last Council meeting.....

PRESIDENT DENCZAK: Please state your name and address, Carol.

MS. SUKOSD: 1528 - 9th Street NE. I reside in the second ward of Canton and I am a flood victim, and, I was here at the last Council meeting to talk about some of the problems that we're having and I am happy to say that all the water has gone down. I've thanked Mr. Miller privately and I would like to thank him publicly because he has made sure that our garbage is being picked up every day and we're not talking day in and day out garbage, we're talkin' contaminated, sewage-infested, bug, roach, mice, bee-infested things that have had to come out of homes in the ward, and you're doing a fantastic job. They're very upbeat with us, they're very sympathetic to the problems. The problem is not over with though. FEMA has come to town and they came through my house on Friday. Most of you I have not seen out. I've

MINUTES OF THE MEETING OF AUGUST 11, 2003

seen Member Massey out within our neighborhood, trying to see what's happened. Member Smuckler has been out several times. He has toured my home. Democratic candidate, Tom West has been out, Marlene Chipko even came out to go through my house to see the devastation of 10 feet of water on 2 floors. I'm concerned when FEMA comes into my home and tells me there's no reason I should have left my home, and I will tell you that I am completely moved out. When the Southern Baptist Conference came into my home they told me my floors have to be torn up because of the mold. When I point the mold out to FEMA, which is now black, they tell me it's just mildew. Just use bleach, it will go away. Well, we're using bleach but I don't know whether this mold is going to be a health concern for me and my family or not. It's disheartening when so many of our elected officials have not bothered to come out to see what is going on in our community. This is my ward, this is my home, this is my disaster. But anyone who is an elected official or community-minded, needs to come out because the problem is not over. And it's not going to be over for a long time. FEMA is not gonna to have the answers. When they tell me there is no reason to leave my home, that message is, you're not going to be paid for any other housing. I am homeless. My car was destroyed. I am currently staying with a friend. The problems are not going to go away. Hall of Fame is over with, the water is gone. We need you. We need you to use your influence to let our Governor and our President know what things need to happen. My community needs to see that our elected officials and our community leaders are still understanding that we have a problem. Our homes are empty in many cases. We cannot go back. I don't know if my house can be rehabed to a living condition. Mr. Smuckler, you saw, you know there's no way I can be in that home and they tell me I can still be there. They told me there's no reason for me to be off work for 2 weeks. As a disabled person it took everything I could, and all the help that I could garner, all the help that my nephew could hire to get me physically moved out of my house and cleaned up and to disinfect my items and put them in storage. So let's not forget what's going on.....

PRESIDENT DENCZAK: Your 3 minutes, ma'am, ma'am, ma'am, your 3 minutes are up. Please bring your remarks to a close.

MS. SUKOSD: Thank you. Just remember that we're there. Please come out. This problem is not over with and we need everyone in this community's help and support and pressure on FEMA to bring in, to not dog the issue because they told me my stove and refrigerator could be used and I had 8 inches of contaminated water. That's something. And it's not over. Thank you.

PRESIDENT DENCZAK: The next speaker signed up jointly. I can only recognize one. Which one? It's Dick and Joan Colmery?

MR. COLMERY: My name is Richard Colmery. I live at 1223 Shorb Avenue NW, Canton, Ward 1. My complaint pertains to the property next door, 1225 Shorb Avenue NW. It has to do with Code violations, health and safety. This house has been abandoned since last Fall. It has been broken into. The stench inside and so forth, is terrible. It is, Charter One Bank were paying to have the yard taken care of. Since the house has been vacated, the yard has been semi-mowed. Semi-mowed. Basically, the front yard, 3 times. That was basically done with a weed-whacker pretty much. Now the bank's paying for somebody to clean it up. I think the City should come in and charge the bank. The back yard is filled with all types of, basically, all close to garbage. Buried in the weeds, there's a recreational vehicle you can't see because of the weeds. Weeds that are approximately 3 to 4 feet tall in places. They had a number of animals in the house and the Police came up one time after it was broken into. The stench was absolutely horrible and it's a safety hazard, a health hazard and one of the things that's my main complaint would be my wife has allergies. She's bothered very much by those weeds where they're at, if anything can be done, but I would truly appreciate it if the City could come

MINUTES OF THE MEETING OF AUGUST 11, 2003

out and at least take care of the yard. Possibly board the house up, I am not sure. Thank you very much for your time.

PRESIDENT DENCZAK: Who's ward is this in? Member Hawk, are you aware of this situation.

MEMBER HAWK: Yes, that's my ward - it's 1225 Shorb Ave....

MR. COLMERY: 1225 Shorb Avenue NW.

MEMBER HAWK: We turned that into Code Enforcement. I also went up and took the number off of the tag on the front of the house that tells you who to call and those folks just give you a big story that it's not their problem, that's not their number. They have nothing to do with it. I asked them along with the bank, it's just a big run around, I feel. That house should, that house is in terrible shape, there's some other.....

M R. COLMERY: Yes.

MEMBER HAWK: There's a lot of structural damage to that home.

MR. COLMERY: Yes, it is. It's in terrible shape.

MEMBER HAWK: Like I say, we, we know that the Police have been out there. I just turned it into Code Enforcement. They're supposed to be dealing with it at this time.

MR. COLMERY: Ok, thank you very much.

PRESIDENT DENCZAK: The next speaker is Michael Lutz.

MR. LUTZ: I live at 826 Essig Court NW, Ward 2. We got, I believe it's safety problems when we got kids playing basketball in the street, stoppin' traffic and will make you sit 5, 10 minutes before they'll move out of your road. And, it really hadn't become a huge problem until we seen the adult figures in their lives encourage them not to move out of the street. Now are we gonna wait until we got adults driving down that road runnin' over a child and killin' that child before we get these basketball hoops off the street? I thought that's what the playgrounds were for, the schools and the parks.

My other complaints is to the property that's adjacent to my property. 822 Essig Court NW. It's been shut down because of lead contamination. It's been that way for, if my memory serves me right, since 1998. The backyard hasn't been mowed since 1998, and the critters that live on the property are as big as my cat. And, it's like, ya know, something's gotta change. Ya mention something to the man about doing something and he don't have time. Ya know, and as far as the basketball thing is, that, that's a safety problem. I mean, the kids should, in the daytime, is, ya know, I'm not even sayin' it's right then but at least you can see them. At night time, man, kids just running around in the street just don't sound like a safe thing to me. And, we had the Police there yesterday, 3 times they was told no more. Today, 22 of them playin' in the same place. I mean, I will make one statement about the Police Department, somebody's makin' some changes there. It looks to be to the positive because this has been probably a 3 year process and I got tired of hearing a bunch of don't tell me how to do my job, and you're the adult here and you can clean up the vandalism off your vehicle and out of your yard and they're just kids. But, yesterday, we did get some semi-results that lasted for the evening. Thanks for your time.

MINUTES OF THE MEETING OF AUGUST 11, 2003

PRESIDENT DENCZAK: Who's ward is this in?

MEMBER ALTIERI-BUCHER: Mine, Mr. President.

PRESIDENT DENCZAK: Are you aware of this?

MEMBER ALTIERI-BUCHER: Yes. I spoke to Mr. Lutz and several neighbors about this issue and it's not the first call I've received. It's been about a dozen or 2, and I had suggested that I was going to look into an ordinance in moving these off, banning them from use on thoroughfares. The alleys, the streets, that's where it's, particularly at 9th Street and Essig where there is traffic, where people are living there and it is, it is becoming a problem. I've been held up over there numerous occasions. We have them on the northeast side. They're all over and it's not, this is not the only call I've had. Yeah, no, it's not. So I will be addressing it.

PRESIDENT DENCZAK: These are basketball hoops in the street?

MEMBER ALTIERI-BUCHER: They're portable basketball hoops that you can buy. They put, supposedly sand in it but what's happening is

PRESIDENT DENCZAK: I'm aware...ok.

MEMBER ALTIERI-BUCHER:they're putting bricks and they're right in the street and they're impassable. And if there's a small child out there and you don't see them and it's night and they're out there at night, they're gonna get hit. And, a lot of times the older ones won't move. They just stand there and traffic is held up.

PRESIDENT DENCZAK: Safety Director, can you respond to this?

SAFETY DIRECTOR CONCATTO: Yes. Mr. President, There is an ordinance already in place. This isn't the first time that I've been aware of this address as far as the portable basketball court is concerned. The last one, I believe, was in Mr. Carbenia's ward and I believe we've taken care of that on Esther Court. I will find the name of this property owner and send them a letter like I did on Esther Court in violation of the ordinance--it's a minor misdemeanor. However, they cannot obstruct any City right-of-way.

PRESIDENT DENCZAK: Next speaker is Raymond Barth.

MR. BARTH: I'm Raymond Barth and I live at 825 Essig Court NW across from Mr. Lutz. My complaint is the same as his and like I, I feel, along with him that it's a safety hazard for the kids. One of the real problems is that if we do say something to them, they retaliate against us, call us names and we have to go through this process every time we come home, every time we leave and, like him, I think something needs to be done about it before somebody gets seriously hurt here. And, it's, ya know, with the basketball courts being in the street, hopefully something can be done to correct the problem.

PRESIDENT DENCZAK: The Safety Director is aware of it now. He'll look into the situation. The next speak is Elaine Schaffran. Is that correct?

MINUTES OF THE MEETING OF AUGUST 11, 2003

MS. SCHAFFRAN: Yes, my name's Elaine Schaffran and I live at 1340 Arnold Avenue NW. And I wanna thank Councilmembers Smuckler and Hawk as well as others for the acknowledgment that there is something wrong with Building and Code. I hope that all of you realize that everyone in this room should be held accountable for their work. As taxpayers, we pay all of you to do competent and efficient, and efficient jobs. If you're not able to uphold that position, then it's time for you to step down. The days of holding an office or position with the City without accountability are over and you need to listen to your constituents. Thank God for someone to speak up about how the neighborhoods of Canton have come to such disrepair spanning years of property rental neglect. This whole issue with Building and Code was not due to any particular disaster, but it's wrong. I hold the Mayor accountable because he has been Mr. Westfall's supervisor the longest. Mr. Westfall has held a position for over 10 years in Building and Code and has not done a thing to make progressive or necessary changes to protect the housing in the neighborhoods of Canton. There are at least 27 homes or more that need to be demolished in our area alone. I can't imagine how many, what the numbers are south of 12th Street. What is really appalling is the fact that Mr. Westfall has not supervised and built a Code Enforcement office that he can be proud of after being in office for over 10 years. Instead he writes an article in the Editorial that states that many citizens don't want enforcement and whines about having a thankless job and that they receive negative press when they do enforce the codes. I don't know if he has noticed or if he really cares, but we have been complaining for years of the lack of such enforcement. When he speaks of citizens, who is he speaking of? Some of those landlords who, who, who owns homes in Canton but live anywhere else but? And, collect hundreds of those 2.5 discounts that they're not entitled to? For years, they have been allowed to steal away our peace and quiet and the hope for others to buy homes in the City by allowing their properties to look like hell. These are some of the same people who complained about having to vote for additional funds for the Stark County Jail because they had to be greedy and refuse to pay taxes on property that they did not even live in. Mr. Westfall was correct to use the term 'citizens' and not residents because he can't speak for the residents of Canton when he himself is not one. Please don't any of you in this Council room ever say that we don't want enforcement of rental properties. We want fair enforcement. There have been too many times that owner/occupied homes and owner/occupied rentals are forced to comply to much harsher enforcement when they live right across the street from a city dump. Residents are very upset with the shape that the neighborhoods are in and don't you think that they aren't. We will be speaking up more and more and it will not just be on the days after a flood. (*Much applause*)

PRESIDENT DENCZAK: The next speaker is Gus Mackey.

MR. MACKEY: Good evening. My name's Gus Mackey. I live at 534 Hamilton NE and I'm here concerning the recent flooding that we had. And, on Hamilton we have no drainage system at all. No curb drains at all and Hamilton is on a hill and I live at the bottom of the hill. And, I'm receiving all the water from Hamilton that's coming to my house and it's flooding my home. I just recently built a 1,000 square foot addition onto my home and I moved my parents in with me as senior citizens so that I can take care of them. And, that addition that I built was entirely flooded. And, it's only 2 months that I had put new carpet in there and all of the carpet was flooded. I had to replace all of the carpet and my insurance would not cover it because there was no pipe damage. They said they don't cover that if it's...the type of flooding that we had, they will not cover it. And so, that's what I'm here to talk about tonight, that we need some type of curb drainage there so that it can catch this water because I'm receiving all of it. So, recently after that happened, I had to dig my own ditch along the side of my driveway so the water could be released to go to the back of my home. Now, Georgeview Estates is right behind my home so the water that I, that's leaving my home is now going to Georgeview Estates and that's getting flooded. So, it's a shame that we have no type of curb drainage on Hamilton at all to catch this water and so we really need to get this problem cleaned up. So, I wish someone could really try to

MINUTES OF THE MEETING OF AUGUST 11, 2003

straighten this problem out for us.

PRESIDENT DENCZAK: Who's ward is this in? Member Massey are you aware of this problem?

MEMBER MASSEY: I am quite aware of the problem. I would like to ask Service Director Miller a question. Is there a project in the plan?

SERVICE DIRECTOR MILLER: This is one that is dependent on another project to go first in order to get the water away from Hamilton. Fourth Street NE project needs to be built. That contract has been awarded for 4th Street to go from Belden to Hamilton. Once that is done, there will be curb and gutter put on that one as well as sidewalks and storm sewers and then the next one that was discussed with the former councilperson, this Councilperson and the next councilperson will have to follow through on that is to do a project for Hamilton running from Georgetown down to the south turn on Hamilton which I think is about Second, or, I'm trying to think of the alley that goes east and west, down there just before you get to Tusc. That will take, that will include curb, gutters, sidewalks as well. That project, that's what the ordinance calls for, and again, that's one of those you have a pyramid on. You have to have somewhere for the water to go on Hamilton before you can build a Hamilton Project. And, that's the 4th Street project is going forward this Fall.

MR. MACKEY: Well, I understand, you know, what you're trying to do to solve that problem. But, meanwhile you still have water coming. You know, we need something done. It's an emergency, ya know. And, so we really need someone to look into this.

SERVICE DIRECTOR MILLER: The problem is, there is no place even in an emergency situation to take that water to as far as the City is what we're capable of doing right now. To put the storm of July 27th in perspective, the room we're sitting in, the creek just south of the City would fill this room with water once every half second. That's how much water was running through the City at that point in time and that's how much fell. None of this isn't that we hadn't handled it well, some of us better than others, but there are a number of emergency situations out there where there was water running through houses and that. We cleaned out somewhere between 4 and 500 basements. I don't even recall seeing your name on the list, and there was a lot more out there that we didn't get in to clean. It's a situation where, the reason why we were declared a disaster area, because it was a natural disaster and we will be dealing with the flooding issues in a logical progression so that we can get the water away to some place and have it run down into the creek where it belongs.

MR. MACKEY: Do you have any idea of how long that will take?

SERVICE DIRECTOR MILLER: It's going to be dependent on the 4th Street Project being done. That will be done some time next summer. The natural progression of things, in theory, that could be 2005 because the 4th Street project will be done in 2004.

MR. MACKEY: So I will have to have flooding until 2005, that's what you're saying to me? That's what...

SERVICE DIRECTOR MILLER: If the rain that we have right now falls, yes, one of the things that I will have our new sewer department take a look at to see if there's anything other than what we've done right now to temporarily relieve

MINUTES OF THE MEETING OF AUGUST 11, 2003

the flooding problem, but, Hamilton right now, we're scheduled to grind it down, try to lower it. We're going to try to lower the level of that so that the water stays in the road rather than goes in the driveway or to the side of your driveway. Hopefully that can be accomplished so that the water will stay more in Hamilton. Then it will run somewhere else. That's 2 things that we're working on right now that, hopefully, will help relieve the problem. It won't make it go away right away, but hopefully will relieve it. And, the paving of Hamilton is one of them. Try to get that center drain so that it will run down to Georgetown, down to the road that enters into Georgeview Estates or down to the 4th Street Project at this point.

MR. MACKEY: Well, I appreciate what you're saying but, you know, it still doesn't help the problem at the present time. And so, we can go on and on about this but if it was your home, getting flooded all the time, you'd get tired of it. Especially when you have to pay additional money that your insurance does not cover. I don't have all kind of money to keep paying this over and over and over again. I need something done right now. Not 2 years from now--this is something that has to be done. But, I understand what you're saying. But, if it was your home, you would really get tired of it. Thank you. (*Applause*)

PRESIDENT DENCZAK: The next speaker of Lenora Smith.

MS. SMITH: Hello, my name is Lenora Smith and I live at 2714 Wood Owl Street NE in Canton. I am here, if I may, Mr. President. I'm here tonight to address the on-going concern of the residents of Georgeview Estates regarding the installation of sidewalks on Marietta Avenue. This is a problem that the residents of Georgeview do not feel will go away with the inadequate and ever-changing responses that we have received from City Council to date. We are all aware of the current financial status of the City and not unsympathetic to the concerns that are plaguing residents in other areas of town. However, this is a problem that we have attempted to address with Council well over a year ago. And since, we have come before council numerous times to address this issue. We are also well aware that we will not get a miracle fix to our problem tonight. However, we are asking that someone in Council take the initiative to see that our concerns are properly addressed and that an ordinance is placed on the books to incorporate sidewalks on Marietta Avenue at some point in the near future. Outside the 10 commandments there are no rules written in stone. If current city rules dictate that certain boards have money to install sidewalks and do not wish to do so, then why can't the rules be changed so that the monies can be conveyed to other areas of the City? As City Officials have continually professed to be concerned with attracting residents in order to increase a dwindling tax base, it is a slap in the face for every resident in Georgeview Estates who have chosen to live and spend their money in the City to continually ignore our concerns and put them off as inconsequential. We are not only concerned, responsible residents, we are all voters. We also have friends and family who live in other areas of the City who also vote. As many marketing specialists would tell you, one disgruntled customer can, by word of mouth, reek havoc with a business. Ladies and Gentlemen of Council, we are your customers and we are simply asking for a level of customer service that we have not been afforded to date. And, as you can see on the form that I passed around, very quickly, there are 14 lots on Marietta, 5 in which there are homes on as we speak and if you can turn real quickly to the second page, GEO Development Incorporated is certainly the development, Georgeview Estates, in Canton, Ohio. Georgeview Estates is a residential community of 120 single family sites located in the northeast section of Canton. Georgeview Homes should have city utilities, service, paved streets and sidewalks. Thank you. (*Applause*)

PRESIDENT DENCZAK: The next speaker is Dennis Meeks.

MINUTES OF THE MEETING OF AUGUST 11, 2003

MR. MEEKS: I'm Dennis Meeks, 824 - 12th Street NW, Canton. That's between McKinley and Shorb. Actually it sits on the corner of Jones and 12th. I'm here because, not to knock anyone, I wouldn't want your jobs for anything. But, we got a problem, Gentlemen, Ladies and Gentlemen, behind 12th Street there. It's crawling with drugs, prostitution. I do own some rental properties right around there where this is and I'm a landlord that takes pride in my property. You can go visit them. You can come by. My properties are A-1, I keep them up. Any time a tenant calls, I'm right there to fix the problem. I abide by City Code. I've done a lot to that area. I'll tell ya, I believe in Canton, I've lived here all my life. Last night at 2 in the morning, I get a call from one of my tenants. I built a wall on one side of Jones Court there to improve the looks. My wife does a lot of flower planting and things of that nature and somebody shot his windows out with a 9mm. I have the police report here. He was sitting there doing crack cocaine, is what he told me and he yelled out the window, please move, I've gotta sleep, I've gotta get up in the morning and it was right above his bedroom window and he said the next thing he knew they fired 11 shots into the window. So, I'm here to ask for your help. I don't know where to go, what to do, how we can alleviate this problem, but it's bad. It really is. And, you know, other than praying to you know who, which I do, I need some help, some direction. I'm here to ask for that. I don't know what else to say, what else to do. I do know that I think we have a fine Police Department and Fire Department. They've come out every time I've ever called them. That's not the issue. The issue is we've got to clean up our neighborhoods and do it right away. I mean, we can have this national TV stuff on Hall of Fame week and say yeah, we're great, and this 'n that, meanwhile the neighborhoods are going to you know where. (*Applause*) I know you tried hard Mr. Mayor, and I, it's a problem. I think you all need to get together as one and start taking our neighborhoods back. And, let's get a committee or something, whatever it takes, let's walk these neighborhoods and get these people outta here. I don't want 'em in Canton, Ohio. I moved back to Canton because I, I, I own a lot of property in Canton now. I believe in Canton, Ohio. Let 'em go somewhere else. Let's get 'em outta here. Whatta ya say Safety Director. Is there anything I can do?

SAFETY DIRECTOR CONCATTO: I think you've said it all. And, can you give me the address.....?

MR. MEEKS: Well, I'm on 12th Street, Verden's Furnishings. If you wanna get a committee, come and see me, let's do it, huh? - everybody? All right? Thank you.

SAFETY DIRECTOR CONCATTO: Will you give me the address of that please?

MR. MEEKS: Yeah, 824 - 12th NW

SAFETY DIRECTOR CONCATTO: No, the one of the shooting. Where the shooting was? (*Inaudible*)

MEMBER ALTIERI-BUCHER: Mr. Meeks, Mr. President. We currently have a neighborhood organization in place at Summit United Neighbors. It's a Neighborhood Walk, it's Summit Neighbors, the Richmond Team, this is a months and months and months walk that I've personally done because Ward 2 and Greg Hawk's ward this is...they abut each other at Shorb Avenue. We've been doing this now from it's, the inception of it which was last January, not this past January. And, almost all of them I've walked. We've addressed these issues, we've gone building to building to building to building. We're usually out there first thing in the morning. We meet at Betty Smith's establishment of Minority Development on Fulton Road. Well.....(*interrupted by Mr. Meeks---laughter*) I understand that sir. But, to assume....I need to correct you....I need to correct you. There is a neighborhood organization but it takes more than 5 people too. Thank you very much.

MINUTES OF THE MEETING OF AUGUST 11, 2003

MR. MEEKS: (*inaudible*)let me tell you this.

PRESIDENT DENCZAK: All right, all right, all right. They'll all come to your place for a meeting.

MR. MEEKS: I hope so.

PRESIDENT DENCZAK: The next speaker is Rick Scherpenisse. Am I pronouncing that correct?... You signed the sheet but you didn't give me your house number.

MR. SCHERPENISSE: I live at 153 Cheyenne Trail in Malvern. I own Pioneer Basement Water Proofing Company, 716 Rex Avenue. I'm sorry?

PRESIDENT DENCZAK: What's Rex Avenue on here for?

MR. SCHERPENISSE: That's my business address.

PRESIDENT DENCZAK: What's the right number?

MR. SCHERPENISSE: 716 Rex.

PRESIDENT DENCZAK: All right. Go ahead.

MR. SCHERPENISSE: I've been asked by Mr. Roger Zachery to kind of speak in....okay...to speak on his behalf as well as some of the other residents in the Georgeview Estates. Now, in fear of sounding redundant, from other speakers, there's a real concern with the storm water issue in that development. That is a brand new development. It has new houses going up every day, very fine homes. But there seems to be a real inadequacy for the storm sewer system to handle it. Now, I realize with the recent rains, it's exaggerated the problem and they have magnified it but, it's not just one of those hundred year rains and okay, it's not going to happen any more. I've been working with Mr. Zachery for over a year and he has a house, I think it's about 3 years old and he says his back yard is constantly wet. Even the last 2 years it's been a drought. Given him some proposals to address the issue, but with the recent rains, it seems that even that would be inadequate. I've talked with other excavating companies and they've given me some ideas to handle the water that seems to flow right through Mr. Zachery's yard. It comes off of Hamilton, one of the other gentlemen spoke about that, but, even if we were able to capture that water and divert it around Mr. Zachery's home, there's no catch basin in the cul-de-sac on Wood Owl Street to even handle it. The first catch basin is way down the street. It seems as though something got overlooked with the planning of the storm sewer drainage and I guess I would like to request that somebody look into that to see if there is a that way we can improve the, the drainage there because I know it's not only Mr. Zachery that's concerned, it's all the residents there on Wood Owl and those other streets. They had just an unbelievable amount of water that actually came up their driveways. Now with the brand new development like that, I can't understand why that may have got overlooked by any Planning Commission that okayed something like that because this is a real serious problem. I've addressed a couple of other issues with Mr. Zachery's home. We have water proofed his basement and it seems to be doing fine but the issue here now is not just ground water which our system takes care of. It's a surface water, a storm water issue when you get these severe, severe, serious rains that he just has an unbelievable river. I mean a river going through his yard and coming around. In fact, all the neighbors have that, that

MINUTES OF THE MEETING OF AUGUST 11, 2003

same problem. So, it's not an issue that's going to go away. I know Mr. Service Director there talked about his project that you have going down 4th Street, and eventually it's a pyramid that will get taken care of. But, what do these folks do, for the next 2 years with their houses open and subject to constant flooding?

PRESIDENT DENCZAK: Service Director?

SERVICE DIRECTOR MILLER: Mr. President. This is a situation I'm familiar with because I've been in Mr. Zachery's back yard wading through it when the water comes down off of Hamilton. I've been in Mr. Mackey's yard and up in his driveway where the water comes through it. The situation is that Hamilton has no drainage, has no catch basins, has no curb and gutter, the water runs down Hamilton through the back yard, and through the back yard into these properties that we're talking about in Georgeview Estates. The streets were designed to carry, take away the rain water in the streets and what water gets to them through the curb in the street. In fact, we did a quarry for Mr. Zachery in the curb, so that the down spouts and other water from the back yard could come out through here. The problem is not with what is the public right-of-way, it's what was developed back behind the public right-of-way. The water always ran back through there. There was no provision for the water in the back yard by the developer to go anywhere else. The builder for Mr. Zachery, and I know it's an on-going debate between Mr. Zachery and the developer, to set Mr. Zachery's house at a level where it catches more water rather than, rather than sheds it around. It's a situation where Hamilton doesn't have any drainage, 4th Street doesn't have any drainage, the water in Georgeview Estates has drainage. The streets do. But the water's not getting from the back yards out into the streets. Not in a conventional manner where and how it should. It's a situation that we've been addressing. We've talked to Mr. Zachery, we've talked to Mr. Mackey before about what needs to be done as far as a series of projects are concerned. If I could make, wave a magic wand to make 3 or 4 projects that's \$2 million a piece or a million and half dollars a piece all go forward, I would certainly do so but we don't have that kind of money, in the yearly budget for all the wards let alone for just ward 4. It's something that we're progressing with and it's something we'll continue to work with the residents with. And, at this point in time, we're going to hopefully try to find a solution, short-term as well as long-term.

MEMBER MASSEY: Mr. President. Before this was developed, you have to set up plans, right? Plans have to be

PRESIDENT DENCZAK: I would think so, yes.

MEMBER MASSEY: Okay, so, why was that not picked up?

MR. SCHERPENISSE: How is it that that got approved, okay?

MEMBER MASSEY: Why was that not picked up?

SERVICE DIRECTOR: Okay, the plans are approved, the plans are developed to develop lots. The ordinance required lots to be of a specific size. That is looked at and approved through Planning Commission, through all the other commissions and they take a look at it. Engineering is required to look at the streets to make sure that the drainage in the street is adequate, to make sure the sanitary sewers in the streets are adequate and to make sure that they meet the current requirements for curb/gutter, etc, in those, unless they're waived by Council, as part of the development process. As far as how somebody builds on those lots, once the subdivision is approved by Planning Commission and by this

MINUTES OF THE MEETING OF AUGUST 11, 2003

Council, that's not something that we have control over as far as how that private property is developed. We can't go back into the private property and say, you can't build this house here because it's too low. You have to add more fill even though that's going to cost you \$5,000 or \$10,000 for that lot in order to make sure that this doesn't get wet. We can't require that. We can't go in on private property and control how that's developed. At this point in time, I'll let the Law Director speak unless he knows something different about the State law - there's nothing we can do on private property to go up to you and say you need to do your down spouts differently so that it goes across the ground rather than into your neighbor's back yard. Any of those type of things we have no control over and, this situation is exacerbated by the fact that Hamilton sits a good 20 feet higher than Wood Owl Street, at least, so all the water has always run down that hill into that area and it's continuing to run down there until the curb and gutter can be built on....

MEMBER MASSEY: So....

MR. SCHERPENISSE: I'd like to say that.....

MEMBER MASSEY: Mr. Zachery, excuse me....

PRESIDENT DENCZAK: By Council rules, only one person can speak. (*MR. ZACHERY ATTEMPTING TO SPEAK FROM THE AUDIENCE*)

MEMBER MASSEY: So those plans probably should have never been approved. I mean, you know the water's running off of an avenue.....

SERVICEDIRECTORMILLER: Under what, and the Law Director can back me up, we have no right to tell somebody if they meet our subdivision regulations as far as the size of lot, the drainage, etc. in the streets, the length of the cul-de-sac, the rest of that, to say you can't develop your property. Because part of the developing of the property then it becomes the, either the person developing it or the person that ultimately buys that lot to make sure that that lot drains out to the street in an appropriate fashion. It's not something that the City has any control over and at this point, Law Director, feel free to jump in and correct me if I'm wrong.....

PRESIDENT DENCZAK: Member Massey?....

MEMBER MASSEY: So, my final question is, what can we do for the people who live out in Georgeview Estates. Is there anything that we can possibly do?

SERVICE DIRECTOR MILLER: The answer today is the same answer that I gave 2 years ago, 3 years ago, when we were out there initially going over the situation, we have to find a place to take the water on Hamilton to. That was the 4th Street project. It is going forward this fall. Once that's done, the next project that needs to follow that is Hamilton Avenue so that Hamilton Avenue can be re-built so that the drainage on Hamilton Avenue can be directed down to 4th Street or down to Georgetown Road and around the Georgeview Estates so it doesn't drain back into the back of Mr. Zachery's property and a number of other properties in Georgeview Estates. It has to happen in that succession. The project for 4th Street has just been completed as far design and included a number of things including the same for Union Baptist Church on Cornelia so that that could be re-done. Once that's completed, then the next project is Hamilton Avenue. Now at this point in time, we've got Hamilton Avenue on the paving list to try to see if we can grind that down

MINUTES OF THE MEETING OF AUGUST 11, 2003

low enough and maybe center drain that so that the water doesn't go through Mr. Mackey's property and doesn't go down to Mr. Zachery's property the same way it does now. That's something that we're going to have to try to do but ultimately, Hamilton Avenue needs to be re-built entirely to keep that water from coming through there.

MR. SCHERPENISSE: Do you have any idea of when that's going to get ground down so that these people can know that something's happening?

SERVICE DIRECTOR MILLER: The paving projects are slated to begin next week or the week after, so it will be some time in the month of August, September or early October. And again, that's not a permanent fix, that's a temporary fix. It may not solve all the problems as far as Hamilton Avenue is concerned.

MR. SCHERPENISSE: Well, I think that that's what the folks aren't looking for - a temporary fix. Because...

SERVICE DIRECTOR MILLER: But again, Hamilton Avenue's been there a lot longer than, than Georgeview Estates. That drainage problem's been there on that, that one where it goes down through a lot longer than Georgetown.....

MR. SCHERPENISSE: Point well taken, but then how is it that Georgeview Estates got the okay to be built the way it did if that's been going on? *(Applause)*

SERVICE DIRECTOR MILLER: I'll answer that question again. Civil Engineering has specific legal parameters that it can review. It cannot review what's going on as far as drainage on private property. Georgeview Estates is not the only one that has problems in the back yard because of how lots were filled in or weren't filled in at the time that they were developed. Whether the developer knew that that much water was coming down through Mr. Mackey's property, I don't know. At that point in time, we've done a number of things around there to try to do some improvement. But again, there's only....we can't come to you, as a property owner, let's say, anywhere in the City of Canton you own 50 acres and tell you you can't develop it because it's too wet, period, end of story because that is a taken. If you were going to tell you you can't develop it, we would have to pay you the value of your property and buy it from you and not have it developed at all. That would be the alternative to having Georgeview Estates developed as it is at this point in time. Law Director?....

LAW DIRECTOR MARTUCCIO: Mr. President. Mr. Miller has accurately stated the law. He is a lawyer, although he wears many, many hats here in the City. It's a double-edged sword. Private property is a swamp...Private property means private property. It means you don't want the government interfering in it on many occasions, any more than we have to. And that, unless, unless the laws, rules and regulations that engineers have to live by, which are by State standards, or local standards or some combination of those, are changed, then it was legally permitted. I know that you are unhappy with the results, obviously, because you're falling in a swamp, but, I don't believe that the Planning Commission mis-supplied any of the rules and regulations that they were bound to look at on this.

MR. SCHERPENISSE: I understand that. But, it just seems unfair that even though it's private property you have a public street dumping all the water on private property and that something should be done with the public street that's capturing the water and diverting it to private property. And, whether it be a temporary fix or, I know you have a permanent fix in place, but these folks have to wait 2 years, there's something should be done soon, you know, soon.

MINUTES OF THE MEETING OF AUGUST 11, 2003

MEMBER CASAR: Mr. President, Mr. President, could I ask the Safety Director, the Service Director a question please.

PRESIDENT DENCZAK: Yes you may.

MEMBER CASAR: Service Director Miller. Where Hamilton comes down in, in, into the back yards there now, how far would it have to have a culvert, a temporary culvert put in to take that water for a couple years? A temporary culvert, how far would we have to run it so that we could get at least some type of relief, of course if we have a storm like we had the last 2 or 3 weeks, maybe not but, with very, very common surface water, how far would...could we not put a catch basin at the end of Hamilton and divert that water to a 8, 10 inch main?

SERVICE DIRECTOR MILLER: This isn't at the end of Hamilton. This is in the middle of Hamilton. In order to be able to keep the water from coming down, we're going to have to run a line somewhere between 500 and 700 feet to make sure you catch it before it gets to Mr. Mackey's driveway and goes down through the back yard. And again, this isn't the only place where we need a "temporary" fix. We've got folks out in the audience at 41st and Shanabruck, we got.....

MEMBER CASAR: Yeah, I understand, I understand that, we're not speaking that right now though, what I wanna, if we, if we even put it into backyards, say, for lack of a better word, how far would you have to run it from there, before it would go into his property or others.....

SERVICEDIRECTORMILLER: Between 400 and 700 feet to be able to effect a solution at this place.....hold on.....let me answer the question.

MEMBER CASAR: You couldn't temporarily run it out into one of the.....okay.

SERVICE DIRECTOR MILLER: The only problem is, putting a catch basin isn't going to stop the water from coming down Hamilton because the water's coming down Hamilton in such a rush that it will go over the catch basin, a good deal of it because there's no curb and gutter to put it into the catch basin. Again, that needs to be done as a full project on Hamilton Avenue in order to keep that water from coming down.

MEMBER CASAR: I understand that, Service Director Miller, but I'm just trying to think in my feeble mind what we might do, just, on a temporary thing to try to alleviate the problem, with of course the flood water we had like the last rains, we probably couldn't, but I'm saying under normal conditions, wouldn't a temporary culvert, I'm talkin' a 6 footer....

SERVICE DIRECTOR MILLER: The water that goes down through Mr. Mackey's driveway on to Mr. Zachery's property is not a situation that just happens occasionally with the May 15th rain or the July 27th rain. It happens on a fairly regular basis so it's not something that, thatwe're talking about a temporary fix that's going to work. It's one of those you can put a band-aid on a gushing wound, yeah it looks better but you're still going to die from the wound if you don't do it right. You have to go in and make sure that this is designed right in order to effect the problem. Bottom line, that's what needs to be done and this was discussed 2, 3 years ago, and at that point in time you had to have a place to take

MINUTES OF THE MEETING OF AUGUST 11, 2003

the water. The water on Hamilton needs to go down to 4th Street and down through that system. That's why 4th Street needed to be built first.

MEMBER CASAR: Then, it's a shame that the Planning Commission and this Council approved that sub-development without taking that into.... (*Applause*)

PRESIDENT DENCZAK: (*Gavel sound*) Please, the Chair realizes your concern over this matter, but... Are there any other remarks?... Under Council rules I have to let the speaker up here for a total of 15 minutes. The Chair would like to speak. Something's going on here that I'm not aware of. We have a new development on North Market that's causing flooding on an old section of Canton. We have an old section of Canton that's causing flooding on the new development. Isn't there any foresight being done for these conditions? Tonight you annexed 800 some acres. Are we going to have any more problems in this 800 acres about flooding if somebody wants to build some more houses? Somebody better take a look at this real close. (*Applause*) All right. I'm sorry, his 15 minutes is up now. Did I take all of that 15 minutes? The next speaker is Brenda Baylor.

MR. SCHERPENISSE: Thank you.

MS. BAYLOR: My name is Brenda Baylor and I live at 2722 Wood Owl in Georgeview Estates and I would like to deviate a minute for what I have to say because I find it totally ridiculous that I moved back here to take care of my mother and my aunt thinking that I was moving to Canton, Ohio. And now that I'm sitting here, I think I should have an address at Georgeview Estates. In other words it should not say Canton, it should say Georgeview Ohio. Okay, because we have a lot of problems. I'm listening to the comments coming from Hamilton Avenue. I live almost to Marietta. I am 3 houses in. There is 1 catch basin there. We, the neighbors, that live there, look at this paper, we have 3 basic problems. It's like I said I would deviate from because I think I know enough about it as President of the Neighborhood Association to say something about it. I am one that every time it rains, I grant you we have had a lot of rain, but we had the problem before the rain. We check our basements. Some of us have had flooded basements, some of us have had flooded back yards and have been panicking because we thought the water was coming all the way through our houses. Some have had flooded front yards and couldn't walk out their front door. Some have had frozen water pipes that froze and they had water in their garages. Some have had water all the way up to their mailboxes. You cannot tell me that as many times as I have stood and watched that water that I saw it all running off of Hamilton. The problem is is that the water is under the grass and it should be reverted into a reservoir or whatever is necessary. I hate to think that I grew up on 4th Street NE and do not recall ever having a flood problem. I would hate to think that my parents moved and my father incidentally was one of the first black policemen in the City of Canton. We moved to Henrietta. I do not ever recall a flood problem. I moved back here, which for a reason I thought was a good reason, and now I am worried about water. We have people in our neighborhood whose sump-pumps run 24 hours a day, 7 days a week. They are paying extra electric bills as a result of that. I personally do not think that's fair, but I am very thankful that I am not one of them. However, that doesn't mean by next year I will not be. We want answers, we want something done. If it is our developer that is the problem, then we will have to address it to the developer, however, to my knowledge, we are Canton, Ohio which is why we are here and we expect some answers and we expect to have something done. We have a beautiful neighborhood, and there is a mistake on here. It says 37 houses, there are 36, and out of those 36, 32 are occupied and they are all beautiful. Everyone keeps it up and I find it a travesty that this is the first time, is it 50 years, that there has been a new development in the City of Canton, Ohio and that we are being neglected with what was not done in the first place. No one should have ever moved into that area with a water problem.

MINUTES OF THE MEETING OF AUGUST 11, 2003

(Applause)

PRESIDENT DENCZAK: Ma'am, your 3 minutes are up. Bring your remarks to a closing.

MS. BAYLOR: Thank you.

PRESIDENT DENCZAK: Will the next speaker, the final speaker, is Jennifer Zachary.

MS. ZACHARY: Hi. My name is Jennifer Zachary. I live at 2633 Wood Owl Street NE, Canton, Ohio and I have a petition I would like to read. I would like to address it to the President of the Canton City Council. Honorable Mayor of the Canton City, Ohio, Canton, Ohio. Council Members and Associates and I'm here representing all of Georgeview Estates, including those who could not make tonight as well as those who are here and have spoken their piece. The petition reads as follows: The undersigned are members of Georgeview Neighborhood Association Development located off Marietta Avenue in the northeast section of the City of Canton. This letter is to express collectively our concerns for chronic damage problems which have not only severely limited our ability to enjoy our homes but which also are resulting in property damage and diminution in property values. The evidence available to us suggests that this development has been inadequately prepared for the ground and surface water conditions which existed before development. After unsuccessful efforts since then by individual homeowners to solve drainage problems, it is apparent that a comprehensive redevelopment of drainage structures must be implemented. Although the particularly wet summer has worsened the conditions, they were serious in previous years which have been quite dry in comparison to normal conditions. We do not consider this to be a situation which is unlikely to recur. The original development did not address two fundamental factors. First, to the west of the development existing properties on Hamilton Avenue are on higher elevation, which naturally drains into our area. Second, our development was not only lower than the one to the west, but had been a virtual wetland before development began. Some of it is even field property. This combination of factors was not accounted for by the surface drainage requirements and the storm sewer plan approved by the City of Canton and constructed by the developer. We demand the City's assistance in correcting this problem. Some of us have requested help from the City in the past, with no results. It is our opinion that significant expansion and redesign of the storm system will be necessary. We wish to work cooperatively with the City of Canton and the developer. Should that opportunity not be offered to us, we will pursue other remedies.

Thank you. *(Applause)*

PRESIDENT DENCZAK: This ends the public speaks portion of Council meeting.

MISCELLANEOUS BUSINESS

PRESIDENT DENCZAK: We are now under miscellaneous business. Is there any miscellaneous business?
Member Casar.

MEMBER CASAR: Mr. President, a couple questions to the Service Director if I may please? Service Director Miller,

MINUTES OF THE MEETING OF AUGUST 11, 2003

we touched base on the annual blacktopping program and I was, I forgot to ask these questions earlier this evening, but, again, why are we starting so late in the season just like we have the last couple years? Is there any particular reason, because it seems like the last couple years we, we barely got done in time before the snow came and here we are August 11th and you said we're not going to start for a week or so.

SERVICE DIRECTOR MILLER: That's correct. There is a very good reason for it. Last year in January we had 73 employees. This year we have 50 so we have to make sure that we space out what we're doing in order to be able to accomplish everything. We could have started before the Hall of Fame Festival, but we wouldn't have been completed. We had a lot of stuff tore up, in retrospect, or we got lucky as far as that's concerned because if we had had a lot of things tore up and the rain came, we would have been in more problems then we had as it was. So, we started at this point in time because we planned it out and wanted to make sure that we had enough personal to do everything in an appropriate fashion.

MEMBER CASAR: So, you say because we have less workers, you're talking about raising the catch basins and manhole covers and so forth, or, because we do, did the actual blacktopping, we need to blacktop out...so what, what, what are you saying?

SERVICE DIRECTOR MILLER: We need workers to raise and lower catch basins, we need workers to do a number of different things with that. One of the things we're doing this year is we turned traffic control over to the contractor that will require less people, less overtime on our employees' behalf. But, again, we're having to change the way we do business and plan out how we're doing things especially this year with cutting our department by about a third.

MEMBER CASAR: What is our appropriation for the blacktop program again this year?

SERVICE DIRECTOR MILLER: If I recall correctly, it's about \$600,000 for outside contractors and somewhere around \$250,000, I think, for our own employees and salaries, etc.

MEMBER CASAR: So, my point being, you're expending exac....probably about the same amount of money that you expended the last 3 or 4 years. What do we have to look at other ways of doing it if we're not going to be able to do it adequately in an amount of time because you know, Mike, we ran into the amount of time where we couldn't even hardly complete because of the weather.

SERVICE DIRECTOR MILLER: No, we haven't had any problem completing the last few years because of the weather. In fact, last year, I think we were done well before October, if I recall correctly. The fact that we're starting now, when it's less wet, we've gotten lucky because it's good that we started after July since we had the wettest July in history.

MEMBER CASAR: I may be wrong, but I think we completed the blacktopping program after we had 1 or 2 snows last year. But, so be it. My second question, I was down in the flooded area today, Irwin, 9th Street, so forth, and, I want to ask a question in regards to over on 9th Street there, they've taken a lot of debris out of the homes over there and put it on that, and I apologize for not knowing the name of the street between Irwin and 9th, but they're putting it in that field there where there is no residence. My question is would the city be removing that in a timely, time, because there's a lot of, lot of debris, you know, from cleaning and whatever else.

MINUTES OF THE MEETING OF AUGUST 11, 2003

SERVICE DIRECTOR MILLER: Yes, we'll be removing it in a timely fashion. We've been going out there every night with a special crew picking up the debris. Rather than putting it in a field, they're supposed to be putting it curb-side so we make sure we get it. But, we have been picking up on a regular basis. And we'll continue to do so right now.

MEMBER CASAR: The use of a Bobcat, getting them to tear off of 9th Street, I think about 3 houses from Mrs. Suoksd's home and running over there and dropping it in the field there and, I drove by there and I.....

SERVICE DIRECTOR MILLER: Well, the Bobcat's probably our Bobcat taking it over there until the truck comes.....

MEMBER CASAR: Well, I spoke to a gentleman that lives on the corner of the road on that street and he said it's a volunteer from South Carolina or something doing the work.

PRESIDENT DENCZAK: That's...ma'am, please, ma'am, ma'am please... *(Someone speaking from audience)*

MEMBER CASAR: And, one other last point, if I may. On Irwin there, in the middle of the street, there's a lot of, whenever we've had a lot of rain after the flood, but it dries very quickly and it's very dusty, you know, and a couple neighbors complained and I think that should be pretty well, hopefully, get a sweeper out there and maybe take care of that.

SERVICE DIRECTOR MILLER: We are waiting to sweep until we make sure everything's cleared out of there. We didn't want to do it around the trash. There were a number of cars that were unfortunately basically were trashed as well because of the weather--it would have added insult to injury to try to sweep and/or tow cars because we had to sweep around them or didn't want to sweep around them so we've been waiting conscientiously to try to make sure that all of that stuff is out of there first because, again, that trash comes out, as soon as it's out there at the

MEMBER CASAR: Well, I know Irwin, off of, you know where I'm speaking of, there weren't any cars parked in the street today when I went down there.

SERVICE DIRECTOR MILLER: No, they're finally, most of those have been cleared out.

PRESIDENT DENCZAK: Is there any other Miscellaneous Business?

MEMBER HAWK: Mr. President. I have some comments concerning our Building Department. Two weeks ago, 2 of my constituents came to Council meeting to voice their concerns regarding deteriorating housing in their neighborhoods. They provided some very solid facts about vacant houses and the lack of proper record keeping in the Building Department. I'd like to share some additional facts. Fact 1: Files are often misplaced. On 2 separate occasions, I was told by the Building Department that files could not be located. This problem also occurs for Building Dept. Inspectors. I have an inspection report that says 'where is the file?' Fact 2: Files are incomplete and reports are filed under incorrect addresses. Elaine Schaffran stated that most of the files she observed contained misfiled papers. I have asked for information about a specific house only to be told that the information was not in the file. Upon closer personal examination, however, I discovered this information for myself. In another instance, a building was scheduled for demolition in 1999. It's still standing today. We have to begin this demolition process and hearings all over again. Fact 3: There's a classification for building which is referred to as registered vacant. When I requested a list of registered

MINUTES OF THE MEETING OF AUGUST 11, 2003

vacant properties, I was told no such list exists and that the Building Department would have to compile one. Fact 4: This Council asked to interview the candidates for the Building Board of Appeals. It shows that we are concerned. It has come to my attention that these meetings are often rescheduled, and one meeting in particular was canceled citing a lack of agenda. How can this be when there's so many vacant buildings in our City? Fact 5: Roger Westfall has made the statement, 'I'm in charge.' Mr. Westfall is paid over \$72,000.00 a year as a department head. The City also pays benefits including retirement and hospitalization. Mr. Westfall, however, is seldom at Canton City Building Department during business hours. He prefers to set his own schedule, which includes a part-time job with the City of Alliance that he works on our time when our Building Department is open for business. I could go on with many specific instances of problems in the Building Department but in the interest of time, I will close with two quotes: Roger Westfall stated many citizens do not want building enforcement. I state, nothing is further from the truth. We want safe clean neighborhoods with good quality housing. Mr. Westfall also stated, Code officials have a thankless job and almost always are targets of negative press because of enforcement. I state, in reality, the criticism is for lack of enforcement. We need accountability from our Building Department. Mr. Westfall should make himself available to every Councilmember to address our specific concerns. (*Applause*) It has been pointed out that there are 66 vacant properties in the Lehman neighborhood. The Building Department responded by conducting an inspection. They went out and took pictures, and a search as to ownership and came to the Housing Task Force meeting and proudly pointed out that there was nothing wrong with a particular property. They were correct, the problem was they inspected the address of the person who came to voice her concerns; this would be amusing if it were not so tragic. (*Inaudible*)

PRESIDENT DENCZAK: Is there any other Miscellaneous Business?

MEMBER SMUCKLER: Mr. President. Question to the Law Director. You have stated in explaining some of the flooding problems here that the, we have little to do once we approve plats on private property. However, if we approve storm sewers on public property, do we have any inspection authority, any type of engineering authority to make sure that this doesn't happen?

LAW DIRECTOR MARTUCCIO: Mr. President, Member Smuckler, I believe we do.

MEMBER SMUCKLER: And if, do we have any set of guidelines for new developments besides the guidelines of, do we say you have to put curbs in? Do we say you have to put storm sewers in? Do we say how big the storm sewers have to be?

SERVICE DIRECTOR MILLER: I think I'm better able to answer that one than the Law Director. The answer to all those is yes. They are designed with, under Council ordinance with curb, gutter and sidewalk unless it's waived by Planning Commission--any of those items--and waived then concurrently or consequently afterwards by this Council. The size of the pipe, the size of the drainage is set, or basically follows a pattern of what's established by the State and by other subdivisions as well as the State of Ohio on certain size of roads and traffic counts on roads. Some of those have been changed in the last few years internally here, to be, to deal with a larger type storm based upon the fact that what we had set up before that was inadequate because it seemed like we were always having a 5 year storm or a 10 year storm and now it seems like we're always having a 50 year storm.

MEMBER SMUCKLER: Mr. President, Service Director, when Wood Owl was set up, were any of these taken into consideration?

MINUTES OF THE MEETING OF AUGUST 11, 2003

SERVICE DIRECTOR MILLER: When Georgeview Estates was approved, the curb and gutter and sidewalk was put in, one of the, if I remember correctly, one of the variances that was granted as far as sidewalk that could be put in, after the houses were built so that the contractors wouldn't be running over the sidewalk, the storm sewers were sized in the appropriate fashion for the street itself and to drain the streets. Everything met at that point in time, the regulations that were set forth by Civil Engineering again. To reiterate something that's come up before, Planning Commission was requested and this Council approved at that point in time, a waiver of sidewalk, curb and gutter on Marietta itself.

MEMBER SMUCKLER: By who?

SERVICE DIRECTOR MILLER: The request I believe was made by the developer, it was passed by Planning Commission, it was also passed by this Council.

MEMBER SMUCKLER: What was the year of that?

SERVICE DIRECTOR MILLER: 1995 or 1996 if I recall correctly, but I would have to go back to check that.

MEMBER SMUCKLER: A similar situation now in Ward 8, that wasn't annexed. I'm not talking about the annexed property. I'm talking about, I watched truckloads of dirt be hauled into Montabella. I watched truck loads of dirt be hauled into Montabella. Are you sitting there telling me that we have no control over how much dirt is used to fill in all these areas and that they can literally raise the elevation of land to dump water on some else's property?

SERVICE DIRECTOR MILLER: I'll let the Law Director confirm it, but, aside from the drainage structure that was approved, the private developer can bring in dirt in the areas behind the curb and sidewalk, behind the public right-of-way. What he's not allowed to do is fill in the retention area up there past what it was approved to be built, what was allowed to be built in at that point in time. But again, yes, once the roads are laid out, when all the rest of that is done, yes, he can bring in dirt, back behind the sidewalk and curb on the private property and raise the level of some of those properties.

LAW DIRECTOR MARTUCCIO: Mr. President. Member Smuckler. My understanding of the law as it applies to drainage in layman's terms is something like this. When a developer is finished developing a property, it's not supposed to drain more water than it did before it started developing it. It's supposed to have as much run off or less after they've developed it. If it has more run off than before they developed it then they have incorrectly developed it. That's my understanding. I, I want you to know, I want all of Council to know that we're very pleased with how Mr. Miller has begun to reassign duties to engineer DiMarzio. Some of my members in our staff in the Law Department are meeting with him tomorrow. We're going to begin to look at plats and how the law applies to them and begin to understand these concepts better so that we'll have more answers.

MEMBER SMUCKLER: Mr. President. Last week I met with 2 groups of people who never had flooding before in the last 20 years. Now what's changed? You guys build new sewers out there? Wait a minute, I'm not done. I know what's changed. I know what's changed, we've been putting some of these developments in and the developments are great for the City. The problem is this Council, we're not all engineers. We're told that this will be okay and this will make it work. Now, I'm smart enough to know when I see water rushing from the other side of Market Avenue and across Market Avenue, it's not working too well and I don't need any engineer to tell me that. But, that's after the fact.

MINUTES OF THE MEETING OF AUGUST 11, 2003

I expect our engineers to be able to tell us before the fact. (*Applause*) Now, I can tell you this, we didn't have near this many complaints of flooding 5, 10, 15 years ago. They seem to be getting worse and I know the rains are getting harder. But I'll tell you the same thing I told ODOT last year. Last year,.....

PRESIDENT DENCZAK: Member Smuckler, your 3 minutes are up. Anybody else have anything else to say?...
Member Smuckler.

MEMBER SMUCKLER: Last year, we had a dry summer, and if these people were getting flooding last year, then something's gotta be changed because we didn't have any 100-year rain last year. Michael Miller, I complimented you and I'll do this publicly. I waded through areas with you. This is not a fault of you in particular nor the Street Department. I think the problem here is how we're letting these engineering designs happen. Who's inspecting these things after the fact, and I'm not, I'm not here to say, well the Sewer Department's not doing their job because I believe the Sewer Department is doing their job. But I will alert you to one fact, my mother, Sunday at, what's Rick's street, Rick Gatien - 55th and what?--- Buena Vista---- watched the people on the other side in the allotment over there....

SERVICE DIRECTOR MILLER: King's Creek.

MEMBER SMUCKLER: King's Creek, pour the grass clippings and sticks and everything else right down the sewer that was mowing the area over there. Now I don't know who's doing it. I get the phone call later at night, but I know that doesn't sit well for our Sewer Department and I sure wish to hell we could find out who is doing it and I'd like the Law Department to bring them up on charges because I suspect it's a company doing it and not an individual. But, above and beyond the idiots out there that are doing that type of thing that should know better, and anybody with a second grade education should know better. We've got engineering problems in this City that all we keep doing is you keep coming here and asking us for more and more money to fix things that we just built. And, I don't wanna continue to fix things that we just built. If we have to get people from another engineering firm than we currently use, then get them in here. But, I know one thing from what I'm hearing from these people is, there's not a whole lot of storm sewers on Wood Owl. Somebody approved those plans for those storm sewers. Somebody should be held responsible and this is not on private property. (*Applause*)

PRESIDENT DENCZAK: Is there any other Miscellaneous Business?

SERVICE DIRECTOR MILLER: Mr. President. Mr. Smuckler, I resent the implication that this Administration's come to you asking you to fix problems that have already come to you to ask to build in the first place. We have not come to you asking you to repeatedly fix something that, that we have already broke or we've done. These flooding problems in some of these areas go back to the Browne report from 1977 that we're still working on trying to build those projects in some of those areas, 41st and Shanabruck being one of them. We have come to you in Council over the last 10 to 12 years with drainage projects, street projects, at least 2 or 3 every year, small ones every year, trying to make a dent in the drainage problem. We've done that religiously, we've done that and tried to be even-handed insofar as making sure that they're distributed in all the different wards, although some wards have more of a drainage problem than others. The Engineering Department reviews things and does an excellent job. The one that you're talking about on Plain Center or Plain Center Estates where it runs across the road, the Engineering Department reviewed the plans that were submitted by, to it, for Montabella. We did not have control over what was developed in North Canton which was immediately to the North of that, First Friends, and what North Canton did to put a 36 inch storm sewer coming down that ditch line

MINUTES OF THE MEETING OF AUGUST 11, 2003

into that same retention basin. There are things that North Canton did that we're meeting with them over to try to make sure that is alleviated and that does not go into that same retention area that's not supposed to have that much water going into it. That is one of the things that needs to be done. The other thing that needs to be done up there is, as you're well aware, because we had a first reading for it tonight, is a storm drainage study to determine where to take that water once it gets to Market because there is no drainage system, other than what's jury-rigged, going through Plain Center Estates. Plain Center Estates was annexed in 1968 when I was 10 years old, and hopefully, I didn't have anything to do with that one. So, we are addressing the problems, we have done a lot of work. I've got a list of all the projects that we've done over the years. I'm not going to go into reading all of those. I will throw a figure out because I do know that the last time that the folks were here from Georgeview Estates, they brought up the fact afterwards that I didn't mention a figure of how much money was spent in Geor....in the 4th Ward over the last 10 years. That figure is \$10 million on different road projects and storm drainage projects that occurred in the 4th Ward over this 10 years. That does not include non-street drainage projects, or not street projects, that just includes streets, storm drainage and sanitary sewer projects done in the 4th Ward. That's more than what we mentioned the other night for 8th Ward. And, again, the Engineering Department is dealing with a couple hot spots that isn't an engineering problem, it's a problem that there was no engineering at the point when those developments were done initially that are being fed into.

MEMBER SMUCKLER: Mr. President. Not once did I bring up Plain Center Estates. The only 2 projects I brought up were 2 projects that were recently built, and they were Georgeview Estates and Montabella. And, I'm not going to sit here and watch us (*unintelligible word*)-around with North Canton for 20 years trying to figure out how to fix something over there while people get flooded out. Michael, I told you, you can take exception to it, but I told you, you did a fantastic job that night and other nights that I've witnessed. I know that the Sewer Department's doing a fine job. My problem's with these 2 projects, is the engineering that was done. Now, you can sit here and tell me this all you want, but, public streets, public sewers are our responsibility and if we are approving these plans, then we shouldn't be approving these plans with limited amount of storm sewers in them. We should be telling developers go get more storm sewers and we need somebody to tell us, us, who are elected representatives, who are not engineers, you have to be a jack-of-all trades, that this is what needs done to make sure that you don't have problems 2, 3, 5, 6, 10, 20, years down the road and what else we've accomplished is, with your Floyd Browne report, is you've added more sewer projects to it by not making these developers do what they should have done in the beginning. (*Applause*) Mr. President, I move we adjourn.

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

NO REMARKS PERMITTED ON THE MOTION TO ADJOURN

ROLL CALL: 12 YEAS, 0 NAYS

ADJOURNMENT TIME: 9:36 P.M.

ATTEST:

APPROVED:

DEBRA VANCKUNAS
CLERK OF COUNCIL

RAY DENCZAK
PRESIDENT OF COUNCIL

