

MINUTES OF THE MEETING OF SEPTEMBER 15, 2003

The regular meeting of Canton City Council was held on Monday, September 15, 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 Pro Tem Elizabeth Wensel in the absence of Clerk of Council Debbie Vanckunas. The invocation was given by Ward 1 Councilmember Greg Hawk, 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 PRO TEM:

ALL 12 COUNCILMEMBERS PRESENT: (BILL SMUCKLER, DON CASAR, MARY M. BABCOCK, GREG HAWK, KATHLEEN ALTIERI-BUCHER, RICHARD A MALLON II, CRAIG MASSEY, JOHN R. MROCZKOWSKI, DAVID R. DOUGHERTY, RICHARD D. HART, ROSEMARY DIAMOND, & JOE CARBENIA)

AGENDA CORRECTIONS & CHANGES

PRESIDENT DENCZAK: Agenda correction and changes, Members of Council. You're being asked to suspend Rule 22A to add the 2nd readings of Ordinances #6 through and including #16 to the agenda. You're being asked to adopt Ordinance #8 under second reading. At this time, the Chair will now recognize Rule 22A suspension, Member Smuckler... Member Smuckler, the Chair will recognize Rule 22A suspension.

MEMBER SMUCKLER: Mr. President, I move we suspend Rule 22A and add Ordinances #6 through 16 back to the agenda; seconded.

PRESIDENT DENCZAK: Moved and seconded to suspend Rule 22A to add the Ordinances 6 through 16 inclusive back to the Agenda. Are there any remarks?... If not, roll call vote please.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

PRESIDENT DENCZAK: Rule 22A has been suspended and Ordinances 6 through and including #16 are a legal part of your agenda. Also to bring your agenda up to date, Members of Council, the authors of Resolution #71 and 72 have asked that those two resolutions be withdrawn. So be it. This brings your agenda up to date.

PUBLIC HEARINGS

PRESIDENT DENCZAK: We had a scheduled public hearing at 7:30. It's in regards to a request by Canton City Schools to vacate portions of 3rd Street, Queen Court and Wells Avenue NW and replat all or parts of various lots and vacated streets. The Planning Commission recommends approval. The Chair now opens this to the public as a public hearing. Is there anyone in the audience wishing to speak for or against these vacations, please come forward... Is there

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anyone in the audience wishing to speak for or against these vacations, please come forward... Is there anyone in the audience wishing to speak for or against these vacations, please come forward... Apparently not, the Chair declares the public hearing over in regards to this matter. The matter now rests in the hands of Council. The ordinance will follow later this evening.

PUBLIC SPEAKS (ORDINANCES OR RESOLUTIONS FOR ADOPTION ONLY):

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

INFORMAL RESOLUTIONS

PRESIDENT DENCZAK: Let the journal show that all members of Council are present.

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 SEPTEMBER 15, 2003.

355. HEALTH BENEFITS ADMINISTRATOR ROSE BRESSON, CITY OF CANTON: AUGUST 2003 MONTHLY COMPARATIVE REPORT OF INSURANCE CLAIMS & JANUARY-AUGUST 2003 PAID CLAIMS & COMPARATIVE REPORT. - RECEIVED & FILED
356. HOUSE OF REPRESENTATIVES, STATE REPRESENTATIVE SCOTT OELSLAGER, 77 SOUTH HIGH STREET, COLUMBUS, OHIO 43215: LETTER THANKING CLERK OF COUNCIL FOR RESOLUTION REGARDING OHIO PRESCRIPTION DRUG FAIR PRICING ACT 2001 (HB 290). - RECEIVED & FILED
357. PLANNING COMMISSION, CITY OF CANTON, SHEILA K. THARP-BARRINO, SECRETARY: RECOMMENDING APPROVAL OF I-1 LIGHT INDUSTRIAL ZONING FOR JEFFRIES BROTHERS ANNEXATION AREA. - LAW DIRECTOR **PUBLIC HEARING 10/20/03 @ 7:33 PM**
358. PLANNING COMMISSION, CITY OF CANTON, SHEILA K. THARP-BARRINO, SECRETARY: RECOMMENDING APPROVAL TO DEDICATE WAREHAM PLNE BETWEEN LYMAN & WALKER COURT, & REPLAT ALL OR PARTS OF LOTS 41988-41991 & 42205-42207 REQUESTED BY NICHOLS FIELD SERVICES FOR HABITAT FOR HUMANITY. - LAW DIRECTOR (See O#2, 1st Rdg)
359. PRIME PROPERTIES & RENOVATIONS LLC, 6273 FRANK AVENUE NW, NORTH CANTON, OHIO

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44720: REQUEST TO REZONE 1275 WOODLAND AVE NW FROM R-1A TO PR-3 FOR A LEGAL NON-CONFORMING MULTI-UNIT. - PLANNING COMMISSION

360. SERVICE DIRECTOR MICHAEL L. MILLER, CITY OF CANTON: REQUEST LEGISLATION AUTHORIZING THE MAYOR TO SUBMIT APPLICATIONS TO OPWC & EXECUTE CONTRACTS FOR CAPITAL IMPROVEMENT PROJECTS FUNDING. - LAW DIRECTOR (See O#3, 1st Rdg)
361. SERVICE DIRECTOR MICHAEL L. MILLER, CITY OF CANTON: REQUEST TO ADVERTISE, RECEIVE BIDS & ENTER INTO CONTRACT FOR CONSTRUCTION OF 44th STREET NE IMPROVEMENT PROJECT, GP 1056; PERMIT PROJECT TO BE CONSTRUCTED WITHOUT SIDEWALKS; \$143,255 TRANSFER TO 4535 GP 1056 44th STREET NE IMPROVEMENT FUND & \$788,357 SUPPLEMENTAL APPROPRIATION FROM 4535 OPWC GP 1056 44th STREET NE IMPROVEMENT FUND. - LAW DIRECTOR
362. SERVICE DIRECTOR MICHAEL L. MILLER, CITY OF CANTON: REQUEST TO ENTER INTO \$24,850 CONTRACT WITH CT CONSULTANTS FOR THE FAIRMOUNT BOULEVARD NE STORM INTERCEPTOR PROJECT; ESTABLISH A PROJECT ACCOUNT, & A \$24,850 TRANSFER INTO 5410 202063 FUND FOR THIS PURPOSE. - LAW DIRECTOR

ORDINANCES & FORMAL RESOLUTIONS FOR FIRST READING

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

NOTE: PRESIDENT DENCZAK CALLED UPON CLERK PRO TEM ELIZABETH WENSEL TO READ THE FOLLOWING ORDINANCES #1 THROUGH AND INCLUDING #5 FOR THE FIRST TIME BY TITLE & ANNOUNCED THE COMMITTEE REFERRAL, AS FOLLOWS.

- #1 (1ST RDG) AN ORDINANCE AMENDING ORDINANCE NO. 55/77, AS AMENDED, KNOWN AS THE CITY OF CANTON ZONING ORDINANCE; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to 2nd Reading Portion of Next Agenda
- #2 (1ST RDG) AN ORDINANCE APPROVING AND ACCEPTING THE REPLATTING OF ALL OR PARTS OF LOTS NOS. 41988-41991 AND 42205-42207; APPROVING AND ACCEPTING THE DEDICATION PLAT OF WAREHAM PLACENE; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Public Safety & Thoroughfares Committee
- #3 (1ST RDG) AN ORDINANCE AUTHORIZING THE MAYOR TO SUBMIT NECESSARY APPLICATIONS TO THE DIRECTOR OF OHIO PUBLIC WORKS COMMISSION AND

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TO EXECUTE CONTRACTS FOR CURRENT STATE CAPITAL IMPROVEMENT AND LOCAL TRANSPORTATION IMPROVEMENT PROGRAMS FUNDING FOR CAPITAL IMPROVEMENT PROJECTS; AND DECLARING THE SAME TO BE AN EMERGENCY.
Referred to Public Property Capital Improvement and Finance Committees

- #4 (1ST RDG) AN ORDINANCE AUTHORIZING THE CITY AUDITOR TO PAY A MORAL OBLIGATION IN AN AMOUNT NOT TO EXCEED \$5,178.14 TO ATTORNEY DAVID B. LANGDON; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Finance Committee
- #5 (1ST RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A ONE YEAR CONTRACT FOR THE PURCHASE OF NATURAL GAS WITH FSG ENERGY SERVICES; RATIFYING SAID CONTRACT; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Environmental Public Utilities Committee

ORDINANCES & FORMAL RESOLUTIONS FOR SECOND READING

PRESIDENT DENCZAK: Ordinances and formal resolutions for their second reading.

NOTE: PRESIDENT DENCZAK CALLED UPON CLERK PRO TEM ELIZABETH WENSEL TO READ THE FOLLOWING ORDINANCES #6 THROUGH AND INCLUDING #16 FOR THE SECOND TIME BY TITLE, AS FOLLOWS. ORDINANCE #8 WAS ADOPTED FOLLOWING ITS SECOND READING.

RULE 22A SUSPENDED TO ADD #6 THROUGH 16:

- #6 (2nd RDG) AN ORDINANCE AMENDING APPROPRIATION ORDINANCE #236/2002 AS AMENDED BY MAKING THE SUPPLEMENTAL APPROPRIATION HEREIN DESCRIBED AND DECLARING THE SAME TO BE AN EMERGENCY
- #7 (2nd RDG) AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 236/2002, AS AMENDED, BY MAKING THE SUPPLEMENTAL APPROPRIATIONS AND TRANSFERS HEREIN DESCRIBED; AND DECLARING THE SAME TO BE AN EMERGENCY
- #8 (2nd RDG) **ADOPTED AS ORDINANCE NO. 184/2003** AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY TO ENTER INTO CONTRACT WITH STEPHEN CAMPBELL & ASSOCIATES IN AN AMOUNT NOT TO EXCEED \$43,995.00 FOR THE PURCHASE OF AN AUDIO LOGGER PURSUANT TO OHIO REVISED CODE SECTION 125.04 (B); AND DECLARING THE SAME TO BE AN EMERGENCY

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

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PRESIDENT DENCZAK: There's a move to dispense with the 3 readings of Ordinance #8. Are there any remarks?... Very well, roll call vote please.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

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

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

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

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance #8 is adopted.

#8 ADOPTED AS ORDINANCE NO. 184/2003

#9 (2ND RDG) AN ORDINANCE AMENDING APPROPRIATION ORDINANCE #236//2002, AS AMENDED, BY MAKING THE TRANSFER HEREIN DESCRIBED; AND DECLARING THE SAME TO BE AN EMERGENCY

#10 (2ND RDG) AN ORDINANCE AUTHORIZING THE MAYOR AND/OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A ONE YEAR CONTRACT WITH THE CANTON SYMPHONY ORCHESTRA ASSOCIATION TO PROVIDE A GRANT IN AN AMOUNT NOT TO EXCEED \$40,000.00 FOR THE CHILDREN'S ARTS CONNECTION PROGRAM; AND DECLARING THE SAME TO BE AN EMERGENCY

#11 (2ND RDG) AN ORDINANCE AUTHORIZING THE MAYOR AND/OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CONTRACT WITH HABITAT FOR HUMANITY OF GREATER CANTON, INC., TO PROVIDE A GRANT IN AN AMOUNT NOT TO EXCEED \$60,000.00 FOR THE REIMBURSEMENT OF ACQUISITION AND SITE DEVELOPMENT COSTS; AND DECLARING THE SAME TO BE AN EMERGENCY

#12 (2ND RDG) AN ORDINANCE AUTHORIZING THE MAYOR AND/OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CONTRACT WITH PRIME TIME BASKETBALL, INC. TO PROVIDE A GRANT IN AN AMOUNT NOT TO EXCEED \$31,325.00 FOR THE PRIME TIME BASKETBALL PROGRAM; AND DECLARING THE SAME TO BE AN EMERGENCY

#13 (2ND RDG) AN ORDINANCE AMENDING CHAPTER 515, FAIR HOUSING CODE OF PART FIVE - GENERAL OFFENSES CODE OF THE CODIFIED ORDINANCES OF THE CITY OF CANTON; AND DECLARING THE SAME TO BE AN EMERGENCY

#14 (2ND RDG) AN ORDINANCE ESTABLISHING THE FAIR MARKET VALUE OF ONE PARCEL OF

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CITY OWNED REAL PROPERTY; AUTHORIZING THE SALE AND CONVEYANCE OF SAID PROPERTY PURSUANT TO THE CITY'S RESIDENTIAL LAND DISPOSITION PROGRAM; AND DECLARING THE SAME TO BE AN EMERGENCY

#15 (2ND RDG) AN ORDINANCE ESTABLISHING THE FAIR MARKET VALUE OF ONE PARCEL OF CITY OWNED REAL PROPERTY; AUTHORIZING THE SALE AND CONVEYANCE OF SAID PROPERTY PURSUANT TO THE CITY'S RESIDENTIAL LAND DISPOSITION PROGRAM; AND DECLARING THE SAME TO BE AN EMERGENCY

#16 (2ND RDG) AN ORDINANCE AUTHORIZING THE ALLOCATION OF \$200,000 PER YEAR, PLUS INTEREST, FOR FIVE YEARS TO THE CANTON COMMUNITY IMPROVEMENT CORPORATION; AND DECLARING THE SAME TO BE AN EMERGENCY

ORDINANCES AND FORMAL RESOLUTIONS FOR THIRD READING

PRESIDENT DENCZAK: Ordinances and Formal Resolutions for the third and final reading.

NOTE: PRESIDENT DENCZAK CALLED UPON CLERK PRO TEM ELIZABETH WENSEL TO READ THE FOLLOWING ORDINANCES #17 THROUGH #19 FOR THE THIRD AND FINAL TIME BY TITLE, AS FOLLOWS. ORDINANCES 17-19 WERE ADOPTED FOLLOWING THEIR THIRD READINGS.

#17 (3RD RDG) **ADOPTED AS ORDINANCE NO. 185/2003** AN ORDINANCE AMENDING EXHIBIT A OF ORDINANCE #40/2000 AS AMENDED THE CLASSIFICATION PLAN FOR THE BARGAINING UNIT PERSONNEL EMPLOYED BY THE CITY OF CANTON; AND DECLARING THE SAME TO BE AN EMERGENCY

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

PRESIDENT DENCZAK: Moved and seconded that you adopt Ordinance 17. Are there any remarks under this Ordinance?... Very well, roll call vote please.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance #17 is adopted. **#17 ADOPTED AS ORDINANCE NO. 185/2003**

#18 (3RD RDG) **ADOPTED AS ORDINANCE NO. 186/2003** 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

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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

MEMBER SMUCKLER: Mr. President, I move we adopt Ordinance #18; seconded.

PRESIDENT DENCZAK: Moved and seconded that you adopt Ordinance 18. Are there any remarks under this Ordinance?

MEMBER CASAR: Mr. President. I'd like to ask the Service Director a question if I may.

PRESIDENT DENCZAK: You may.

MEMBER CASAR: Service Director Miller, exactly where is this allotment located?

SERVICE DIRECTOR MILLER: This allotment is located north of Applegrove, east of Market, immediately to the northeast of that intersection.

MEMBER CASAR: So this will be a continuation of the Hartville water line?

SERVICE DIRECTOR MILLER: These folks, yes, will be attaching to the Hartville water line extension.

MEMBER CASAR: How many for that cost of a quarter of a million dollars?

SERVICE DIRECTOR MILLER: There are 43 signed up at this point in time.

MEMBER CASAR: Is that a firm 43 or is that a Hartville 43?

SERVICE DIRECTOR MILLER: That's a firm 43.

MEMBER CASAR: Thank you.

PRESIDENT DENCZAK: Are there any other remarks?... If not, roll call vote please.

NO REMARKS

ROLL CALL: 11 YEAS, 1 NAY (CASAR VOTED NO)

PRESIDENT DENCZAK: Ordinance #18 is adopted.

#18 ADOPTED AS ORDINANCE NO. 186/2003

#19 (3RD RDG) **ADOPTED AS ORDINANCE NO. 187/2003** AN ORDINANCE VACATING PORTIONS OF THIRD STREET NW, QUEEN COURT NW, AND WELLS AVENUE NW; APPROVING

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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

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

PRESIDENT DENCZAK: Moved and seconded that you adopt Ordinance 19. Are there any remarks under this Ordinance?... Very well, roll call vote please.

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS, 1 ABSTENTION
(HART ABSTAINED FROM VOTING)

PRESIDENT DENCZAK: Ordinance #19 is adopted.

#19 ADOPTED AS ORDINANCE NO. 187/2003

ANNOUNCEMENT OF COMMITTEE MEETINGS

PRESIDENT DENCZAK: Announcement of Committee Meetings please.

MEMBER BABCOCK: *(Inaudible—SHE CALLS FOR A PUBLIC SAFETY & THOROUGHFARES COMMITTEE MEETING ON MONDAY, SEPTEMBER 22ND AT 6:45 P.M.)*

MEMBER MROCKOWSKI: Mr. President, Finance Committee will meet 6:45, September 22, 2003.

PRESIDENT DENCZAK: Any other Committees?...

MEMBER HAWK: Mr. President, Environmental and Public Utilities Committee will meet at the same time. Thank you.

MEMBER DOUGHERTY: Mr. President, Public Property Capital Improvement will also meet that evening.

PUBLIC SPEAKS (OPEN FORUM--CITY BUSINESS ONLY)

PRESIDENT DENCZAK: Public Speaks. We have several people signed up to speak this evening. The first person is, I'm going to take a stab at this, is David M. Bitzel. Sir, you did not specify your subject matter. What is it?... *(INAUDIBLE RESPONSE)* Okay. State your name and address.

MR. BITZEL: My name is David M. Bitzel, 1810 Fulton Road NW, Apartment 3. At 7:00 in the morning, I was awakened by a neighbor, telling me that there was water coming in through the garage area and the basement area. I suffered the loss of two vehicles. I'm a professional mechanic by trade. I lost over \$18,000 in tools, washer, dryer, dish washer. The water was not controlled in any kind of a way. It just let it run down 19th Street, there's no curbing...if you look at 19th Street there, there is actually 5 sewers on that road. They've re-paved that road so many times, that if you

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walk up and down there, all that water is going to go into peoples' yards and into our apartment complex. And into theirs too, basically, you know, filling up to a level of 2' of water. We've been getting the run around from the, I guess, the City Attorney on what they're going to do. My question to you is, I just want a yes or not answer of what's going to take place. I got trouble with bone marrow cancer and the tools that are ruined...if I might go into remission on the cancer, have basically ruined my ability of taking my tools away and telling me there's nothing they can do about it because I guess you guys have immunity. I'm left with no car for 5 weeks. And my sister took me to the Cleveland Clinic—that's where I get my treatment for chemotherapy. I was so sick that day, I tried to go down in the basement to get the car out and the water was over top of the seats. It became a total loss. And another car that was sitting outside (*INAUDIBLE*)... All I receive now is Social Security Disability. I have no way to recover my losses, what have you. My question to you is who protects us from Big Brother? If I damage something, I have to pay. The City's telling me that they have immunity from prosecution. I'm not trying to prosecute, all I want to repayment for what was lost.

PRESIDENT DENCZAK: Let me direct that question to one of the attorneys. Can you answer that, sir?

ASSISTANT LAW DIRECTOR COURY: This is John Coury with the Law Department. I'm not familiar with your, the facts of your claim. I understand that you worked with Mr. Hunt in the Law...

MR. BITZEL: Mr. Smuckler was out last Friday. I talked to Joe Martuccio.

ASSISTANT LAW DIRECTOR COURY: Okay. Okay, he's out of town and I'm here in his place. On (*MR. BITZEL INTERRUPTING*) Go ahead.

MR. BITZEL: I got a question. If you guys (*INAUDIBLE*)... After the flood, I mean, I call it the flood, you know, we had the City guys in there, and Servicemaster in there to do the cleaning. It took over 6 hours to shut the water off. You know, they told us, Mr. Hunt says here's the form, so we filled everything out, sent it back a month or two later. And basically we're still at square one, you know.

PRESIDENT DENCZAK: Sir, can you please hold up. We're having technical difficulties. We're not recording. (*AFTER PAUSE*) Okay.

ASSISTANT LAW DIRECTOR COURY: I guess I want to understand, sir. You have presented a claim?

MR. BITZEL: Yes.

ASSISTANT LAW DIRECTOR COURY: And has that claim been denied?

MR. BITZEL: Yes, sir. It's...Mr. Hunt basically sent everyone that had a claim, a form letter stating that we're not responsible. And I'm saying to you that if they knew that up front, why are you wasting our time if you already knew the answer?

ASSISTANT LAW DIRECTOR COURY: Well that's...let me explain to you what the process is. Anyone can file a claim. Once a claim is filed, then it's investigated by the Law Department as well as the effected City department. The Law Department then takes the information it receives from the effected department and relies on that information and

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applies the law in Ohio to determine whether there is legal liability.

MR. BITZEL: I know, I have already checked into that.

ASSISTANT LAW DIRECTOR COURY: I'm sorry?...

MR. BITZEL: There is such a law stating that, I understand that.

ASSISTANT LAW DIRECTOR COURY: Okay. So, until we know what the facts are, sir, it's hard for us to say don't file a claim, we're gonna deny your claim....anyway.

MR. BITZEL: Right.

ASSISTANT LAW DIRECTOR COURY: So, ya know, there are no guarantees when someone files a claim. When you file a claim with your insurance company...

MR. BITZEL: Right

ASSISTANT LAW DIRECTOR COURY:and it's not covered by the policy, the insurance company's gonna tell ya it's not covered by the policy and they're not going to pay your claim. It's sort of like that. Unfortunately, the City of Canton does not insure its water system, and it can't insure it's water system because the law protects it from bursts and breaks and weather conditions that cause an unexpected and sudden break of a water main. So, that's the reason...

MR. BITZEL: Well, I guess I have some more questions that I have. I have a niece that works for the City of North Canton Water department. She tells me when they get a claim like that, you sign a morals clause and they take care of it. Also, she was telling me that when they get a water main break like that, that they divert the water to keep it from running into people's, you know, basement area. You know, we had a fire truck sitting outside, you know, and they're telling us, well, we can't pump the water out because that's the sewer's job. I mean the Sewer Department's job. You know, it's just, it's just, I'm asking you, who protects us, the citizen and the taxpayer, from big brother? You know? I pay my bills, I pay my taxes, if I damage your property, I have to pay it.

ASSISTANT LAW DIRECTOR COURY: Well.....

MR. BITZEL: I don't have a law that gives me immunity. It's not right.

ASSISTANT LAW DIRECTOR COURY: Well, whether you disagree with, or agree with it, that's your choice as an American. But, the laws are made in Columbus, we enforce them...

MR. BITZEL: Right

ASSISTANT LAW DIRECTOR COURY: It would be unfair to the rest of the citizens of Canton, in using tax dollars, to pay claims that we're not supposed to pay under Ohio law.

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MR. BITZEL: But I paid for that water and sewer too. You know, I am a customer on that program.

ASSISTANT LAW DIRECTOR COURY: I understand but.....

MR. BITZEL: You have a morals clause also, you know.....

ASSISTANT LAW DIRECTOR COURY: That's up to Council. The Law Department has nothing to do with moral claims and moral obligations. It's up to this Body if they want to entertain a moral

MR. BITZEL: I can tell you that renter's insurance and also the landlord's insurance does not cover that. That's a flood from the outside source. They tell me that that's a responsibility of the City. I'm telling.....What I'm saying is you're taking the citizens and you're basically telling me that the City of Canton or whatever city that's got this law in effect, can do pretty much whatever you want and get away with it.

ASSISTANT LAW DIRECTOR COURY: Well, no, that's not true.

MR. BITZEL: That's what the law says.

ASSISTANT LAW DIRECTOR COURY; No, no. If the City of Canton has notice that the main is a problem, we have advance notice and we don't do anything about it, that's a different story. But if it's an unexpected, sudden event, that the City of Canton has no notice of...

MR. BITZEL: Right...

ASSISTANT LAW DIRECTOR COURY:then the law protects us. I didn't write the law, sir. That's what's on the books.

MR. BITZEL: I understand that.

PRESIDENT DENCZAK: Sir, I'm sorry but your time is up now.

MR. BITZEL: Oh, okay. Thanks.

PRESIDENT DENCZAK: The next speaker is Ken Kocinsky. Is that correct?

MR. KOCINSKY: Hello, my name is Kenneth Kocinsky and I wanted to address City Council and the Mayor.

PRESIDENT DENCZAK: State your address please.

MR. KOCINSKY: 427 Wells Avenue NW, Apartment #3.

PRESIDENT DENCZAK: Okay. Go ahead.

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MR. KOCINSKY: Alrightie? I went up to City Hall and got a, the, original appropriation, exhibit A, for next year's funding. Where they list the different departments such as Safety Director's Administration, Police Department, Service Director's, Civic Center, Schools, Fire Department's, Air Pollution, Environmental Health, stuff like that. Well, like, my question was that I have a list here that totals out to \$130 million on revenues of 53 million and what I wanted to do was, I was, like say if I'm going to go for Council this year and I get in, how do you propose to present a budget proposal for next year that City Council can vote on in January that starts with the revenues and provides for the basic necessities of the City of Canton? You understand what I'm saying?

PRESIDENT DENCZAK: Yes, sir, but first of all I have to advise you that you can't use this portion of Council for political promotions.

MR. KOCINSKY: All right, so....

PRESIDENT DENCZAK: You just made the announcement that you are running for Council.

MR. KOCINSKY: Can I continue my discussion, or presentation?

PRESIDENT DENCZAK: Well, ask a direct question.

MR. KOCINSKY: All right. So anyhow, I wanna know how we go about re-writing this budget proposal so it makes sense, and how can I get a copy, or should I do something myself like say, ah, submit a resume to somebody, like say, petition the Mayor or, the current Administration, or, you know, for a decent budget proposal and then, I just wanted to state that I would like to see a budget proposal that starts with the revenues and provides for the basic necessities of the City of Canton.

PRESIDENT DENCZAK: Well, the budget has been passed now by Council... Member Smuckler?

MEMBER SMUCKLER: Mr. President. I spoke to this gentleman several weeks ago and I explained to him that he has the tax budget in his hands which is totally different than the budget that would be passed for next year. I suggested at the time that the Auditor talk to him since the tax budget is the wish list and the Auditor has agreed to meet with him, other than this forum, to make sure that this gentleman understands that. My suggestion still stands that this gentleman go talk with the Auditor and his staff that is more than willing to meet with him about how we proceed, how we pass and do the budget and try to explain to him what the budget, that he's looking at, which is the tax budget before him.

PRESIDENT DENCZAK: That's right. I suggest that you stark there...with the Auditor on the second floor of City Hall. Start from there.

MR. KOCINSKY: Thank you, sir.

PRESIDENT DENCZAK: The next speaker is Charles Miller.

MR. MILLER: Mr. President, my name is Charles Miller and I reside at 1810 Fulton Road NW, Apartment 4, the same residence as Mr. Bitzel. I'm also here today....

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PRESIDENT DENCZAK: Excuse me sir....one moment...did you say apartment 4?

MR. MILLER: That's correct, sir.

PRESIDENT DENCZAK: You got Apartment 3 on the sign up sheet.

MR. MILLER: No sir, I live next door.

PRESIDENT DENCZAK: There's two Apartment 3s?

MR. MILLER: There are, it is sort of a complex, like a, it's a 4 unit townhouse.

PRESIDENT DENCZAK: All right. Then your mailing address would be Apartment 4?

MR. MILLER: Yes, sir.

PRESIDENT DENCZAK: Go ahead.

MR. MILLER: Okay. As I was saying, again, as Mr. Bitzel mentioned earlier, on January 4th we had the water main break. And, some things I'd like to bring up here. We also lost considerable amount of, amount of things as well, and I understand from the representative of the Law Department what his statement was. Some of the concerns I have are the length of time it took to actually have the water main turned off. The 6 hour time frame was a pretty long time. We, I actually came down that morning. I was the one who discovered it, with my wife. We were on our way to New York, we were gonna go visit some friends there. And, while we were, you know, on going down it was 5:00 in the morning. And, we, we walked into it. And it hadn't really been as bad at that point, yet, we didn't know what it was. And, so we did notify the police and emergency folks so they knew, as fast as we could, and attempted to salvage whatever we could because we didn't know what was going on. At that time we noticed that the water level hadn't lowered and it kept rising and rising and as Mr. Bitzel mentioned, about 3 feet, maybe a little bit more even. I have photographs, if I need to pass those around. I do have those as well as some of the information on the 19th Street repair. You know, as Mr. Bitzel also mentioned that the City has denied our claim, however, one of our concerns is that, you know, as Mr. BITZEL also said, that, we didn't cause this to happen, nor did we expect to just be denied by the City as in this matter because we felt that, you know, we did the best that we could, based upon the situation. We invested in insurance and it wasn't as though we were uninsured. Our insurance, and most insurances that I've contacted, do not actually cover outside water damage and I guess my consider....or my question would be is if the City Council might reconsider this, as Mr. Bitzel also mentioned, on a moral consideration. We've also talked with our representative Mr. Hunt, or, Mr. Hart, I apologize. Mr. Hart has been working with us as well and we have done the best that we could to try and follow the procedures as recommended by the City and, again, we just would like that the City maybe reconsider, again, for us, we didn't lose quite what he did, but, a little over \$11,000 damage. My wife and I had been married just a little over a year at that time. We had a brand new wash and dryer, not even 6 months old, and it was ruined. And, we can't get it repaired, I mean, it's, it's going to cost us a considerable amount of money to have it repaired. So, in our opinion, we feel that, you know, we didn't cause this damage, and we do understand the situation with the City, that hey, you know, it wasn't something that you purposely caused, you know to happen, however, we do feel that we did our part to try and stop it and do what we could to, you know, keep that from happening. But, you know, we could do nothing else. So.

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That's all I have to say.

MEMBER SMUCKLER: Mr. President. Question to the Service Director. Is 6 hours a normal amount of time to deal with shutting off a main that's spewing water?

SERVICE DIRECTOR MILLER: This is the first time I've heard a 6 hours time limit, or time frame. That would not seem normal. I don't know if that's the actual time frame. I don't have the times and the calls in front of me. I'll have to take a look into that to see what the situation is. There are some water lines and that one, if it's putting that much water out, it would take a little longer to turn off than others because you can't just turn the water line off. It creates what's called a water hammer, which, if you do turn it off too quick, it could actually kill somebody. There have been hydrants when they're turned off too quick that actually come up out of the ground and have killed people.

MEMBER SMUCKLER: I understand, I was out there Friday night. I know Mr. Hart's been out there before. Six hours seems like a long, long time and I'm sure that we could, you know, I would suggest that, and I was trying to reach Mr. Martuccio today and was told that he was off today and I understand that. But I would suggest that these 2 gentlemen, like the last person, get together with you, Mr. Miller, in trying to come up with some of the other answers that I'm, I'm not sure that we do have and one of them being the 6 hour time span here that these gentlemen say that it took for the City to shut that main off.

SERVICE DIRECTOR MILLER: I will definitely be checking into the response time.

MR. MILLER: One other thing I might ask as well, maybe to the Service Director as well, we have also mentioned this to the, Mr. Martuccio, the Law Director, about the City street itself. On 19th Street there is no drainage that I can see of on the side of the city...there's no place for the water to go other into, other than go into the yard. I do have photographs of that and I brought them with me if anyone is interested in looking at those. And again, there's no place for them to go. The water would just roll off the side. Apparently, the neighbors from some of them that Mr. Bitzel has spoken said that it just rolled right into their basements. And, apparently it rolled right over the hill into our house. And, you know, the street was not prepared or was not capable of holding that load and so it rolled right into our place. So that's again why I'm here.

MEMBER HART: Mr. President, and just also for the Law Department, I've had a number of conversations with the Law Director Martuccio and, and Law Director Hunt and, if you look there on Owens, the alley which goes behind those apartments, 19th Street is actually considerably higher, which in a situation, which again, might be an impossibility to predict the water main is gonna break, but again, considering the lack of maybe grinding it, whatever could have been done, it actually allowed, you know, a path for the water just to flow down, looking at the angle, and, you know, part of the frustration is I guess just getting, you know, getting an answer of what can be done because somebody hasn't been able to look at it and, I know I was contacted, like April, I think it was, the end of March, first part of April, and, you know, through summer, conversations I've had with the Law Department are still going on and I'd just like to bring some closure to it for the residents. I mean, the City departments, you know, talking to them, they were treated great and you know, the guys came in and did a good clean up job but, you know there's, there's still some issues which could be handled a little bit better.

PRESIDENT DENCZAK: Okay, thank you.

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MR. MILLER: Thank you.

PRESIDENT DENCZAK: The next speaker is Kelvin Miles.

MR. MILES: Mr. President. My name's Kelvin Miles. I live on 2122 Georgetown Rd. NE. Speaking for the residents of the 2100 block of Belden Avenue NE and Georgetown Road, so, had them to sign petitions to voice their complaint. During the construction of the new grade school, part of the sidewalks had to be removed and landscape was disturbed. When the sidewalks were replaced, instead of using concrete, they put gravel. That wasn't good enough, so they substituted with asphalt. That was an eyesore for the community-- also the safety was poor. We, the residents of the neighborhood are asking that instead of patching the sidewalks, we completely, we would like them to completely give us new sidewalks and repair the landscape like it was before. And I have a few questions. One of the questions is, I guess I'll be asking the Service Director. When they done the construction, why was the gas lines moved into the properties?

PRESIDENT DENCZAK: Sir, wait, let me get something straight here. Mayor, is this the school property or is it the City's?

SERVICE DIRECTOR: This is a project that's Dominion East Ohio Gas. They came in and got a permit to relocate their gas lines within the right-of-way which they have a right to do. They did tear up the sidewalk. We have been contact with them for about a month or so now, asking whether or not they had some type of provision to replace all the sidewalk. They indicated they were only going to replace the portions of sidewalk that they tore up. The sidewalk program, under the auspicious of Community Development, is sending letters out, is in the process of sending letters out to each of the residents to see whether or not the pieces of sidewalk that are not torn up, whether or not they want to replace the whole part, the whole sidewalk, as part of that sidewalk program what's left. That is in process. The asphalt is a temporary patch. It's not permanent. East Ohio Gas is required by its permit with the City to go back in and restore the sidewalk that is torn up back into its original state as well as the landscaping--there's also some curbing that they'll be replacing as well. We're going to coordinate with that because we need to do the handicapped ramp at the corner, that's the southeast corner of Belden and Georgetown Road. So it's still in process. That's not a finished product out there by any stretch of the imagination.

MEMBER MASSEY: Mr. President. Mr. Miller, what is the time frame on that because I know the school opens up in January so will everything be completed by then?

SERVICE DIRECTOR: Yes, everything will be done one way or the other by January for sure.

PRESIDENT DENCZAK: Okay. Mr. Miles, go ahead.

MR. MILES: I think all my questions were answered. Thank you.

PRESIDENT DENCZAK: The next speaker is Darlene Leghart.

MS. LEGHART: Mr. President, my name is Darlene Leghart. I live at 1333 Woodward Place NW. However, I am co-owner of Leghart and Associates, Executive Director of Hammer and Nails and President of Summit United

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Neighbors and own a commercial building located at 906 12th Street NW. I'm here tonight as a representative of Summit United Neighbors. This neighborhood association is located in the near northwest Canton, from Tuscarawas to 12th Street and McKinley to Monument. This same area 30 years ago had nicer, when it was one of the nicer areas in the City of Canton with well-maintained mostly owner-occupied homes and properties. That area is now known as the Summit neighborhood, and the Summit School District. If you ask people to describe or how they feel about this same area, you will hear comments like this: a place to get a quick fix, a high crime area, the worst area in the City, I wouldn't go there, drug infested neighborhood, I'm afraid all the time, I sleep with a gun at my side, we rule the streets, we can do whatever we want, prostitutes everywhere day and night, why bother, no one listens and no one cares, things seemed to be improving for a while but now, I've had enough and I'm moving, there's too much fighting, screaming and noise, when we lost community policing we lost ground and this City doesn't care about us. In the fall of 1994, community policing came to the Summit neighborhood. In January of 1995 the Summit Neighborhood Association was established. We learned about City government and crime prevention. We took a stand to halt deterioration and promote positive change. We tracked and recorded, reported vacant properties, suspected illegal activities, wrote grants and hosted events, programs and activities to promote beauty, safety and harmony. We became the squeaky wheel. We learned who to call, what to say and how to get things done. We found ways to empower the people and encourage the people. We constantly provide educational and resource information so they will be equipped to address personal and neighborhood concerns. When community policing was discontinued we lost immediately and noticeably, lost momentum. However, we pressed on. We have continued to focus on housing, health, junk car issues and encourage individuals, individuals to get involved. Now is the time for everyone to come, become, actively involved. Residents, business community and city officials need to really get serious about the safety concerns. Everyone must take a proactive stand to address the safety issues. Especially the drug and prostitution activities - not only in the Summit Neighborhood but also throughout this City. The rights of law-abiding citizens are being violated. We have the right to live and work in a safe environment. We have the right to raise our children and let them play outside and let them be safe. We have the right to a decent and quiet night's sleep. We have the right to walk on the sidewalk and not be threatened or feel fear. We have the right to drive down a public street and not be approached to buy drugs or solicited for sex. Our elderly have the right to stand outside and wait for a ride without being told 'get in your house, this is my corner' and our children to be able to walk to school in safety. As a representative of Summit United Neighbors and on behalf of Summit residents who follow the law, I submit this plea to the City, to the leaders of the City of Canton. Take immediate action and a no-tolerance attitude in addressing the gangs, drugs and prostitution activity in Canton and especially in the Summit neighborhood. These activities threaten the safety of many citizens, especially the young. These illegal activities, along with gangs, problems, deteriorating housing stock, high percentage of rental properties, has led to a largely transient and unstable neighborhood condition.

PRESIDENT DENCZAK: Ma'am, I'm really sorry. I've over-extended your time because I wanted to hear what you had to say, but, bring your remarks to a close because your 3 minute time period is up.

MS. LEGHART: Okay, thank you. There's other people who are going to address this same issue.

PRESIDENT DENCZAK: Okay, one moment please. Who's ward is this area in?... Member Hawk, you're aware of this?

MEMBER HAWK: *[INAUDIBLE-NOT USING MICROPHONE.]*

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PRESIDENT DENCZAK: This is the same situation that was down there on Brown Avenue?

MEMBER HAWK: *[INAUDIBLE-HE IS NOT SPEAKING INTO THE MICROPHONE]*

PRESIDENT DENCZAK: I'm going to ask the Law Director a question. The crime of prostitution, that's a misdemeanor, isn't it?

ASSISTANT LAW DIRECTOR COURY: Yes.

PRESIDENT DENCZAK: What do they have to do to make that a crime of, a crime that requires a jail term, a felony? Columbus would have to change that law?

ASSISTANT LAW DIRECTOR COURY: Well a misdemeanor can carry jail time.

PRESIDENT DENCZAK: It can?

ASSISTANT LAW DIRECTOR COURY: Yes. It's not a minor misdemeanor, it's probably a misdemeanor of the 1ST degree.

MAYOR WATKINS: Mr. President. Darlene, I know we're all aware of this and the task force has been working with your group. We're very well aware of the problems that exist there. We don't like them any better than you do. We realize that it's going to require some additional enforcement in order to make it work. In order to clean it up and keep it clean. We're prepared to go, in the very near future, to the Chief of Police and ask that we expand our overtime allocation in an amount not to exceed at least \$50,000 in order to address your area and others that are, you know, in some difficult straits right at this time. Additional enforcement would help. Those are overtime dollars. I don't like to expend them but I know that we have an obligation to the citizens to do something very, very positive right now.

MS. LEGHART: Yes sir, they need to see action. They need to see city officials on the streets taking action. Thank you.

MEMBER HAWK: Mr. President, I'd like to personally thank the Mayor for that commitment, that would mean a lot to that neighborhood. Thank you so very much, I really appreciate that.

PRESIDENT DENCZAK: The next speaker is Marsha Doyle.

MS. DOYLE: Good evening, Mr. President. My name is Marsha Doyle. I reside at 934 Shorb venue NW, Canton, Ohio. We've been having a lot of problems there in that neighborhood. Prostitution, drugs, and this morning I woke up, getting ready for work, there was 2 prostitutes sitting on my property. I opened the door, I kindly asked them to leave. And they left. But, I don't think my children should be subjected to this and neither should the neighbors in that neighborhood. I would like to see it cleaned up and the drugs cleaned up out of our neighborhood. Thank you.

MEMBER ALTIERI-BUCHER: Mr. President, I spoke to Mrs. Doyle several weeks ago. We had a lengthy conversation, the same situation that is going on there, not quite to the extent in the Summit area but also is occurring

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where she works. Her place of employment is Washington Grade School District and that's in my area on the northeast side. I've noticed an increase of this activity since the flooding--marked disgusting increase. I even sent up a communication to the Mayor's office, Mr. Concatto, Friday, that they responded to, and I even drew a little map there to explain where these areas are. At least this one and they were already aware of this one too. It's the same people there continuously day in and day out. I pulled out...I had neighbors coming to me, Friday morning, and the same 2 prostitutes have now changed hair colors from blonde to red, are sitting right there on 9th Street in front of Washington Grade School and will travel up and down Mahoning Road. I took the cell phone, with the neighbors standing there and I called the Police and waited, and I received no response. It's very hard, I understand, that's not on the priority list, but I think at 9 in the morning, it should be a priority list when there's kids going to school and catching the buses and they're standing right there at the bus stops. So, that's the problem I'm having, so I do understand, and believe me, I sympathize with you, and I'm asking the same thing, that these 2 areas we've got some problems and we're going to try very hard to clean them up. Thank you.

MS. DOYLE: Thank you.

PRESIDENT DENCZAK: Anybody else have anything to say?... Safety Director, do you have anything to say about that?

SAFETY DIRECTOR CONCATTO: I had a meeting with the Mayor this morning. We have been talking about this and I think that with the commitment that we're gonna make with the overtime funds--I will personally talk to the Chief in the morning-- and create a task force that needs to be seen. We don't like to hear this. We don't like to see it anymore than you do and we will work very hard, not only in your neighborhood, but in other neighborhoods. We realize where the majority of the complaints are coming from and, we sympathize with that and we'll do our best toone approach is, I talked to Darlene this morning, was to not move it but to just try and move it out of the City. That, that is a very difficult task but we'll certainly try to move in that direction.

PRESIDENT DENCZAK: Thank you. Ah, Darlene, I mean Marsha, I pronounced your name "Boyle", I'm sorry but the way Darlene signed her name, the leg of the 'g' extended down and it looked like a 'b', so, I apologize. The next speaker is Linda Taylor.

MS. TAYLOR: Good afternoon. To the President and the rest of the Council. My name is Linda Taylor and I live at 805 Shorb Avenue. I live on the corner where the prostitutes and the drugs do their business. They literally stand outside of my house, prostitution. I have visitors a lot. My visitors are approached by prostitution. Tuesday night I came home at 10:00 at night from church--a prostitute literally came up to the door. We have tinted windows so she couldn't tell whether we were men or women and she proceeded to proposition us, you know, knocking' on the door and talking' through the door. We, my friend looked in the mirror and there's 2 guys parked behind, waiting on the prostitute. I had to wait until they leave to get out of the car and go into my home, even though my home is well litted. There are children in that neighborhood. I've lived in the neighborhood, October will be 26 years. We have invested in there, I have raised 3 children. They have went to Summit School. Summit School has roots. My children are, work for the State, works for the City of Atlanta, Georgia because of the roots of Summit School, the values they learned. To see that neighborhood destroyed because of what's going on, 2:30 to 4:30 in the morning is the peak time. I am awoken throughout the night with this going on, doors slamming, screaming, gun shots. This is something you see on television, on Bad Cops. You know, I never thought it would reach that area. There are so many children that when I moved in

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that neighborhood, there wasn't very many children in the neighborhood. My children used to complain, mom, why'd we move here, there are no kids. But now, there's a lot of children, ages 2nd graders, 3rd graders. My next door neighbor said their little 3rd grader looked out the window and saw prostitution and said "mom, what's that? What's going on out there?" She called the police, she said the police never came. I've called the police. I have set up just to see if the police would show up. I've talked to the Safety Director, I've talked to Vice, I've talked to the police, I call at 2:30 in the morning, they say call Vice. Vice is not open at 2:30 in the morning. I called Vice, they said we only have 5 policemen. What can we do? I'm concerned, but I'm more concerned for the children. If the children have to see this, what do that send a message out to our children? That's what I'm afraid of - our future. Who wants to go into debt and move out? My house is about paid for - paid for - if it wasn't, you know, and I'm going to get up and move because of prostitution? I think, for the children's safe, if nothing else. Summit School is about to receive a brand new school. They won't get it if there's not enough children to go there. And, like I said, there are roots there. And we want to protect the growth of this community. Won't you please do something for the children's sake? Thank you.

MEMBER MASSEY: Mr. President. Can I ask the Safety Director a question?

PRESIDENT DENCZAK: Yes, you may.

MEMBER MASSEY: Safety Director, this has been a problem for years - prostitution, drug activity --do we have a plan?... Are we looking at larger cities to see what they have done?

SAFETY DIRECTOR CONCATTO: I've discussed this with....Mr. President, if may I?

PRESIDENT DENCZAK: Yes.

SAFETY DIRECTOR CONCATTO: I've discussed this with the Chief. He is in the process and has been for the last couple of weeks of creating a task force. I believe he has looked at other cities. Prostitution is a very difficult thing to control because we just cannot arrest somebody for standing on the corner. So it's not....it's not an easy crime to try to eliminate. Obviously, there's 2 parts to prostitution. Number 1, the prostitute, number 2 the 'john' that they're looking for. And so, our plan would be to go after both the prostitute but also john, the other side of that equation, and that's going to be our goal.

PRESIDENT DENCZAK: Safety Director, at one time in the northeast end, there was a drug and prostitution problem going on out around the Fairmont School District, and what they did at that time was allow an officer to live in a house where there was known activity going on, and visually see what was going on and make the arrest. Why can't they do that now, put an officer in the house and nail the person while they are committing the crime?

SAFETY DIRECTOR CONCATTO: I will make that recommendation.

PRESIDENT DENCZAK: This has gone on long enough, I think, and I agree with you Member Massey. The next speaker is David DeChiara. Am I pronouncing that right?

MR. DECHIARA: My name is David DeChiara. I own the property at 1214 - 7th Street NW as well as many other properties in the Summit School area. My business partner and I, we've invested thousands of our own dollars into this

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area. We rehab homes and sell them again and we also have several rentals that we want to make, I want to make clear the difference between a slum-lord and a land-lord. We are landlords. I am at them properties almost daily. We mow all our own grass, so I'm there almost every day doing something, keeping up the properties and keeping them up to Code or exceeding Code. We are having trouble finding qualified tenants who want to live in the area. We are having trouble selling houses in the Summit area. Our tenants have complained about prostitution—being approached—litter, trash, boarded up houses, I'm seeing our investment go down the toilet, basically, in that area. They have taken away the bike patrol and it's gotten worse since then. I don't know what they need to do as far as budget wise, I know the City's in trouble with money, but they should cut somewhere else and I think they need to bring back the bike patrol to help curb some of these problems in the Summit area. Darlene has worked tirelessly trying to help clean things up and, it seems like we're sliding backwards in that area and I own so many properties there now, I can't, I can't sell these properties, I'm going to keep them because I've invested too much money and work into them, and I want to be able to find quality tenants and have a nice house for someone to live in, in that area, and I'm proud of everything that we've done, but, it seems like we're not, we're not making any head-way. So, I ask Council to please do what they can to bring back the bike patrol. Thank you.

MEMBER CASAR: Mr. President, can I ask the Mayor a question?

PRESIDENT DENCZAK: Yes, you may.

MEMBER CASAR: Mayor, that \$50,000 overtime, is there any possibility, since we have quite an investment in the bikes that were purchased, could we have some of that money in overtime put back for the bike patrol because we have a good two and a-half, three months of weather that'll be decent for these bicycle patrol? Is that something that you might think about, I think, hopefully you would because I think that would really, really help the problem.

MAYOR WATKINS: Mr. President, Member Casar, Members of Council. I am a strong believe in the bike patrol. It worked, it worked down South, it worked here. It has a real value to it, but trying to spread it out all over the entire City without having the necessary dollars is a real problem. \$50,000 is not a great deal of money and what we're trying to do is develop a task force operation that will address the hot spots so that we can clean those places out. I would love to put the bike patrol back on the street again. If the money becomes available or if we can find a grant, and we're looking diligently for that, if we can find any kind of dollars that will help us to do it, I will proceed with it and I will insist that we do it. We're talking about a quarter of a million dollar investment, which we don't have right now.

MEMBER CASAR: Just....even if we had a few officers ride. I mean, perhaps, you know on a rotation, or alternation, we wouldn't have to have the whole patrol, and hit the hot spots. I think that's what we'd have to do. We need visibility. It's obviously proven that it worked. I would think we should try every avenue to get them back on the street.

MAYOR WATKINS: I'll be glad to look at that and if it's possible to do it, guaranteed I'll do it.

PRESIDENT DENCZAK: That ends the public speaks portion.

MISCELLANEOUS BUSINESS

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

MEMBER CASAR: Mr. President, yes, this is a continuation of last week, but, I promise I just want to make a few points and make a suggestion. On Tuesday after the newspaper article, I received a few calls from the Hartville area. One from a developer that said that the 180 or so condominiums, they don't even have a plat for because they get such a run-around, they probably won't even build them. That's the first thing. The Mayor of Hartville called me and, this Mayor Stolls said that the City of Canton was snookered, and that was his exact words, with regards to the water line extension to Hartville. His, his words to me were, you know, there's no interest in the Hartville area for the water and I just want to make that clear that, at least I did not contact them, they contacted me, and, so far like we said last week, 49 hook-ups and, by no means do we have 40 in the City of Hartville. As the Mayor said he have 5, and I think he should now, but, my question for the Mayor, or Service Director, I have a couple questions. Number 1, Service Director, last week you said that it was paying for itself and of that \$185,000 that we've collected from, on the 49 hook-ups, \$68,000 plus went for tap-ins which is a one-time fee and then the second \$116,000, was for frontage-- again which is a one-time fee. In my calculations, if we sold water and we do sell it at two and a half times the charge to city users, so if an average of 1,035 cubic feet, cubic yards, I'm sorry, was used, cubic feet, yes.....at a \$170 times two and a half, that's \$425 times 49, comes out to about twenty....almost twenty-one thousand dollars. My point being, we have to get a lot more hook-ups to justify this. So, my suggestion is, being that we have a 2.1 million dollar investment up there, we have to make it work. We have to turn the negatives, in my opinion, which are a lot of them in the Hartville area, into positives. I think what we have to do, we gotta promote the water department of the City of Canton, we gotta pro....we gotta promote it, we gotta advertise it, we gotta contact the people of Hartville and get them on board. If they have a good well, they're not gonna get on, we know that, because that's, that's human nature. You're not going to spend money if you don't have to. But, I think it behooves us, to move this Administration and this Council, if we have to spend some money, we can spend it out of the Water Fund which is, which is a fund that is solvent compared to the General Fund, being an enterprise fund, and, we should look at the ways and avenues on how we could promote our water in that area. Being that we have that investment, over \$2 million, we have to do it, we must do it, and we must do it quickly. And I would like to pull this negativism into a positive and let's work together and get this line producing so that we can put in more than \$30,000.00. Thank you.

PRESIDENT DENCZAK: Member Casar, Member Casar, your 3 minutes are up. Service Director, do you wish to respond?... Did you ask him a question?...

SERVICE DIRECTOR: I don't believe I heard a question in there. Briefly, as a response, there are political elements that are in-fighting back and forth in Hartville. The Mayor did not meet with us during the signing of that contract, it was Council. The Mayor did not come down here to address Council, it was Councilmembers at that point in time. I'm not sure what's going on between those 2 groups, but, we do have a plat of a condo development, we do have a plot of the neighborhood where we have already done hook-ups and have additional hook-ups that we need to get out and get to, to put in. We are marketing our water. Tonight Council passed another 43 people that are going to hook-up that will benefit that Hartville water line -- bottom line -- and again, the 49 is not con....static, there are additional hook-ups in addition to that 49 that will continue to pay for that Hartville line and we are looking to hit that bottom line number that we were talking about a year, well, over a year ago, but the line was just hooked up January of this year. We should have approximately 200 people by the end of a year after it's turned on, which is what we talked about, while this was being debated March 11th, I believe, of 2002.

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PRESIDENT DENCZAK: Any other Miscellaneous Business?

MEMBER MASSEY: Mr. President, I understand that the Police can't handle all the problems in the City. That's why neighborhood groups are formed, like the Summit Neighborhood group, Concerned Citizens, SWAN. Mr. Hawk, you're having something this weekend in your ward. Could you tell us a little about that?

MEMBER HAWK: Yes. I'm not having something, the citizens around the area, Brown Avenue NW have got together and they're going to have a walk on Saturday at 2:30 and the place that they will be convening at will be on the corner of 7th and Brown. That is, there's a market there, it's J & S Market. It's now currently empty. They'll be meeting in that parking lot so folks have a place to park. And from that, they will be walking through the area. Just taking a look at things I guess and letting folks know that they are concerned and they do want their neighborhoods back and it doesn't belong to the pimps and the prostitutes and the drug dealers. It's just good concerned citizens just going out to show their support for their neighborhood.

PRESIDENT DENCZAK: Any other Miscellaneous Business?

MEMBER HART: Yes, Mr. President. All Members will be receiving an invitation for a meeting here on Wednesday, September 24th at 5pm in Canton City Council Chambers. It will be Mike Boylan from Smythe Cramer Company will be conducting a meeting and making a presentation concerning redeveloping some of Canton's neighborhoods, and the presentation I've seen, these will be affordable housing based on the designs that were used by the Sears Company in their kit-houses, and again, the important thing is affordable housing which will encourage the redevelopment of a lot of neighborhoods that have the vacant lots and when, I think, we get a good basis of affordable housing, we're going to see more people who can't afford the North Canton and Jackson Township \$300,000 homes, coming in and redeveloping a lot of our old neighborhoods. So, everybody's invited and I hope you'll all attend.

PRESIDENT DENCZAK: Member Hart, who organized this meeting?

MEMBER HART: I asked the girls, I did, I am. I'm inviting...

PRESIDENT DENCZAK: Who did you get permission from to use this Chambers for this purpose?

MEMBER HART: I called down to City Council and they said that it was free that day.

PRESIDENT DENCZAK: How can I make it clear to you people that only one person has the authority to tell who can use this chamber or not ----- by ordinance-----and that is me. You check with me first.

MEMBER HART: Okay, my apologies sir. If that's a problem, it wasn't in use...

PRESIDENT DENCZAK: If it's a legitimate organization or a person, I have to let them use this Chamber. The tax payers paid for it, but I have to know who these people are that's going to use this Chamber. Let me know because that's my responsibility.

MEMBER HART: It's Mike Boylan from Smythe Cramer.

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PRESIDENT DENCZAK: I suppose they're a responsible person, or agency, so it'll be all right. Have the office write it down. But in the future, let me know so I know what's going on. Any other Miscellaneous Business?

MEMBER MALLONN: Mr. President. Yes, I have two things and the first one we probably should have done at the beginning of Council but..... If we could have a moment of silence for my good friend and Councilmember Joe Carbenia's son Geno who had major surgery today in the Youngstown/Warren area. If we could have a moment of silence for him for a speedy and healthy recovery.

PRESIDENT DENCZAK: Yes. Please bow your heads for a moment of silent prayer for Geno. (*A MOMENT OF SILENCE WAS OBSERVED FOR A SPEEDY RECOVERY FOR GENO CARBENIA*) ..Thank you. And, Member Carbenia, you let us now how everything's going. Any other Miscellaneous Business?

MEMBER MALLONN: Mr. President. I have one other thing. Over the past several months and the past several weeks, the Building Department as well as Roger Westfall, the Chief Building Inspector, they have come under fire from this Council as well as the news media and the general public, and I would just like to take this time. I know Mr. Westfall and his office has gotten a lot of criticism in the last several months, but I would like to take an opportunity to personally thank Mr. Westfall and his department for 2 projects that they, they helped me on in the last week and half. One was the plans regarding a new physical therapy office in my Ward. When I called Mr. Westfall, he reviewed the plans and there was some problems with that. We got that solved. And, also, I'd like to thank him for personally going out with me to the construction site at the Mayfield Senior Center where there was a problem and we resolved that where it directly effected approximately 180 senior citizens. And along with Mr. Michael Miller and his office. So, my thanks go out to Mr. Roger Westfall and his department as well as Mike Miller. Thank you. And, I believe Mr. Joe Concatto was involved in that as well, so I'd like to thank Mr. Concatto too. Thank you very much.

PRESIDENT DENCZAK: Is there any other Miscellaneous business?

MEMBER DOUGHERTY: Mr. President. I just want to thank everybody for their help Saturday, at our picnic we had for those who are in need. It was well-attended and we had a lot of volunteers and all of you made it a great success. Thanks for helping-- everything up from the Administration and helping --you fellow Council people. Thanks to the cooks who probably worked the hardest - RA Mallonn and John Mroczkowski and Mr. Carbenia's son down there, he came in to help, so. Everything worked out. I was the foreman and I made sure that everything went smooth. And I just wanted to thank you for your help. Thank you very much.

PRESIDENT DENCZAK: You had the 3 worse cooks in Canton. Is there any other Miscellaneous Business?

MEMBER HART: Mr. President. Just one other quick one. Tomorrow's the Mayor's birthday so if you see the Mayor, please wish him happy birthday. When I asked him how old he was, he told me 47 and Mike Miller just said something he thought he was suffering from dyslexia getting the number's a little confused. But, again, wish him happy birthday.

PRESIDENT DENCZAK: Is there any other Miscellaneous Business?

MEMBER SMUCKLER: Mr. President, I move we adjourn.

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

NO REMARKS PERMITTED ON THE MOTION TO ADJOURN

ROLL CALL: 12 YEAS, 0 NAYS

ADJOURNMENT TIME: 8:46 P.M.

ATTEST:

APPROVED:

DEBRA VANCKUNAS
CLERK OF COUNCIL

RAY DENCZAK
PRESIDENT OF COUNCIL