

**MINUTES OF THE MEETING OF AUGUST 25, 2003**

*The regular meeting of Canton City Council was held on Monday, August 25, 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 Mary M. Babcock, 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: (BILL SMUCKLER, MARY M. BABCOCK, 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: (DONALD E. CASAR)

**AGENDA CORRECTIONS & CHANGES**

PRESIDENT DENCZAK: Thank you, Member Babcock. Agenda Corrections and Changes, Members of Council, you're being asked to suspend Rule 24B to add Resolution 69 and you're being asked to suspend Rule 22A to add the second reading of Ordinances #4 through and including #11, and also the first reading of Ordinance #3A. Member Smuckler, the Chair at this time recognizes Rule 24B suspension.

MEMBER SMUCKLER: Mr. President, I move we suspend Rule 24B to add Resolution #69 to the agenda; seconded.

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

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

PRESIDENT DENCZAK: Resolution #69 is a legal part of your agenda.

MEMBER SMUCKLER: Mr. President, I move we suspend Rule 22A to add Ordinance 3A and second readings 4 through 11 to the agenda; seconded.

PRESIDENT DENCZAK: Moved and seconded to suspend Rule 22A to add the second reading of Ordinances #4 through and including #11 and first reading of Ordinance 3A. Are there any remarks?... If not, roll call vote please.

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

PRESIDENT DENCZAK: Rule 22A is suspended, and Ordinances #4 through and including #11 and first reading of

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Ordinance 3A are a legal part of your agenda. That brings your agenda up to date Members of Council.

**PUBLIC HEARINGS****PUBLIC HEARING #1, SCHEDULED FOR 7:30 P.M., FETTMAN ZONE CHANGE REQUEST:**

PRESIDENT DENCZAK: We have two scheduled public hearings for this evening. The first one was scheduled for 7:30 PM. The chair opens the public hearing now in regards to a request to rezone part of outlot 411 located at 121-- or 128 Wertz Avenue NW from R-1A to PB-3 as requested by Fettman Property Management Ltd. The Planning Commission recommends approval. Is there anyone in the audience wishing to speak for or against this rezoning, please come forward.... Is there anyone in the audience wishing to speak for or against -- please come forward.... Yes, sir.

MR. BENYAR: Good evening, ladies and gentlemen. My name is Michael (*SOUNDS LIKE*) Benyar, architect. I will be the architect for the proposed office building, and the office building is approximately 10,000 square foot, one-story structure, will be brick veneer and will be a gable roof. So I think it will be a definite enhancement to the neighborhood, and it's residential in character also, so it's not -- I think it will be a big improvement to the neighborhood. Thank you.

PRESIDENT DENCZAK: Thank you. Is there anyone else in the audience wishing to speak for or against this rezone, please come forward... Is there anyone in the audience wishing to speak for or against this rezoning, please come forward... Is there anyone in the audience wishing to speak for or against this rezone, please come forward... Apparently not. The Chair declares the public hearing over in regards to this matter. The ordinance will follow later this evening.

**PUBLIC HEARING #2, SCHEDULED FOR 7:31 P.M., KATE PAYNE VACATION REQUEST:**

PRESIDENT DENCZAK: We had a scheduled public hearing for 7:31 PM. The Chair opens up the public hearing in regards to a request by Kate Payne to vacate part of Whipkey Court NW between 16<sup>th</sup> Street and Elliott Place NW to allow for private access. The Planning Commission recommends approval. Is there anyone in the audience wishing to speak for or against this vacation, please come forward... Is there anyone in the audience wishing to speak for or against this vacation, please come forward... Is there anyone in the audience wishing to speak for or against this vacation, please come forward... Apparently not. The Chair declares the public hearing over in regards to this matter. The matter now remains in the hands of Council. The ordinance will follow later this evening.

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

PRESIDENT DENCZAK: Public Speaks--Ordinances, Resolutions for Adoption Only. We have several people signed up under this portion. First speaker is Bill Wright.

MR. WRIGHT: My name is Bill Wright. I'm the Vice President of Local 1123 Steelworkers Local. We represent the hourly workers at the Timken Company. In Feb...

PRESIDENT DENCZAK: State your address.

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MR. WRIGHT: Of the union hall, or...?

PRESIDENT DENCZAK: ...Your home address.

MR. WRIGHT: Home address, 3312 Cleveland Avenue South, Canton, Ohio.

PRESIDENT DENCZAK: Okay.

MR. WRIGHT: In February of 2002 I came to Council really to give you information on what the steel industry was facing, not only in the country, but also in Stark County, and what the collapse of the steel industry -- what it would matter to Stark County and the City of Canton. Through your efforts and a resolution and a lot of other people's efforts, pressure was put on and there was some steel tariffs put in place for three years up to 30%. Those tariffs have allowed the steel industry in the United States and also in Canton, Ohio to start the slow recovery back. What we're approaching now is a midterm review of those tariffs. Presently the International Trade Commission is holding public hearings to look at the effectiveness, and on September 19, they will be giving their recommendations to President Bush on what he should do with the tariffs. He has the option of taking all the tariffs off or he also has the option of leaving them in place. If the tariffs would be taken off at this point, I think we would start again to see the collapse of the steel industry in the United States which also would mean the collapse of the steel industry here in Canton, Ohio. I know about a month ago there was a representative of the Timken Company that went to Washington and testified in front of the International Trade Commission in support of the tariffs. The tariffs are helping Canton, Ohio. They're helping the survival of the steel industry here. What I am asking and the reason I'm here is again to keep you informed to let you know that those tariffs are coming up for a midterm review. It's imperative that those tariffs are kept in place. President Bush gave the steel industry a mandate when they were put in that they had to do their thing to help the steel industry to survive. The steel industry has been doing that by downsizing, mergers, consolidations. What we need now is for President Bush to stay the course, stand his ground and keep those tariffs in place. And I'm here asking for support, and I'm in favor of the resolution on Stand Up for Steel. Thank you.

PRESIDENT DENCZAK: Next speaker is Tim Henderson... Tim Henderson?... Tim Henderson?... You signed the wrong sheet?

*MR. HENDERSON--SPEAKING FROM THE AUDIENCE & NOT INTO A MICROPHONE: Yeah. (BALANCE OF SENTENCE INAUDIBLE). I'm sorry.*

PRESIDENT DENCZAK: Oh, okay.

*MR. HENDERSON--SPEAKING FROM THE AUDIENCE & NOT INTO A MICROPHONE: They didn't have -- you know what, I think there's other people that did too. There was nobody out at the council desk there.*

PRESIDENT DENCZAK: So you'll speak later on this evening. Betty Smith, same thing?... I have transposed your names onto the proper sheet here.

**INFORMAL RESOLUTIONS**

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

MEMBER SMUCKLER: Mr. President, I move that we excuse Member Casar this evening; seconded.

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

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

PRESIDENT DENCZAK: Let the journal show that Member Casar is excused. I talked to Member Casar this morning. He's in Las Vegas. At the present time he's \$2600.00 ahead; notify the City income tax department. (LAUGHTER) Okay. Resolution #68.

MEMBER SMUCKLER: Mr. President, you didn't fly him there did you?

PRESIDENT DENCZAK: No, he got there safe.

MEMBER SMUCKLER: Thank you.

***PRESIDENT DENCZAK CALLED UPON CLERK OF COUNCIL VANCKUNAS TO READ RESOLUTIONS #68 & 69 BY TITLE, AS SHOWN BELOW. THE RESOLUTIONS ARE ON FILE IN THEIR ENTIRETY IN THE COUNCIL OFFICE WITH THE AGENDA ITEMS FILE DATED August 25, 2003.***

68. CARBENIA, JOE, WARD 9 COUNCILMEMBER: A RESOLUTION SUPPORTING THE STAND UP FOR STEEL CAMPAIGN. - ADOPTED BY COUNCIL

MEMBER SMUCKLER: Mr. President, I move we adopt Resolution #68; seconded.

PRESIDENT DENCZAK: Moved and seconded that Resolution #68 be adopted. Are there any remarks?

MEMBER CARBENIA: Mr. President, I would like to have the Resolution read in its entirety.

PRESIDENT DENCZAK: Clerk Vanckunas, will you please read Resolution #68.

***RESOLUTION #68 READ BY CLERK OF COUNCIL VANCKUNAS:*** A Resolutionsupporting the Stand Up for Steel Campaign submitted by Ward 9 Councilmember Joe Carbenia, dated August 11, 2003. Whereas, between 1997 and 2003, the United States Steel Industry was under attack by illegally dumped steel from foreign producers and whereas, this illegally dumped steel sent 35 US steel companies into bankruptcy, costing the United States 54,000 industry jobs and whereas, in June of 2001, President George Bush asked the United States International Trade Commission (ITC) to investigate whether the United States Steel Industry had been harmed by illegal foreign imports and whereas, after a seven month investigation by the ITC, it voted unanimously that the US Steel Industry had been seriously injured and also voted unanimously on recommendations to correct the injury and whereas, in March of 2002, President Bush imposed

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three years of tariffs ranging from 8 to 30 percent on selected steel groups and whereas, these tariffs have allowed the US Steel Industry some breathing room to restructure and consolidate its operations and whereas, President Bush is approaching the mid-term review of the steel tariffs put in place March of 2002 and whereas, the ITC is currently holding public hearings to listen to arguments from both sides on the effectiveness of the tariffs, with the recommendation on what to do with the tariffs. Those recommendations are to be given to President Bush on September 19, 2003 and whereas, the World Trade Organization (WTO) has recently ruled that our trade laws and the steel tariffs specifically are illegal, even though our trade laws were in total compliance with the WTO chartered at its inception and whereas, the ruling by the WTO is a direct attack against the sovereignty of the United States as a nation and whereas, a healthy US Steel Industry is vital to our national defense and is extremely vital to our nation's infrastructure; now therefore be it resolved that we the Members of the Council of the City of the City of Canton, Ohio, do hereby publicly voice our support and we urge President Bush to stand his ground and keep the steel tariffs in place the full 3 years. The US Steel Industry is doing their part by consolidating, restructuring, and downsizing. Now President Bush needs to continue to do his part.

PRESIDENT DENCZAK: Are there any remarks under this Resolution?

MEMBER CARBENIA: Mr. President, I'm not going to make a long speech about this because Bill Wright already explained everything well. I'm just asking that everybody vote for this so we can be unanimous. I know that everybody in this room supports the steel industry, and especially for this City, so thank you.

PRESIDENT DENCZAK: Any other remarks?

MEMBER HART: Mr. President, I guess if the workers in some of these foreign countries are paid a fair wage, and a living wage, wages they could live on, we wouldn't need tariffs because we would be just as competitive. But you know, when you see the money that some of these people are making per hour per day per year in these foreign countries, there's no way that we will be able to compete without tariffs, and unless our people are earning a fair living wage, you know, there's no way Canton's gonna survive and other communities that have depended so heavily on steel. So, I hope that the President, until the workers of the world start making that living wage, I hope they'll protect our workers and not send all of our jobs south of the border.

PRESIDENT DENCZAK: Any other remarks? ... The question you're voting on now is Resolution #68. By voice vote, all those in favor, signify by saying aye. Those opposed no.

NO REMARKS

RESOLUTION #68 ADOPTED BY UNANIMOUS VOICE VOTE

PRESIDENT DENCZAK: The Resolution is adopted.

69. BY THE INTERGOVERNMENTAL & PUBLIC SERVICE COMMITTEE: OBJECTING TO THE ISSUANCE OF A NEW C1, C2 LIQUOR PERMIT REQUESTED BY CAMELOT CAR WASH & DETAIL CENTER, INC. @ 4806 CLEVELAND AVE NW. - ADOPTED BY COUNCIL

MEMBER SMUCKLER: Mr. President, I move we adopt Resolution #69; seconded.

PRESIDENT DENCZAK: Moved and seconded that you adopt Resolution #69. Are there any remarks under this

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Resolution?

MEMBER DIAMOND: Mr. President, I would ask all council members to vote against this liquor license. As I stated in committee meetings, this is a car wash. Presumably you would drive your car there and you would have to drive after you consume alcohol, and I don't think there is any reason to have a car wash selling alcohol. It would be a drive-thru bar and that is not something that I want in the 8<sup>th</sup> Ward nor do I think any of the residents do. So I would ask every council member to vote against this. Thank you.

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

NO REMARKS

RESOLUTION #69 ADOPTED BY UNANIMOUS VOICE VOTE

PRESIDENT DENCZAK: The Resolution is adopted, objection to the issuance.

**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 25, 2003***

321. CANTON CITY BOARD OF EDUCATION: REQUEST TO VACATE A PORTION OF 3<sup>RD</sup>, WELLS, & QUEEN COURT NW, BETWEEN MCKINLEY & SHORB AND BETWEEN 4<sup>TH</sup> & 3<sup>RD</sup> STREETS, & REPLAT OF LOTS. - PLANNING COMMISSION (See C#329 & O#3A)
322. HEALTH BENEFITS ADMINISTRATOR ROSE BRESSON, CITY OF CANTON: JULY 2003 MONTHLY COMPARATIVE REPORT OF INSURANCE CLAIMS, & JANUARY-JULY 2003 PAID CLAIMS & COMPARATIVE REPORT. - RECEIVED & FILED
323. HEALTH COMMISSIONER ROBERT PATTISON, CITY OF CANTON: REQUEST \$6,263 SUPPLEMENTAL APPROPRIATION FROM THE 2328 PHI FUND DUE TO RECEIPT OF ADDITIONAL PUBLIC HEALTH INFRASTRUCTURE GRANT FUNDS. - LAW DIRECTOR (See O#1, 1<sup>st</sup> Rdg)
324. GABRIEL, JOHN A. & BRENDA M., PO BOX #635, 22 SCHOOL STREET, WATERDOWN, ONTARIO, CANADA LOR 2H0: REQUEST TO REZONE 1406 15<sup>TH</sup> STREET SW FROM B-2 NEIGHBORHOOD BUSINESS TO PB-4 PLANNED SPECIAL BUSINESS FOR AUTOMOTIVE MAINTENANCE/REPAIRS - PLANNING COMMISSION (See C#328)
325. LIQUOR CONTROL DIVISION STATE OF OHIO, 6606 TUSSING ROAD, PO BOX 4005,

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REYNOLDSBURG, OHIO 43068-9005: NOTICE OF HEARING CONTINUATION IN THE CITY'S OBJECTION TO THE ISSUANCE OF A NEW C1,2 LIQUOR PERMIT TO LA TIENDA HISPANA OVIEDOS AT 909 12<sup>TH</sup> STREET NW. - INTERGOVERNMENTAL & PUBLIC SERVICE COMMITTEE

326. MAYOR RICHARD D. WATKINS, CITY OF CANTON: REQUEST TO REVERSE DECISION TO DEVELOP RIVERSIDE PARK AS AN INDUSTRIAL SITE & RETURN IT TO RECREATIONAL USES. - PLANNING COMMISSION
327. MAYOR RICHARD D. WATKINS, CITY OF CANTON: REQUEST TO AMEND BARGAINING UNIT PERSONNEL O.40/2000 TO DELETE UTILITY PERSON 1 CLASSIFICATION & REDUCE # OF EMPLOYEES FROM 60 TO 50 IN PUBLIC WORKS DIVISION; & ADD UTILITY PERSON 1 CLASSIFICATION IN SANITATION DIVISION W/TOTAL # OF EMPLOYEES IN WASTE COLLECTOR & UTILITY PERSON 1 CLASSIFICATIONS NOT TO EXCEED 40. - LAW DIRECTOR (See O#2, 1<sup>st</sup> Rdg)
328. PLANNING COMMISSION, CITY OF CANTON, SHEILA K. THARP-BARRINO, SECRETARY: RECOMMENDING DENIAL OF REQUEST BY BRENDA AND JOHN GABRIEL TO REZONE 1406 15<sup>TH</sup> STREET SW FROM B-2 NEIGHBORHOOD BUSINESS TO PB-4 PLANNED SPECIAL BUSINESS TO PERMIT 5-UNIT APARTMENT & AUTO REPAIR GARAGE. - LAW DIRECTOR **PUB HRG 9/29/03 @ 7:30 PM** (See C#324)
329. PLANNING COMMISSION, CITY OF CANTON, SHEILA K. THARP-BARRINO, SECRETARY: RECOMMENDING APPROVAL OF THE REQUEST BY CANTON CITY SCHOOLS TO VACATE PARTS OF 3<sup>RD</sup>, QUEEN & WELLS NW, & REPLAT ALL OR PARTS OF LOTS 244-246, 6057-6064, & 1733-1739 & VACATED STREETS INTO 2 RECONFIGURED OUTLOTS. - LAW DIR. **PUB HRG 9/15/03 @ 7:30 PM** (See C#321 & O#3A, 1<sup>st</sup> Rdg)
330. SERVICE DIRECTOR MILLER, CITY OF CANTON: REQUEST TO CONTRACT W/BITZEL EXCAVATING FOR CONSTRUCTION OF WATER LINE EXTENSIONS ON KEATS, BYRON, SHELLY, & WOODCREST NE AS PART OF LAW-CHESTER PHASE TWO WATER MAIN EXTENSION PROJECT; REQUEST TO FILE APPLICATION & CONTRACT W/OWDA FOR A \$273,790 LOAN; REQUEST TO ESTABLISH 5222 LAW-CHESTER PHASE TWO WATER MAIN EXTENSION FUND, & REQUEST \$273,790 SUPPLEMENTAL APPROPRIATION FROM SAME. - LAW DIRECTOR (See O#3, 1<sup>st</sup> Rdg)
331. SERVICE DIRECTOR MILLER, CITY OF CANTON: NOTIFYING COUNCIL OF EMERGENCY PAVEMENT RECONSTRUCTION & INTERCEPTOR SEWER INSPECTION DUE TO FLOOD DAMAGE ON WARNER ROAD NE FROM 8<sup>TH</sup> TO 9<sup>TH</sup> STREETS NE. - FINANCE COMMITTEE CHAIRMAN
332. SERVICE DIRECTOR MILLER, CITY OF CANTON: SUBMITTING LETTER OF CLARIFICATION FOR REQUEST OF SIDEWALKS, CURBS AND GUTTER ON MARIETTA AVENUE. - MAJ. LEADER SMUCKLER

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333. STARK COUNTY COMMISSIONERS: APPROVAL OF JEFFRIES BROTHERS ANNEXATION AS AMENDED. - LAW DIRECTOR & PLANNING COMMISSION

**ORDINANCES AND FORMAL RESOLUTIONS FOR SECOND READING**

PRESIDENT DENCZAK: There's a request by several members of council to go to Ordinances #11 and 12 at this time. So the Chair's gonna deviate from the agenda by going to Ordinance -- is it 11 and 12?

MEMBER SMUCKLER: Yes, sir, 11 and 12, beginning with 11.

PRESIDENT DENCZAK: Okay. And the one's under third reading anyhow, so ... Okay, Ordinance #11 is for the second reading so there must be a motion to dispense with the three readings, Member Smuckler.

MEMBER SMUCKLER: Mr. President, I move we suspend statutory three readings...

PRESIDENT DENCZAK: Wait, yes, wait. The Clerk has stated that she has to read -- let me back up here a minute. We're gonna go to the ordinance section. Let the journal show that all ordinances are being given their required reading as stated by state law. Ordinance #11 please.

***NOTE: PRESIDENT DENCZAK CALLED UPON CLERK VANCKUNAS TO READ THE FOLLOWING ORDINANCE #11 FOR THE SECOND TIME BY TITLE, AS FOLLOWS. ORDINANCE #11 WAS ADOPTED FOLLOWING ITS SECOND READING.***

**RULE 22A SUSPENDED TO ADD #11:**

#11 (2<sup>ND</sup> RDG) **ADOPTED AS ORDINANCE NO. 173/2003** 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.

MEMBER SMUCKLER: Mr. President, I move we suspend Statutory 3 readings of Ordinance #11; seconded.

PRESIDENT DENCZAK: There's a move to dispense with the 3 readings of Ordinance #11. Are there any remarks?... If not, roll call vote.

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

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



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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?...

MEMBER DIAMOND: Mr. President, this study, as we discussed in the committee meetings, will assess the drainage course, the current drainage needs and future drainage needs from Market to Plain Center from 44<sup>th</sup> Street to 55<sup>th</sup> Street. There are hundreds of homes in this area that were annexed from Plain Township. They are part of our city now. They don't have catch basins, they don't have storm sewers, and they definitely do not have an adequate drainage system. This is the first step to provide those Canton City residents with what was promised to them 30 or 40 years ago. And I would ask you all to support this, and I would thank you for that and also the residents of the 8<sup>th</sup> Ward would thank you for that.

MEMBER MASSEY: Mr. President, there is also an area within the 4<sup>th</sup> Ward, so I will do the necessary paperwork to have this study done. The Georgeview Estate has a drainage problem as well, along with a couple other streets, but I will support this.

PRESIDENT DENCZAK: Any other remarks?.... Roll call vote please.

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance #11 is adopted.

**#11 ADOPTED AS ORDINANCE NO. 173/2003**

**ORDINANCES & FORMAL RESOLUTIONS FOR THIRD READING**

PRESIDENT DENCZAK: Ordinances and Formal Resolutions for the Third and Final Reading. Ordinance #12 please.

***NOTE: PRESIDENT DENCZAK CALLED UPON CLERK VANCKUNAS TO READ THE FOLLOWING ORDINANCE #12 FOR THE THIRD AND FINAL TIME BY TITLE, AS FOLLOWS.***

#12 (3<sup>RD</sup> RDG) **ADOPTED AS ORDINANCE NO. 174/2003** AN ORDINANCE AMENDING ORDINANCE NO. 55/77, AS AMENDED, KNOWN AS THE CITY OF CANTON ZONING ORDINANCE; AND DECLARING THE SAME TO BE AN EMERGENCY.

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

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance #12 is adopted.

**#12 ADOPTED AS ORDINANCE NO. 174/2003**

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PRESIDENT DENCZAK: We'll now revert back to the original place on the agenda. Ordinances and formal resolutions for the first reading and referral. Ordinance #1 please.

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

- #1 (1<sup>ST</sup> RDG) AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 236/2002, AS AMENDED, BY MAKING THE SUPPLEMENTAL APPROPRIATION HEREIN DESCRIBED; AND DECLARING THE SAME TO BE AN EMERGENCY  
Referred to Finance Committee
- #2 (1<sup>ST</sup> RDG) AN ORDINANCE AMENDING EXHIBIT A TO ORDINANCE NO. 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.  
Referred to Personnel Committee
- #3 (1<sup>ST</sup> RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CONTRACT WITH BITZEL EXCAVATING FOR CONSTRUCTION OF WATER LINE EXTENSIONS AS PART OF THE LAWR-CHESTER PHASE TWO WATER MAIN EXTENSION PROJECT IN AN AMOUNT NOT TO EXCEED \$248,900.00; AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO MAKE APPLICATION AND ENTER INTO CONTRACT WITH THE OHIO WATER DEVELOPMENT AUTHORITY FOR A LOAN IN THE AMOUNT OF \$273,790.00; AUTHORIZING THE CITY AUDITOR TO ESTABLISH THE "5222 LAWR-CHESTER PHASE TWO WATER MAIN EXTENSION" FUND; AND DECLARING THE SAME TO BE AN EMERGENCY  
Referred to Environmental & Public Utilities & Finance Committees
- #3A (1<sup>ST</sup> RDG) AN ORDINANCE VACATING PORTIONS OF THIRD STREET NW; QUEEN COURT NW AND WELLS AVENUE NW; APPROVING AND ACCEPTING THE REPLATTING OF ALL OR PARTS OF LOTS NOS. 244-246; 6057-6064; 1733-1739 AND VACATED PORTIONS OF THIRD STREET NW; QUEEN COURT NW AND WELLS AVENUE NW; AND DECLARING THE SAME TO BE AN EMERGENCY  
Referred to Public Safety & Thoroughfares Committee

**ORDINANCES & FORMAL RESOLUTIONS FOR SECOND READING**

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PRESIDENT DENCZAK: Ordinances and formal resolutions for the second reading. Ordinance #4 please.

***NOTE: PRESIDENT DENCZAK CALLED UPON CLERK VANCKUNAS TO READ THE FOLLOWING ORDINANCES #4 THROUGH AND INCLUDING #10 FOR THE SECOND TIME BY TITLE, AS FOLLOWS. ORDINANCES #4 THROUGH #10 WERE ADOPTED FOLLOWING THEIR SECOND READINGS. ORDINANCE #11 WAS ADOPTED PREVIOUSLY—SEE JOURNAL PAGE #593.***

**RULE 22A SUSPENDED TO ADD #4 THROUGH 10:**

#4 (2<sup>ND</sup> RDG) **ADOPTED AS ORDINANCE NO. 175/2003** AN ORDINANCE NAMING AN UNNAMED ALLEY IN THE CITY OF CANTON, ZERBY PLACE, NW AND DECLARING THE EMERGENCY

MEMBER SMUCKLER: Mr. President, I move we suspend Statutory 3 readings of Ordinance #4; seconded.

PRESIDENT DENCZAK: There's a move to dispense with the 3 readings of Ordinance #4. Are there any remarks?... If not, roll call vote.

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

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

MEMBER SMUCKLER: Mr. President, I move we adopt Ordinance #4; seconded.

PRESIDENT DENCZAK: Moved and seconded that you adopt Ordinance #4. Are there any remarks under this Ordinance?... Very well, roll call vote please.

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance #4 is adopted.

**#4 ADOPTED AS ORDINANCE NO. 175/2003**

#5 (2<sup>ND</sup> RDG) **ADOPTED AS ORDINANCE NO. 176/2003** AN ORDINANCE VACATING A PORTION OF WHIPKEY COURT NW; AND DECLARING THE SAME TO BE AN EMERGENCY

MEMBER SMUCKLER: Mr. President, I move we suspend Statutory 3 readings of Ordinance #5; seconded.

PRESIDENT DENCZAK: There's a move to dispense with the 3 readings of Ordinance #5. Are there any remarks?... If not, roll call vote.

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

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

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

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

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance #5 is adopted.

**#5 ADOPTED AS ORDINANCE NO. 176/2003**

#6 (2<sup>ND</sup> RDG) **ADOPTED AS ORDINANCE NO. 177/2003** 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

MEMBER SMUCKLER: Mr. President, I move we suspend Statutory three readings of Ordinance #6; seconded.

PRESIDENT DENCZAK: There's a move to dispense with the three readings of Ordinance #6. Are there any remarks?... If not, roll call vote please.

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

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

MEMBER SMUCKLER: Mr. President, I move we adopt Ordinance #6; seconded.

PRESIDENT DENCZAK: Moved and seconded that you adopt Ordinance #6. Are there any remarks under this Ordinance?... Very well, roll call vote please.

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance #6 is adopted.

**#6 ADOPTED AS ORDINANCE NO. 177/2003**

#7 (2<sup>ND</sup> RDG) **ADOPTED AS ORDINANCE NO. 178/2003** 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 DECLARING THE SAME TO BE AN EMERGENCY

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MEMBER SMUCKLER: Mr. President, I move we suspend Statutory three readings of Ordinance #7; seconded.

PRESIDENT DENCZAK: There's a move to dispense with the three readings of Ordinance #7. Are there any remarks?... If not, roll call vote please.

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

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

MEMBER SMUCKLER: Mr. President, I move we adopt Ordinance #7; seconded.

PRESIDENT DENCZAK: Moved and seconded that you adopt Ordinance #7. Are there any remarks under this Ordinance?... Very well, roll call vote please.

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance #7 is adopted.

**#7 ADOPTED AS ORDINANCE NO. 178/2003**

#8 (2<sup>ND</sup> RDG) **ADOPTED AS ORDINANCE NO. 179/2003** 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

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

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

NO REMARKS

ROLL CALL: 11 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: 11 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance #8 is adopted.

**#8 ADOPTED AS ORDINANCE NO. 179/2003**

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#9 (2<sup>nd</sup> RDG) **ADOPTED AS ORDINANCE NO. 180/2003** 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.

MEMBER SMUCKLER: Mr. President, I move we suspend statutory three readings of Ordinance #9; seconded.

PRESIDENT DENCZAK: There's a move to dispense with the three readings of Ordinance #9. Are there any remarks?... If not, roll call vote please.

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

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

MEMBER SMUCKLER: Mr. President, I move we adopt Ordinance #9; seconded.

PRESIDENT DENCZAK: Moved and seconded that you adopt Ordinance #9. Are there any remarks under this Ordinance?... Very well, roll call vote please.

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance #9 is adopted.

**#9 ADOPTED AS ORDINANCE NO. 180/2003**

#10 (2<sup>nd</sup> RDG) **ADOPTED AS ORDINANCE NO. 181/2003** AN ORDINANCE AUTHORIZING THE CITY LAW DIRECTOR TO DISTRIBUTE FREE OF CHARGE TO PUBLIC OFFICIALS AND PUBLIC INSTITUTIONS COPIES OF THE 2003 SUPPLEMENT TO THE CANTON CITY CODIFIED ORDINANCES; TO AFFIX PRICE FOR THE SALE OF SAME; 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: 11 YEAS, 0 NAYS

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

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.

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NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance #10 is adopted.

**#10 ADOPTED AS ORDINANCE NO. 181/2003****ANNOUNCEMENT OF COMMITTEE MEETINGS**

PRESIDENT DENCZAK: Announcement of Committee Meetings please.

MEMBER MROCKOWSKI: Mr. President, Finance Committee will meet September 8, 2003 at 6:45 PM.

MEMBER DIAMOND: Mr. President, Personnel will also meet on that date at that time.

MEMBER BABCOCK: Mr. President, Public Safety &amp; Thoroughfares will also meet on that date and time.

MEMBER HAWK: Mr. President, Environmental &amp; Public Utilities will also meet at the same time, same place.

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

PRESIDENT DENCZAK: Public Speaks, Open Forum. We have quite a few people signed up this evening. The first speaker is Nick Conley, Jr. .... Go ahead, state your name and address.

MR. CONLEY: Good evening. My name is Nick Conley, Jr. I live at 1509 South Chapel Street, Louisville, Ohio. My father and I own and operate Conley's Service in Canton, Ohio. We currently are a towing contractor for the City of Canton. The reason I am here is to ask you to examine the police department's policy on the towing of vehicles in the City of Canton. On Saturday, August 16 at 9:45 AM a tractor trailer overturned on Route 30 on-ramp coming off of Route 77 southbound. World Truck Towing, a company out of Medina, Ohio was summoned to come down, clean up and tow this truck from the scene. My questions are simple. Why did the City keep the on-ramp to Route 30 shut down longer than necessary while waiting on an out of town -- out of the city, let alone out of Stark County towing company to drive down to recover this truck? This action not only tied up a police officer, but it had to cause an inconvenience to travelers trying to get onto Route 30 east. As a towing contractor for the City of Canton, we are required to respond to the scene when called in a 20 minute time limit, and if we are not there within 20 minutes, we are canceled and miss the next call. My next question is, why would we not want to support a city-owned business to do the work? Considering the local economy and the current state of the City, I would think that the City would do whatever they can do to support local businesses. This is not the first time that this issue has been brought up. At the last contract meeting with the police department, General Towing stated that if this practice does not stop, he could no longer afford to keep a wrecker large enough to handle heavy duty. General Towing no longer has a big wrecker. He has sold it. We are the only contracted City towing company left who currently owns a wrecker large enough to handle tractor trailer rigs. These wreckers are not used a lot, and this might seem like a little issue to you, but to us this means the difference between being able to pay the insurance, maintenance and a licensed CDL employee required to operate this type of equipment. This practice is creating a hardship to your local contractors. General Towing being proof. I'm asking that this policy be reexamined and changed to allow your City owner-operators to do the work. Also we can take a look at Massillon and

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Akron's policy concerning this. Please let us -- please at least give us the courtesy of a response in writing to these questions. I look forward to meeting with anyone who would like to discuss this issue. Thank you. Any questions?

SAFETY DIRECTOR CONCATTO: Mr. President, Mr. Conley, as you know, or maybe you don't know, when this new contract came in for towing, I did review this with the police department, Lt. Rubis and the Chief, and their decision was to continue as they have in the past practice especially for smaller vehicles, not the larger vehicles. Speaking to this specific incident, I cannot answer a lot of questions because I don't know why the officer made that determination. Certainly it could be that the owner requested a different towing company, and I know it's within our authority to say you know what, we're gonna do it ourselves based on traffic conditions. Obviously, that police officer made a determination that he was gonna allow that to happen and use the owner of that semi's request for towing. It looked like there could be some hydraulic fluid that was also spilled. Again, I don't know the specifics of the incident. Hydraulic fluid can become hazardous material, therefore, it probably was cleaned up. I would be glad to research this and give you or your father a call back as far as this specific incident is concerned, but just so Council does know, we did review it and it was determined by the police department to stay fast with the arrangements we had in the past.

MR. CONLEY: Okay.

PRESIDENT DENCZAK: Next speaker is Bernie Jenkins.

MR. JENKINS: My name is Bernie Jenkins. I live at 358 Fenton Ave NE in Canton. I count Bill Smuckler and Jack Hawk among my friends. And I have known Roger Westfall ever since he's had his current position. I also love the City of Canton. I moved here in 1958 and I've never had any desire to go outside the City limits let alone another town. But our City right now has some problems and we need the efforts of all good-minded people to try to solve these problems. And it bothers and disturbs me when we have good, hard working officials pulling in different directions and squandering their energy and not making any progress toward the solution of a problem. I have personally worked in the City for a long time, and I worked with the Building Department for a long time and I can only tell you the things I know about it. I've worked with it as a contractor, as a construction manager for other people's contracts and I am currently doing so. Whenever I have needed building permits, inspections, occupancy permits and the like, I have never found him to be late or incorrect or not on time. I've also worked as an engineer and have made drawings and specifications that had to be approved by the Building Department, and I can tell you for sure that when there are changes in the ordinances and the codes, sometimes I get one back that looked like I'm flunking an exam, but I always was able to talk to Mr. Westfall about it, we've always been able to discuss it, and I have always learned from the experience, or maybe he has on occasion, and we've been able to work those things out. I absolutely know that when I do have a problem with him, I can always go into that office at 7:30 in the morning, call over there, and he has invited me right over and I've gone to see him and I resolved anything I may have had to do personally. So, I find his record satisfactory. The one issue that I see in the paper is the issue of removing houses that are no longer habitable, and I've been on the Board of Health for more than 30 years, and we used to have that responsibility, to tear down these houses, or at least to decide which ones got torn down, and we never got that done to the satisfaction of everybody. It's a tough job. We made it a tough call because we had citizens in the community that we thought might be having some difficulty, could be sickness, divorce, loss of job, and with a little extra time and effort, they may be able to bring this house around, and it was terribly expensive as far as they were concerned to get this done. So we would always be lenient and err on the side of trying to help these people. We also had a lot of absentee land...



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PRESIDENT DENCZAK: Your three minutes are up, Mr. Jenkins. Bring your remarks to a close.

MR. JENKINS: Can I conclude in about...?

PRESIDENT DENCZAK: Yes, sir.

MR. JENKINS: We also have some absentee landlords and we are also aware that they probably knew the law about that better than we did, and would hate to see the City lose a court decision. So, in final analysis I'm saying that people involved in this situation need to get together, get a room by themselves, not in the newspaper, not in Chamber Council, and resolve this thing. If they are all men of good will as I think they are, and their opinions haven't galvanized to the extent that they just can't make up their minds and see blinders, if that is the case, then I've just wasted about 3 1/2 minutes of their time. Thank you.

PRESIDENT DENCZAK: The next speaker is Jennifer Zachary.

MS. ZACHARY: Good evening. My name is Jennifer Zachary. I live at 2633 Wood Owl Street NE, and I'm here -- this is not the first time I've been here. I've been here talking before about the junk yard that sits directly behind my house. The little closed road called Schoen is basically being taken over by this guy. From my understanding it's supposed to be a 50 foot dedicated road, and you people are sitting back letting this guy do whatever he wants to with it. If it's not his property, how is he allowed to dig, plant flowers, do whatever he wants to this property if it does not belong to him? Now, he recently put mulch down back there in that area, that when it rains it covers up the drain. One of you City Council members - I'm not sure what his name is - came out, went and spoke to a guy named Dunlap and Dunlap came back and said, oh, this is the most beautiful thing I've ever seen over here, he's allowed to leave the mulch there. Why is he allowed to leave mulch somewhere where it's not his property, okay? His property looks like I don't know what, I probably can't even say the word here for being thrown out the door, but his property is a junk yard, it is not an auto sales place. I've lived there almost 3 years now. I've never seen an automobile being sold from that property, and according to the residents that have lived there, he hasn't sold an automobile from there in over 20 years, okay. You guys have given him until September the 8<sup>th</sup> to get running water and make it turn into an actual car auto sales. No phones in order, that he has nothing there that says that this is an actual car lot. He even has signs posted saying no trespassing. Well, how can you have a car lot if nobody's allowed on the property to look at a car? It doesn't make sense. And every time somebody steps on the property, he calls the police, wasting tax payers dollars bringing police out there because somebody put two toes on his property. It doesn't make sense, okay. Now, if you guys are gonna sit back and allow this guy to take over City property, my goodness. I mean, do I have to worry about him taking over part of my back yard next? When does it stop? Are you gonna tell him to stay on his property and only his property, or are you gonna allow him to inch his way down until he ends up taking over the whole Georgeview Estates? I mean, you sit in here, you got your nice little suits on, you got your hair and lipstick on looking all pretty, but are you out there doing the jobs that you have been elected to do? I can't see it. You know what I'm saying? I have a concern. I have invested money. I have time and interest over there in that area. Dunlap and nobody else lives over there and sees the mess that I see every day. I've lived there for over 2 1/2 years now and never once did I complain about anything that this guy had on his property until he started making an every day fight. He's always doing something now to stir up trouble. He don't even live over there, okay. Make him take that junk where he live at and let's see how run down and dirty it look then, okay. And if that's the prettiest thing Dunlap has seen in how many ever years, let him take it and put it in Dunlap's back yard, okay. I don't like it, okay. It's not his property. He should not be allowed -- right now he's --

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soon as you guys told him that he could leave that mulch there, he immediately got his back hoe and started digging dirt. You know why, because he's about to plant grass...

PRESIDENT DENCZAK: Ma'am, I'm sorry, but your three minutes are up.

MS. ZACHARY: Okay.

PRESIDENT DENCZAK: Bring your remarks to a close.

MS. ZACHARY: He's about to plant grass, okay. He's gonna let it grow ten feet tall and never cut it, okay. You guys need to stop him now. Thanks.

SAFETY DIRECTOR CONCATTO: Mr. President, as the lady may or may not know, I was out there last week with two attorneys from our Law Department, met with Mr. Mulls who is a neighbor on Schoen. Even though he lives out of the City, Schoen is in the City, and Georgeview Estates which is the rear of Schoen is in the City. Mr. Mulls probably is out of the City. I spoke to Mr. Mulls. I spoke to Mr. Moser who supposedly runs this Mago's car lot. I spoke with Mr. Mago. Mr. Mago realizes, and he has been sent two letters by Zoning, that he is operating a junk yard, that this is not zoned to a junk yard. He must therefore either turn it into a used car lot, which is what he thinks it is or says it is, or it reverts back to an R-1A. He has been notified of this by the Zoning Department. He has a prosecutor's hearing this Friday with prosecutors who also went out there with me. As far as Mr. Dunlap was concerned, Mago wishes to put a driveway out onto Schoen. He is permitted to do that. When he asked permission from the Civil Engineer to design this and what he had to do, he asked also if he could put mulch down from his driveway to the end of the property line. Mr. Dunlap thought that was a beautification issue. It turned out to be a drainage problem. When I went out there, Mr. Mago showed me the letter from Mr. Dunlap. I went back to the office and talked to Mr. Dunlap. He said I told Mr. Mago that if it caused a problem with the drainage, that he couldn't put the mulch there. Mr. Dunlap has since sent him a letter stating that he has to remove the mulch, and we'll address that at the meeting on Friday at the prosecutor's hearing. Mr. Dunlap thought what he -- what was gonna beautify the area ended up being more of a disaster than beautification. I understand this problem. We're dealing with it through Zoning. He is not zoned for a junk yard, and we will continue to proceed with it.

MEMBER MASSEY: Mr. President, I am also aware of the problem. I spoke with Ms. Zachary some time ago. I also spoke with the Safety Director about this issue. Today I was out there and he's still putting mulch out there, so it is an issue and we need to make sure that he does remove the mulch and not just let him get away with what he wants to get away with.

PRESIDENT DENCZAK: The next speaker is Charles Lively.

MR. LIVELY: My name is Charles Lively. I live at 802 Highland Road NE, Canton, Ohio. Good evening, ladies and gentlemen. I have two issues I'd like to address. I read a couple of articles in *the Canton Repository*. One article says about the drain. This man says he don't know what's wrong, but he's gonna fix it. How in the world can you fix something if you don't know what's wrong with it? That's a question I'd like to have answered some time. Another one is the attack of Roger Westfield. I disagree like you wouldn't believe with that attack. In 1990, I was fighting the City. They were gonna tear up my driveway. They wanted to tear a building down. Well, I told them you're not tearing up

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my driveway, period. You're not bringing equipment on my driveway, period. Well, for about two years we battled. Roger Westfield went to work for the City of Canton. I think I was the first one he bumped heads with, I believe. He came out and he told me and I told him. They told him that that was a street or an alley. That is my driveway. It's in the deed. It's not dedicated. He wanted to see the deed. I showed it to him. End of conversation. The City ain't gonna come up that driveway. He asked me if there was any way that they could get to it. Now he didn't tell me, he asked me, okay. I appreciated that. About five minutes after we started talking, the problem was resolved. Just as simple as that. The man has only treated me -- the only man in this City that ever treated me fair, and I've lived here 55 years, and I've been mistreated by the City several times. Not by him. I've went to him -- I get into it with the City Code Enforcement, and I've went to Roger. He said if I didn't like the law, change it, and if I was right, he'd change it. That is a man of his word. I appreciate Roger Westfield. I don't appreciate some of the letters I've read. You can laugh if you like to, Mr. Hawk, but I'm talking about you.

MEMBER HAWK: I ask that you only do two things correct, when you get my name right and I thank you for doing that, and the facts are correct. His name is Westfall.

MR. LIVELY: Your name is Westfall?

MEMBER HAWK: *(INAUDIBLE)*

PRESIDENT DENCZAK: Sir, wait. Let's...

MR. LIVELY: I said Westfall, did I not?

PRESIDENT DENCZAK: Wait a minute. Let's -- hold it please. Let's not get a debate going here.

MR. LIVELY: I do apologize to Mr. Westfall if I called you Westfield. Thank you, Mr. Hawk, for correcting me. I believe the other gentleman knows who I'm talking about. If you don't now what a problem is, as much intelligence as you have, find out what the problem is before you try to fix it. Now, who...

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

MR. LIVELY: Alright. Forty years ago the drainage service was probably adequate. They didn't have a rainfall like we've had this year. That's what clobbered them. They have to count on what's the rainfall. One other thing I'd like to say. My dad taught me a long time ago, keep your mouth shut and be thought foolish; open your mouth and prove you are. Thank you, sir.

MEMBER SMUCKLER: For this and any of the other speakers, I'll reserve my comments for Miscellaneous Business.

PRESIDENT DENCZAK: The next speaker is Wuyanbu Zutali.

MR. ZUTALI: Good evening. My name is Wuyanbu Zutali. I live at 1215 - 16<sup>th</sup> Street NW, Canton. I'm here today because of a problem that happened a couple weeks ago as I was reading the newspaper about a pit bull attack that happened about five minutes away from my home. It attacked two young kids, and it could have easily been my son or

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my neighbor's kids, and I was pretty appalled by the attack. And, it bothers me that we don't have a little tougher legislation on pit bulls in the City of Canton. The attacks happen in Canton maybe about eight to ten times per year, but the intensity of the attacks are frightening. Other cities, like Massillon, have some type of pit bull dog legislation--Akron, Toledo, Cleveland--and the City of Canton does have legislation, but I'm afraid it just isn't tough enough for the people who care nothing about laws and registering dogs and certainly about paying insurances. So I'm here to ask the City of Canton if they would consider a ban on pit bulls in the City limits of Canton. If the City cannot do a ban, why not consider raising the fee that is paid by the County which is \$10.00 for all dogs. That fee I think should be raised to be \$100.00, at least \$100.00, and rather than just paying \$100,000.00 for insurance, why not raise it to \$500,000.00 that the City of Akron has for dangerous animals. So I have some suggestions for the City. I have petitions signed by 50 residents who also feel the same way I do, and I'd like to present these to the Council Clerk.

MEMBER MASSEY: Mr. President, Mr. Zutali, right before Council started here this evening, I spoke with Councilmember Hawk and the Safety Director about having this dog banned because the last few weeks I've seen a lot of attacks too in the paper. People aren't taking care of these dogs. I see dogs in my ward walking all the time. They don't have the proper fencing. There's supposed to be muzzles on them when they're out walking the streets, and I'm sure that these young guys don't even have insurance for the dog. So whatever we have to do to get this ban, I'll work with you.

MR. ZUTALI: I appreciate that, Councilman. Thank you.

PRESIDENT DENCZAK: The next speaker is John Picard.

MR. PICARD: Good evening. Thanks for allowing me to speak. My name is John Picard. My office is at 720 McKinley Avenue. I'm here tonight to express my support for the Building Department and its staff from a user's point of view. I am a practicing architect in the City of Canton and have been practicing in the City of Canton for more than 12 years now and have completed hundreds, more than hundreds, of projects inside City limits. My office deals with the Building Department on a daily basis. We submit drawings. We usually have at least two sets of drawings in the Building Department every week. We also call for building inspections, apply for zoning permits, request occupancy permits as well as seek advice for difficult design problems, historic buildings, older buildings, building that are difficult to meet current code requirements. The Building Department in my eyes has always been very clear as far as their requirements and their standards. They have always, from my vantage point, been user friendly. A number of times they have sent out news letters, they have pamphlets right there in the main lobby of the Building Department that tells you how to deal with some of the issues. They've also conducted several seminars, and disappointedly, many of my contemporaries, architects, don't attend these seminars, and that shouldn't be a reflection on how the Building Department does its job. One of the things that the Building Department does on a daily basis that I want to bring to your attention if you're not aware, is they do what they call a pre-review whereas the counter person, Terry Connors, does a quick review of any drawings to be submitted to the Building Department. Canton City is the only building department that I know of, and I deal -- I'm also a plans examiner for the State, and what the City Building Department and Building Official doesn't know that I do inspections of building departments across the State, and Canton City is the only building department that I know of that does this pre-review. And basically what that does is make sure there isn't a dumb mistake on the drawings before it's submitted. Because if Mr. Westfall finds a dumb mistake, not adequate information on the code data which architects are responsible to submit, he has to automatically push the drawings away causing times problems. So the pre-review is very important. The other thing, other item that I want to mention, is that when the inspectors are doing inspections in

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the field, in my business changes occur in construction, alright. And a lot of municipalities and a lot of building departments I've worked with, they don't bother calling the architect back and say hey, we made a change to your drawings. That's illegal, okay. In this comm...

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

MR. PICARD: In this community, the changes are brought to my attention. From my vantage point, the Building Department is doing a fantastic job. I do plans exams over 40 cities in this state. They're doing a great job and I think they deserve our support. Thank you.

PRESIDENT DENCZAK: The next speaker is Darla Hinderer.

MS. HINDERER: Good evening. My name is Darla Hinderer and I live at 3326 Meese Road In Louisville, and I presently hold the position of Zoning Inspector for the City. I've been with the Building department for nine years, and in the time I have been with the department, I've seen a lot of changes. The biggest change that occurred was eight months ago at the end of year 2002. We lost four very good employees to the early retirement buyout program that the City had. We lost our long time Zoning Inspector, Mr. Zengler, when he chose to take another job position within the City, plus we lost another good employee to layoff. So that's six employees were leaving our department within a month's time. Six employees out of 22 were gone. That's over a fourth of our work force, yet we absorbed the work load and continued on as a department. After some re-arranging and retraining, our department continues to tackle the work load that increases on a daily basis. We are there to take care of the citizens of Canton. We're there to serve your constituents. We are there to do the best job that we can with the tools that we possess, and we do a darn good job of keeping up after all the obstacles that we have faced. Lately our department has been the subject of ridicule that I feel we don't deserve, and I feel a lot of this ridicule comes from lack of knowledge - knowledge of what we do as a department, knowledge of how we function and knowledge of how each division handles situations. Since you as our councilpeople deal with the citizens and their problems and complaints, I encourage all of you to visit our department, take a tour and see how we function. I feel this would be helpful to you and to the citizens of Canton in knowing how problems are handled and how some of these situations take time to solve. A lot of people think that the problems are gonna be solved overnight, but there are rules and regulations that need to be followed. In the nine years that I have been with the Building Department, I can only recall meeting five councilpeople that came to our location for information or for help with a situation. I feel if more people understood how we function, we could all work together and serve the citizens of the City in the best way possible, and that's why we're all here. Thank you.

PRESIDENT DENCZAK: The next speaker is Gary Baker.

MR. BAKER: Hi. Gary Baker, 4430 - 2<sup>nd</sup> Street NW in Canton. I've been a Code Enforcement Officer for 14 years and recently promoted to Senior Code Enforcement Officer. Our department's purpose is to enforce the City's residential housing code. We inspect non-owner occupied properties that are issued a certificate of occupancy when compliance is met, owner occupied houses which are cited for exterior code violations by complaint only, and vacant structures. We also investigate complaints regarding junk and high grass as well as addressing complaints from homeowners, council, neighborhood meetings and other concerned parties. Although we are severely understaffed, our office responds to all complaints in a timely manner and appropriate measures are taken to ensure compliance. There are occasions when we need the assistance of the Law Department and this process is often time consuming and delays

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are inevitable. During the past year we have implemented policies and procedures that will have a positive effect on the department and the City. For example, we have restructured our vacant property code to bring these houses into compliance for exterior violations. Our Department has recently been under attack and nothing positive can come from this type of behavior. We all need to work together to create a better community. Thank you.

PRESIDENT DENCZAK: Next speaker is Jerod Pennix.

MR. PENNIX: My name is Jerod Pennix. I reside at 1422 Prairie Circle NE, Massillon, Ohio. Tonight I'd like to talk a little bit about the Building Department's vacant board up program - vacant house board up program. About two years ago the Building and Code Department started the task of securing vacant properties. The process we follow is to notify the owner with a regular and certified mail to secure property within 15 days. If we receive no response, we add the property to a list to be secured. Occasionally we receive a request from the police, fire, safety director, council to secure a building as soon as possible due to extreme safety concerns. At this point we move this property to the top of our list. Most of these properties have either been broken into or vandalized or both. To date, we have boarded and/or re-boarded about 310 properties at a lower cost and with a faster response than when we sent this work out to private contractors. We realize that boarded properties aren't the most desirable attributes for our neighborhood. By keeping these secure until they can be demolished or hopefully renovated is necessary for the safety of our neighborhoods. We all know that the demolition and/or renovation process can be very time consuming. In closing I'd like to say that in my 23 years of experience, 11 in the construction field and 12 as a building inspector for the City, I'd have the opportunity to work with more than a dozen building departments and ours is by far the best bar none. Every employee in our Building and Code Department is willing to work with all other departments and citizens of Canton in an effort to provide the best public services possible, so let's all work together, let's all be part of the solution. Thank you.

PRESIDENT DENCZAK: The next speaker is Kathleen Baker.

MS. BAKER: My name is Kathleen Baker. My address is 4430 - 2<sup>nd</sup> Street NE in Canton. My topic is demolitions. I have worked for the City for 17 years, 15 of which have been spent in the Code Department. My position in Code Enforcement is Administrative Clerk. One of my duties include demolitions. There has been much concern over delays in demolishing properties, so I felt it necessary to explain the due process for the owners. Once a property has been deemed to be demolished material, a title is ordered. The purpose of this is to notify everyone who has an interest in the property such as banks, lien holders, etc. A notice is sent to the parties advising them to contact the Building Department within five days to schedule an inspection. If this is not done, an inspection search warrant is issued through the Law Department. This inspection is done by the Senior Code Enforcement Officer. Once the inspection has been conducted and it has been confirmed that the property does indeed need to be razed, another notice is sent to the interested parties advising them of the inspection results and their right to appeal the demolition order within 30 days. If no appeal is received, the property would then be bid out through the normal process. If the property owner does appeal, they will have the opportunity to speak to the Board of Building Appeals. Meetings are held every second Thursday of even months. They will be asked by the Board if they have the financial means to fix up the property and when the necessary repairs will be completed. If the owner provides proof that the property will be fixed, such as permits, estimates from licensed contractor, etc., an extension until the next Board meeting will be granted and that's usually 60 days. If the Board feels that the property should be torn down, they uphold the demolition order. At this point the property owner has the right to appeal to the Common Pleas Court within 30 days from that meeting. As anyone knows who's familiar with the Court system, this becomes a very lengthy process. There will be court hearings, inspections required by the

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Judge, time limits given to the property owner to complete repairs. As we have a new supervisor effective May 19, 2003, that of the Senior Code Enforcement Officer, I believe that the new changes that have taken place will greatly benefit the Department and the changes that will happen in the near future will be even better. We also get frustrated with the time delays it takes to raze a property, but the owner must be given their rights according the laws City Council votes in place. If you expect changes, then changes must be made in the ordinances. It would be greatly appreciated by my Department and myself if we had the total cooperation from City Council and the public. We do have a thankless job and are often criticized for not doing something, but never get appreciated for all the good that we do accomplish. Thank you.

SAFETY DIRECTOR CONCATTO: Mr. President, just one quick question. The dates, the time elements that you gave, Ms. Baker, were based on ordinances...

MS. BAKER: Uh-mmm.

SAFETY DIRECTOR CONCATTO: ...not arbitrary by the Building Department?

MS. BAKER: No, it's by the ordinance.

SAFETY DIRECTOR CONCATTO: Okay.

PRESIDENT DENCZAK: Thank you.

MS. BAKER: Thank you.

PRESIDENT DENCZAK: The next speaker is Lyndena Watson.

MS. WATSON: Ready?

PRESIDENT DENCZAK: State your name and address please.

MS. WATSON: My name is Lyndena Watson. I live at 1615 - 27<sup>th</sup> Street NE. I'm a secretary for Code Enforcement. I'd like to let Council know that I took offense to an article in *the Repository* called Building Department comes under fire at Council meeting. The reason I took offense is our Councilman Hawk has stated that our files are often misplaced and says he has a copy of an inspection report stating, 'where is file?'. Often is a powerful word considering thousands of files we have. This does not necessarily mean a file is missing. It's just a heads up for our code officers. That tells them that a file is not in the file drawer or is not scheduled. It could be out. It could be in numerous places. It could be in the Law Department for prosecution. It could be out with another inspector. It could be out on a complaint already. We've had numerous cases where two people have called for a same address, like neighbors for example have complained, and the other secretary has taken complaints the same time I am. It could be with one of the supervisors. It could be with mechanical inspectors that might have a problem with that particular address. That does not mean a file is lost. When I started in Code Enforcement nine years ago, we had three code secretaries, eight code officers. Now our staff is down to two secretaries and four code officers. Our work load did not decrease, in fact it increased. We have -- when I started, we only did inspections on non-owner occupied and demolitions. The following has been added to our agenda: inspections on registered and non-registered vacant buildings, exterior inspections on owner occupied

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buildings, board ups and complaints. The articles states that Greg Hawk had asked for a list of vacant properties. Due to being understaffed, we do not have the means to keep track of all vacant properties, due to foreclosures, abandonments, things like that. We were able to provide him a list of all registered vacant properties - key word, registered. But he had requested all registered and non-registered properties. We do have a system now that we are starting to keep track of the non-registered vacant properties. I did a study and found that since 1990, Code Enforcement had over 40,000 file folders and Building and Zoning had over 81,000 permits on file. Code Division has done over 84,000 inspections and Building has done over 183,000 inspections. Yes, we may misfile a couple folders from time to time, but this is due to a tremendous amount of files or permits we have on file. Code Division has been entering records into an HDS, that's our housing department software program, and that's been since 2000. We have over 25,000 entries to this date and within the next few years, we're hoping to be totally computerized. The public needs to know that we are doing the best we can with a cut back staff and increased work load. Our main concern is the safety to all citizens of the City of Canton. I try to do my best for every single person. I'm sure the rest of our staff is striving to give strong support to our citizens also. Thank you.

PRESIDENT DENCZAK: The next speaker is Ernie Sellers.

MR. SELLERS: My name is Ernie Sellers. I live at 4476 Barbie Avenue SW, Massillon. I've been at my residence approximately 30 years. My parents moved to this City when I was eight years old. I grew up in the City having graduated from Timken Vocational High School in 1968. I worked in and around the City and surrounding areas since my graduation. I take great pride in growing up here and now working for the City of Canton as its heating inspector. I believe Mr. Westfall has enlisted an experienced corps of people under his supervision. All the building inspectors have come from the construction industry having well over 100 years of combined experience. We're all state certified and allowed continued education for the provisions of our certificates. This has allowed our City to remain a state certified building department. If you drive around our great City, you will see many types of buildings and people. Some people have pride by keeping their businesses neat and clean. On the other part, it's down right hard to believe how some people will let their places go. What has happened to pride? Doesn't respect of life and property mean anything to certain folks anymore? President John F. Kennedy once said, "It's not what your country can do for you, but what can you do for your country." It's even truer today. Therefore, it's not what can our City do for us, what can we do for our City. As parents of our youth, let's restore the neglectful wealth of our residential housing and commercial buildings and restore the City unity of the people and keep their properties cleaned and maintained. Thank you.

PRESIDENT DENCZAK: The next speaker is Roger Westfall.

MR. WESTFALL: My name's Roger Westfall. I reside at 8954 Appleknoll. As you're well aware, I'm the Chief Building Official for the City of Canton. Mr. President, Council Members, I wish to address a few issues this evening. At the last Council meeting, Councilman Hawk read a statement which really was attacking my staff and requested that I make myself available to Council. As you can see, my staff has been here tonight. They voiced their opinion. Now I'm going to give you the opportunity to address questions to me as well. But, before I allow you to do so, I'd like to take my three minutes to address one major concern that I had. That really has to do with the fact that Mr. Hawk admitted -- said that I don't work very often, or I'm seldom in my Building Department, and seldom's a pretty big word, and I need to address the issue of when and where I'm at, and you had also alluded to the fact that I am at the Massillon Building Department at different times throughout the work hours. First of all let me state that many years ago Mayor Watkins requested that I report to work between 6:00 AM and 7:00 AM daily to enable me to review plans uninterrupted



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before the phones start ringing and my staff issues start developing. This has been very successful. The Mayor had requested I do this to keep up with the plan exam. I am the only one in the City licensed to do plan reviews and therefore this allowed me to spend the first two hours of the day to get a heads up on all of these issues. My work day was really intended to end when my eight hours were up at 2:30, and this procedure has gone on for about eight years now, but very seldom do I get out of there at 2:30. I stay there. I leave the office when the work is done. I don't watch the clock. If my -- if the customers need me or meetings are scheduled, I do not leave until the work is done. I am on call 24 hours a day. In fact, just this past Friday when I got home, got to bed, I got a phone call from the Fire Department, they tell me that at Fawcett Stadium we had a major fire, I come down, I have to get out. So in fact I'm on call 24 hours a day. But again, you made the statement that I'm seldom in the Building Department. The other issue that I wish to address is that Mr. Hawk also alluded to the fact that we should be -- department heads should really be at their desks the majority of the time, and this is really not possible in the type of work that I do. I investigate complaints, I provide inspections, I attend meetings, I fulfill our annual continuing education requirements that we all, or my inspectors, have to have for state certifications. And furthermore, out of the -- my 13 years experience with the City, I have had 11 perfect attendance years out of those 13, so I do not call in sick. Mr. Hawk also stated about the fact that I work at the Alliance Building Department during business hours. The Mayor is aware of my employment with the City of Alliance. I am registered with the Board of Building Standards as their part time plans examiner and this is on file in my personnel record. I go to Alliance one evening a week, usually Tuesdays or Thursdays, I mean Tuesdays or Wednesdays, as my schedule permits, and after my work at the Canton Building Department. I do not provide any Alliance work during the day or take any phone calls pertaining to Alliance. However, occasionally if I'm tied up in a meeting in the office and I cannot get out of the office like I'd planned, I do make a phone call to tell them that I'm not gonna be able to make it over there.

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

MR. WESTFALL: Thank you. That was the end of what I had, in fact, so I do want to state that I give the City 100% of my time and I take pride in the work provided to the citizens of this City. Thank you.

SAFETY DIRECTOR CONCATTO: Mr. President, Mr. Westfall, there was a question about the number of Board of Building appeals cancellations of their meetings. Can you respond to that, and how many may have been canceled in the last few years.

MR. WESTFALL: Yes, Director. In fact I do have -- I had put together a printout of that. I went back for the past five years if that would be sufficient. I have here, and I can pass this around -- basically this goes through for the past five years. We have only canceled in the last five years three meetings, and those three meetings were canceled -- one had to do with -- there was a very light agenda. Second one was on June of 2002 - no, February of 2003 was the second one because of the retirement of Diane Rogers. She was our Code Supervisor, and she had retired. It was right at the time when the case was going on. And the last one was just recently. Last month we canceled because we had only one agenda item on there, and it was an old business item, and all of our Appeals members, Board members, are volunteers. They don't get paid for coming out and doing this. It's a 9:00 o'clock in the morning meeting, and to have all of the Board members come out for one issue, we felt it was appropriate to postpone that until the next meeting. So, over the past five years we've only canceled three meetings. Any other questions?....

PRESIDENT DENCZAK: Thank you. The next speaker is Don Longenecker.

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MR. LONGENECKER: Good evening. My name is Don Longenecker, 1125 - 16<sup>th</sup> Street NW in Canton. I wanted to speak about code enforcement. I feel my City's been shooting itself in the foot for years. Canton is approximately 50% rental property. Rental property is owned by investors. We need to attract investment monies into town to rebuild our housing stock, or part of it anyway. The smart money left town years ago and is being kept out by policies that were written years ago when Canton was a growing city 100,000 strong. People were buying homes, nice homes, and making them into duplexes and triplexes. Well those days are gone. I have spoken with many investors over my lifetime in Canton that have received a letter from Code Enforcement. The letters are quite intimidating, especially to a new investor. And many have said I will never invest in Canton again. The letters need re-designed. The Code Department needs to be trained as ambassadors that work with and attract investment from the private sector. But today they are seen as the heavy hand of government interference by most investors, or new investors in any event. This needs to be changed or the smart money will not come back from the suburbs. Case in point, Dr. Steve Davis bought a home on Troy Avenue to rehab. After one encounter with the Code Department, his foreman informed me that they will never invest here again and they will invest in the suburbs. All the money has went outside of town. A lot of money has been chased out of town, a lot by misunderstanding. Allot of these are good people and some of them were my friends, until now maybe (*CHUCKLES*). And then I had written a comment about Mr. Westfall which he has pretty much defended today. I said why should Canton support a regional building inspector, one that works for Alliance and Massillon? We need someone to be here minding the store full time. If in fact he is, I apologize. And then I was going to suggest that Mr. Pennix would be a great candidate for the job. He is well endowed and would be able to handle it. I believe they could sub out the reading of plans. Let's stop shooting ourself in the foot and make the changes that -- and make the changes. Let's work together to rebuild our town. And I believe Mr. Smuckler is ready to make these changes and that's why I will support him for Mayor. Thank you.

PRESIDENT DENCZAK: The Chair has been informed by the Auditor Kim Perez that Tim Henderson is to be scratched from speaking. The final speaker is Betty Smith.

MS. SMITH: Good evening. My name is Betty Smith and I am the executive director of Multi-Development Services of Stark County. My office is located at 424 Fulton Road NW in the heart of...

PRESIDENT DENCZAK: State your address please.

MS. SMITH: 424 Fulton Road NW.

PRESIDENT DENCZAK: Go ahead.

MS. SMITH: I am here to address concerns about City code rules. Because of the deteriorated conditions in our neighborhoods, in 2002 my organization initiated a program called Summit Neighborhood Enrichment Team or SNIT for short. It is made up of some members of my staff, representatives of various city departments including Code and Health, also Councilman Hawk and Councilman Altieri and representatives of Summit School, Summit United Neighborhoods, Stark County Job and Family Services and other local groups. Ever since this group was started, one of its principal concerns has been the amount of time property owners have been given to bring their property up to code. According to the last census in our target area alone, we have over 1200 rental units and over 400 vacant units. On numerous occasions beginning in 2002 we have asked for a listing of these vacant properties, but to no avail. Through our neighborhood walks and the follow up, we have found that various landlords are given an inordinate amount of time

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to bring their properties up to code. After the initial 120 days are issued, extensions are often given to owners that have completed very little of the required work. In addition, rulings to have a property demolished result in many cases of taking over a year before a determination is made to demolish the property. It has been noted that even after the second extension, some owners are given additional extensions to delay this much-needed work. These properties are detriments to our neighborhood. It is very difficult to improve a neighborhood without the cooperation of enforcement of city code officials. I would strongly recommend that the City Code legislation be amended to tailor the rules of the City similar to the Health Department's which provides for minimum extensions and also provides a more efficient procedure for dealing with property owners. And on a very personal note, not too long ago I had an encounter with Mr. Westfall where I was trying to do a project in the City and needed some very serious help from the Building Code Department. I was treated very rudely, I was told to shut up, he hung up on me twice as well as one of his assistants, and I don't think that's the way we work together and make things happen in the City. I notice that he did receive a lot of commendations and I applaud him for that. One that was not there is in effective people skills, and I would suggest that you take into consideration sending him and this staff person to a class so they can learn how to deal effectively and professionally with the public. Thank you. (FAINT APPLAUSE)

**MISCELLANEOUS BUSINESS**

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

MEMBER SMUCKLER: Mr. President, the situation at the Building Department is a bad one. We don't have the employees we used to have. And my gripe with the Building Department, with most -- I don't have a gripe with most of the employees there. And Mr. Hawk will speak with what he had to say. And I don't ever remember on any occasion -- I do remember serving dinner one night at St. Haralambos where I was told I was getting rid of the whole Building Department by a building department employee, or at least that's what he was led to believe. If elected, I have no intentions of that. But the shortfall of employees didn't occur until December 2002. What took place before December 2002? I have gone to many neighborhoods in this City over my 20 year tenure, and if you live in the intercity in Ward 4, in Ward 2, in Ward 1, there's a different stock of housing than in Ward 7 and Ward 8. And the apparent situation alone is the black building down on Mahoning Road that used to be know in this Council as "The Store," where I'm told the building is structurally sound and you can walk in and watch the rain rain down upon you. Now I asked Mr. Westfall at that last meeting where that was spoke about, do you need any further legislation from this Council to help implement anything more? And I'm still waiting for that phone call back. And Kathleen Baker, if we need to change the ordinances, I want to change the ordinances to create less time, and the last time some people were down here we were investigating the Health Department and the Building Department together. I left a message on Mr. Westfall's answering machine that said I am more than willing on any occasion to come up and speak to the Building Department. I'm still waiting for that phone call back also. The offer's still there, Roger. But I also want you folks to come with me where I go, and I want you to see some of the squalor people have to live next to that doesn't happen in Massillon, Ohio and some of the other addresses that I saw here tonight.

PRESIDENT DENCZAK: Member Smuckler, your three minutes are up. Let me see if anybody else has anything else to say. Anybody else under Miscellaneous Business?... Member Smuckler.

MEMBER SMUCKLER: I am passionate about this subject, because of the houses that are boarded up and the filth

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that some of these people have to live in. I'm lucky. I live in a neighborhood where I don't have to see any of this on a daily basis, but I represent a City that is filled with vacant homes and the body count just didn't go down today. We need your help, and again, the offer still stands. If there's ordinances that need changed -- and yes, Mr. Lively, I don't know everything about everything.

MR. LIVELY: *(INAUDIBLE--SPEAKING FROM AUDIENCE)*

MEMBER SMUCKLER: I'm well aware of that. And so when we need to put sewers in somewhere, I do have to hire an engineer to do that. *(ONE WORD IS UNINTELLIGIBLE)*... We did it tonight. But I'm also sick of going into these neighborhoods and being told the ultimate word, no. No, no, no. Can't help you, can't help you, can't do anything for you. Well I'll say this with what people say to me, if it was near your house, Roger, you'd do something about these homes. And I'm going to do everything I can whether I'm here for the next 120 days or I'm here for the next four years to make sure that I do everything I can that people don't have to live this way. As far as zoning goes and the Zoning Inspector, I never had a problem. My gripe isn't with Zoning. My gripe's with the 400 homes that Betty talks about in the Summit neighborhood that are boarded up, or some aren't boarded up. My gripe is the time it takes, and if it's a judicial matter and we have to change something, I'm more than willing to change it. And I know there's mistakes made. I called you last February, Roger, about one where the plans got laid and laid and laid and finally the party called me. You reacted. You sent all the zoning inspectors all out there -- I'm sorry, all the building inspectors all out there at one point in time. But I'm tired of the complaints, folks. I'm tired of the problems. And I'd like a new approach of we can do something about it...

PRESIDENT DENCZAK: Member Smuckler, I'm sorry again, but your rules...

MEMBER SMUCKLER: I'd like a new...

PRESIDENT DENCZAK: Your three minutes are up.

MEMBER SMUCKLER: -- and I'll finish up here in the last sentence. I'd like a new approach of we can do something about something rather than we can't do something.

PRESIDENT DENCZAK: Is there any other Miscellaneous Business?

MEMBER HAWK: Mr. President, one quick correction. And I'm gonna read you from the quote. Mr. Rog-- here, let me read it to you. This is fact number 5. Mr. Westfall has made the statement I am 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 the Canton City Building Department during business hours. That was my quote, sir. He prefers to schedule his own time which includes a part time job with the City of Alliance that he works at while our Building Department is open for business. As well to substantiate that I have from the City of Alliance that you work there between 3:30 and 4:30, and with that I'll close because I ask only two things, that the facts are accurate and correct, and my name is pronounced correctly. Thank you. I'm done.

PRESIDENT DENCZAK: Is there any other Miscellaneous Business?

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MAYOR WATKINS: Mr. President, my remarks are going to be brief because there's a lot of areas here I'd like to cover again with a number of people including Member Smuckler. We talked about The Store on Mahoning Road, and I would like to refer you if I may to the Law Director, and it goes behind the current Law Director and goes all the way back to Mr. Bernabei when he was then the Law Director, and this case has been in and out of the Courts I think 11 times, and we've lost every appeal to get that building torn down, and God knows we really tried. There are a lot of other areas that we need to sit down and talk about. I'm perfectly willing to do so. I think we have excellent departments. I think we have some excellent employees, and instead of beating each other up, why don't we sit down and sort through the problems that we have and find out where we have a common ground that we can talk reasonably as reasonable people should and solve problems. (APPLAUSE)

MEMBER SMUCKLER: Mr. President, in checking with the Law Director today over that same piece of property, he said we probably could have gotten a little bit better usage of our time in Court if the property would have been condemned, and anybody tells me that with the roof off of the whole property and it can rain on you, that it's not condemnable, I don't know what is.

MAYOR WATKINS: I'd like to have the Law Director respond to that.

LAW DIRECTOR MARTUCCIO: That conversation did take place. What I acknowledged was had the property been in different shape that could have lended itself to being condemned, it could have been pursued a different way. However, as you know, we won part of our issues that were brought up to the Court of Appeals and lost part of our issues that were brought up to the Court of Appeals where a Court of Appeals judge told us we needed to have more particularized information that had to do with the condition of it. So there were issues of structure versus plain esthetics. Had the conditions been such, they could have lent themselves to a condemnation, it would have been easier for us.

SAFETY DIRECTOR CONCATTO: Mr. President....

PRESIDENT DENCZAK: Member Smuckler, you still have the floor.

MEMBER SMUCKLER: I am more than willing, Mr. Mayor, as I've always been, to meet, and publicly I'd like to acknowledge today that in my discussion with Mr. Concatto this morning, that I had probably reached my wits end because of the number of complaints that I get and the number of calls I get. Mr. Concatto, I apologize to you publicly for what I had to say on the phone today and the tone that I said it in, but it is now down to the point of sheer frustration - sheer frustration of some of the areas of our City that are under total neglect, and as a Councilman I have offered, and will continue to offer, to change any law any time to do anything, to use any of my influence down here with these other Council people to solve these problems, but I can't believe that all these problems that sit out there in our City are totally insolvable.

PRESIDENT DENCZAK: Safety Director, do you wish to...?

SAFETY DIRECTOR CONCATTO: Yes, just a brief statement. First, we do have monthly Housing Task Force meetings. Mr. Hawk comes to every meeting and I give him credit for that, and Kathy Altieri comes to them, Craig Massey sometimes comes to them. At these times we discuss these properties, Mr. Smuckler, that become properties that are difficult to handle, properties that the system doesn't always abide by, and those that I believe is the place that

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we can solve some of these problems, at these meetings, is Code Enforcement, Building, Health, Zoning, and all the entities in government that are here to try to solve some of these problems. You may not believe this, but I have the same frustrations you have. The properties that you know of, I know of. And I deal with them as much as I can on a daily basis and try to solve them as much as Mr. Hawk and Ms. Altieri do. We're here to do that and I think the Housing Task Force is a place for that. I have to make one other comment. Mr. Hawk, I just want to verify, or clarify the last statement you made at the last meeting was about an inspector that went to the wrong address, and everybody seemed to get a pretty good chuckle out of that. Let me just say to you that address was I believe 705 - 12<sup>th</sup> Street, and that address was given to that inspector by me. He did not go to the wrong address. He went to the address I asked him to go at. I mistook a comment from a person that was at Public Speaks and thought that they were complaining about 705 - 12<sup>th</sup> Street which in fact they lived there. So that mistake was not by a code enforcement officer, it was a mistake by me. We are here to try to solve this problem, not create problems. Housing Task Force would be a very good place to do that, and I welcome that, and we will change if necessary, make recommendations there to make the ordinance changes that can maybe quicken these issues. Thank you.

AUDITOR PEREZ: Mr. President, I had an opportunity to represent Greg's ward and Kathy's ward - part of Kathy's ward - back in the late 80's, early 90's as councilman. Some of the properties they are talking about today are still some of the properties we talked about then. To get to the root -- I mean, we're looking at this in the whole wrong way. The real root to this whole problem is it's the year 2003 and we have not computerized the department. You can have imagining, document imagining, where you can put all this information on houses, inspections, the whole nine yards, on a folder, on a web site that can be shared with not only inter-department people without taking a file out, but also with the public. As a Council people, as a Councilperson, you'll find that you're best form of information is the neighbors, and there's nothing better than to have the neighbors get to know who owns that house across the street so at 2 o'clock in the morning when the parties start, they can call that landlord and put that phone out the window and say listen to what I gotta put up with. You will solve most of your problems by empowering the citizens of this City to help you do your job, and the only way we're gonna do that is to computerize that department to let the information be available to all citizens of the City of Canton along with other departments. And I think we would be able to handle this more smoothly and economically, with fewer people, if we had that type of system built into the project right now.

MEMBER HAWK: If Mr. Concatto -- he has expressed that my remarks were out of line, I'm sorry that I offended him and I thank him for explaining the situation to me. Thank you, Director.

PRESIDENT DENCZAK: If there any other Miscellaneous Business?

MEMBER HART: I just wanted to thank the Council staff. Again, you know with the flooding problems we had, I had numerous compliments from some of my ward residents that had called in and, again, really with all the City employees, they're always treated with the greatest amount of kindness and respect and compassion, and again I want to thank you for that because it is greatly, you know, appreciated by them. And also, you know, last week I spied Inspector Artimez out in Ward 7 and just happened to stop by and, you know, asked him about if one of the residents had called in to, you know, complain about the house he was at. He said no, I was just going by and I saw that there was some problems, some violations, so I, you know, stopped by and went over the house. And again, you know, I just want to thank him for taking the initiative and not waiting for a neighbor or a resident to call. So, again, thank you. A job well done.

LAW DIRECTOR MARTUCCIO: Thank you, Mr. President. A few different issues that I'd like to jump around upon.

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First, those members of the Claims Committee, I've asked you if you could stay a few minutes after the meeting to talk about imminent litigation and how we might solve it by collecting some money for a change. Two, for those of you who have constituents asking you about natural gas questions, a whole bunch of people were mailed letters by a subsidiary or affiliate of Dominion East Ohio saying if you lock in now, you can get natural gas for \$7.75 for year, all 12 months. That's true. Then some of them got letters from Shell, people who were among the opt-in crowd, not the opt-out crowd, and those letters said we can do you \$7.20 for a year if you stay all 12 months. We in the City, Service Director especially, are studying and about to strike a price for those of us who are still in the opt-out program -- how we all aggregated pursuant to the ballot and the vote and so on and so on. We're hoping that we can do better by, well, purchasing power. We will announce that figure -- we have till October 1<sup>st</sup> to strike it. We hope to do that before September 10<sup>th</sup> which is the deadline for a couple of the other gas programs. But we have time, we're studying it. Hurricanes are affecting it, heat waves in the Midwest, nuclear powers being off line, boats in the Gulf of Mexico, it's crazy stuff. With regard to sewers, some of us in the Law Department have begun meeting people under Mr. Miller's control, Engineering and a few other departments, we're beginning to look at the law and the standards behind drainage and whether we can indeed improve them as Mr. Smuckler and Ms. Diamond and a number of other people have asked us to do. We're beginning to do that. Finally, Mr. Hawk came to visit us in the Law Department a week or so ago and brought up some of the issues that some of you brought up, Member Smuckler, Member Diamond, about strengthening legislation in code and housing. We all understand that there are human factors as Mr. Jenkins alluded to, excuses that are legitimate - health, being unemployed, having no money and so on. We also understand that there are times when we may take too long or the Courts may take too long. Try as they might, they're under the burden of having criminal cases that take precedent. So, Member Hawk said I would very much like to just put people in those houses, kids that can collect money to help the schools, to help us all, and no one can disagree with that. So he agreed that he would be willing to work with our new assistant law director who's in charge of those areas who works with Code, Jason Reese, and his predecessor Craig Chessler. Gary Baker, I believe, has a good relationship and I believe would like to be a part of that. That invitation will be extended to Roger Westfall, Joe Concatto and other folks who I think Mr. Lively said are people of good will and care about the City. So at some point -- *(TIMER SOUNDS)* I'll bring my remarks to a close.

PRESIDENT DENCZAK: Okay.

LAW DIRECTOR MARTUCCIO: At some point soon, we would like either the Task Force or a division of it to look specifically at what the ordinances help or hinder and what we in the Law Department can help or hinder, and look toward amending those if necessary or doing procedures that might be helpful. And again, I want to applaud Mr. Hawk for saying that he would very much like to be a part of that group, and I'm sure the others will too, and that invitation will be extended soon. Thank you.

MEMBER DOUGHERTY: Just a reminder that September 13<sup>th</sup> is our annual picnic for those in need, so I need any donations that you haven't submitted, and I need any volunteer help so that we can make this again a successful event. Thank you.

AUDITOR PEREZ: Mr. President, just a question to the Law Department- Law Director. You said on the Shell Energy, you're opt out, you're not in the Shell program, and you're negotiating for the people that are opt out, will that price be lower than the people that's already in, and would those people be allowed to get in?

LAW DIRECTOR MARTUCCIO: Mr. President, Mr. Perez, that's a series of questions. There are a small number

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of people who've received letters because they were among the first in the Canton residences and small businesses to go into the opt-in program. They got a letter from Shell saying you can catch on for \$7.20. That may end up being a better price than we end up striking. We hope not. And that's fixed for all 12 months. We're hoping to do this year what we did last year, get a lower price for the five months of the winter that's fixed and a variable price for the summer. The bulk of our people who are with Shell though are in the opt-out, meaning they were automatically brought in after that vote on the ballot and they had to do nothing to stay in. That's most of our people in Shell, and they're the ones who are depending on Mr. Miller's prognostication ability that was so good last year. Whether you tell your friends and constituents to stay with the 7.20 or hold out for a better rate, is a legalized crap shoot, best way I can put it.

AUDITOR PEREZ: So you're saying those that already chose to stay in the program as of today, say, might not have the possibility to get into the new rated negotiated...

LAW DIRECTOR MARTUCCIO: My understanding is that those who were in opt-out programs can call Shell at their toll free number and explain that they'd like to convert from an opt-in to an opt-out where they'd be put on a half a year contract and then they'd roll with our punches. That's what our consultants explained to us.

PRESIDENT DENCZAK: Is there any other Miscellaneous Business?

MEMBER CARBENIA: Mr. President, if we're gonna continue to be here, I request a small recess. Some of us old guys can't do it, and I'm alright, but I need to get a recess.

PRESIDENT DENCZAK: Well, if you're talking Niagra, the Chair will call a three minute recess.

MEMBER SMUCKLER: Mr. President, before you take that three minute recess, can you see if anybody else has a question, cause if not, I'm prepared to adjourn.

PRESIDENT DENCZAK: Alright. Is there any other Miscellaneous Business?... Apparently not, Member Smuckler.

MEMBER SMUCKLER: By request of Member Carbenia, I move that we adjourn; seconded.

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

NO REMARKS PERMITTED ON THE MOTION TO ADJOURN

ROLL CALL: 11 YEAS, 0 NAYS

ADJOURNMENT TIME: 9:27 P.M.

ATTEST:

APPROVED:

DEBRA VANCKUNAS

RAY DENCZAK



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CLERK OF COUNCIL

PRESIDENT OF COUNCIL

