

MINUTES OF THE MEETING OF NOVEMBER 24, 2003

The regular meeting of Canton City Council was held on Monday, November 24, 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 Ward 9 Councilmember Joe Carbenia, followed by the Pledge of Allegiance led by President of Council Ray Denczak.

PRESIDENT DENCZAK: With a quorum 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, DON CASAR, GREG HAWK, KATHLEEN ALTIERI-BUCHER, R. A. MALLONN II, CRAIG MASSEY, JOHN MROCKOWSKI, DAVID R. DOUGHERTY, RICHARD D. HART, ROSEMARY DIAMOND & JOE CARBENIA)

1 COUNCILMEMBER ABSENT: (MARY BABCOCK)

RECOGNITION OF SCOUT TROOP 130

PRESIDENT DENCZAK: Thank you, Member Carbenia. We have some guests in the audience tonight. It's St. Paul's Boy Scout Troop No. 25. The scout master is Mike Schoenberger. Will you please stand for Council's recognition?
(APPLAUSE)

AGENDA CORRECTIONS & CHANGES

PRESIDENT DENCZAK: Agenda corrections and changes, Members of Council. To bring your agenda up to date, you're being asked to suspend Rule 22A to add Communications #480 and 481, suspend Rule 22A to add first reading of Ordinance #6A and second reading of Ordinance #7. You're being asked to suspend Rule 24B to add... (INTERRUPTION BY CLERK OF COUNCIL). Oh, Okay. You're not going to be asked to suspend Rule 24B to add the Personnel Committee—the Chairman requested that not be included on the agenda. At this time, Member Smuckler, the Chair will recognize Rule 22A suspension.

MEMBER SMUCKLER: Mr. President, I move to suspend Rule 22A to add Communications #480, 481 and first reading of 6A and second reading #2 through 7 to the agenda; seconded. I'm sorry. I said 2 through 7. Just Ordinance #7.

PRESIDENT DENCZAK: Okay. Moved and seconded to suspend Rule 22A to add Communications #480 and 481 and Ordinance for first reading 6A and Ordinance #7 for second reading. Are there any remarks?... If not, roll call vote, please.

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance #6A and Ordinance #7, Communications #480 and 481 are a legal part of your

MINUTES OF THE MEETING OF NOVEMBER 24, 2003

agenda.

PUBLIC HEARINGS**PUBLIC HEARING #1, ESMET VACATION, 7:30 PM**

PRESIDENT DENCZAK: We have several public hearings scheduled for this evening. The first one was scheduled for 7:30 PM. The Chair opens the public hearing in regards to this matter. It's a request by Scott P. Sandrock, Attorney for Esmet, Inc. to vacate a portion of an unnamed alley east of Schroyer SW between 5th and 6th Street. 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 ordinance will follow later this evening.

PUBLIC HEARING #2, FIRST CHURCH OF THE NAZARENE ZONE CHANGE, 7:30 PM

PRESIDENT DENCZAK: We had a scheduled public hearing for 7:30 PM. It's a request to rezone part of outlot #703 located at 522 30th Street NW from R-1 to PI-1, requested by Canton First Church of the Nazarene. The Chair opens the public hearing in regards to this rezoning. The Planning Commission recommends denial. Is there anyone in the audience wishing to speak for or against this rezoning, please come forward...

ATTORNEY HOLLAND: Mr. President, my name is Darrell Holland. I'm here both as counsel for and as a member of the Canton First Church of the Nazarene. I believe all of you as members of the Council have received a packet of information that we have prepared in preparation for tonight's hearing. What I would like to stress, basically what we're here for is we would like to put an electronic sign up along the 62 portion of our property. The purpose of this sign will be to advertise functions both within the Church and also outside of the Church. As you may or may not be aware, we've been around for 80-some plus years. We've been located -- this is now our third or fourth location within the City of Canton. We sponsor a number of community-oriented activities. I believe on about the fourth or fifth page of the packet, there is a letter from our pastor, Pastor James Hill, who's present with me today. Among these activities, we are Canton City School's work shop location, we've had the Aultman bloodmobile, Stark County Meals on Wheels is located in our building, we have a Veteran's Day Appreciation Service that brings in about three or four hundred veterans every year. We would like to -- we've asked Council to approve rezoning a space the equivalent of a parking space in the back of our parking lot that is adjacent to 62 to allow us to add an electronic sign to the existing sign. This will not be an additional sign on our property, but will simply be an electronic sign added underneath the existing sign that is already lighted and there. We would ask this Council to allow us to place this sign on our property both to beautify the property and to let people know what's going on both in our Church and, as importantly, in the community. Thank you.

PRESIDENT DENCZAK: Is there anyone else in the audience wishing to speak for or against this rezoning, please come forward... Is there anyone else in the audience wishing to speak for or against this rezoning, please come forward... Is there anyone else in the audience wishing to speak for or against this rezoning, 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 #3, PRIME PROPERTIES (LENSMAN) ZONE CHANGE, 7:31 PM

PRESIDENT DENCZAK: We had a scheduled public hearing for 7:31 PM. It's a request to rezone Lot #3465 located

MINUTES OF THE MEETING OF NOVEMBER 24, 2003

at 1275 Woodland Ave. NW from R-1A to PR-3 as requested by Prime Properties & Renovations, Todd Lensman, President. The Planning Commission recommends denial. Is there anyone in the audience wishing to speak for or against this rezone, please come forward...

ATTORNEY KANOFSKI: Ladies and gentleman of Council, my name is Attorney John Kanofski. I'm here to represent Prime Properties & Renovations. I'll just give the Council some background on who my client is. Basically, it was formed earlier this year by some gentlemen wishing to invest in various properties, and basically what the purpose is, is to buy properties, renovate them and either maintain them at their renovated state or to then sell them. Basically 1275 Woodland is my client's first purchase of a property pursuant to this business goal. And, in the process, just some background information. In the process of performing due diligence in this property, my clients went to Code Enforcement and actually spoke with the girl at Code Enforcement. They did not get a name, unfortunately, or get this in writing. However, they were informed that this was in fact still a multi-family unit dwelling. After the purchase was completed, they go by the process of registering with Code Enforcement and then they found out that the property has in fact reverted back to R-1A. Nevertheless, during the course of the past year, my clients have put about \$13,000.00 into this property and have renovated the entire interior of the property as well as the exterior of the property, and in fact they are renting out the bottom floor. There are three units in this house, two units in the upstairs, one unit in the downstairs, the bottom unit is rented out. Basically, what we are looking for here is to have this property reverted back to a PR-3 so that it can be used as a three unit dwelling once again. And, just to address the Planning Commission's concerns, I believe their major concern was parking, and during the course of the summer, we've also addressed this. We have entered into a purchase agreement with a property straight across 13th Street from our property. It's a 50 by 50 lot that's just adjacent to our property and what we would plan to do is use this as a parking lot. The owner of that property is more than happy to sell us that because basically a 50 by 50 lot cannot be used for filling any other purpose. We ask for this also because the property -- the house itself has been used several years as a multi-family unit dwelling. It is physically divided into three units. The electric, the plumbing and the boiler system have been designed for a three unit house, so whatever would happen with this house, if it were to be kept as a single family residence, it would take an awful lot more money to turn this back into a single family residence. Finally, we feel that this house was boarded up and it had been vacant for over a year. It was not helping the community whatsoever. It, you know, served as a house for stray animals and criminal activity, and we feel that as a renovated property, it's adding value to the neighborhood and the fact that people are actually living in these homes, it's better off being populated rather than vacant. And I might also add that in the immediate area around the house, and in fact on both sides of our house, are duplexes. So this would not be completely strange to this neighborhood. There are rental units around this particular neighborhood, and they are not single family residences immediately bordering our property.

PRESIDENT DENCZAK: Thank you, sir.

ATTORNEY KANOFSKI: And I'd be happy to answer any questions.

PRESIDENT DENCZAK: Thank you.

ATTORNEY KANOFSKI: Thank you.

PRESIDENT DENCZAK: Is there anyone else wishing to speak for or against this rezoning, please come forward... State your name and address, please.

MINUTES OF THE MEETING OF NOVEMBER 24, 2003

MR. HENDERHAN: My name is Jerry Henderhan. I live at 1306 Woodland Ave., and I'm against it. I think that should be a one dwelling cause it's right on the corner of 13th Street and Woodland Avenue and it's congested anyhow and a lot of trouble been going on there, and they just had a renter there and they had to kick them out for some reason, and they had nothing but trouble with this house. And that's why they boarded it up. I don't know what was going on, but they got the people out of there and it's nothing but a headache was over there. And these apartment buildings, that's what these Council members here and stuff, that's what we have to get together on and try to control these areas like this and keep a one dwelling in there. And there's no parking. Like he said, he bought that area over there, but nothing's been done to it. It's a mess over there, that lot, and, you know, the people that's living around there -- I been living there 27 years, people behind me been living there more than I have, and nothing been done properly around there. We'd like to see this straightened out one way or the other. Thank you.

PRESIDENT DENCZAK: Is there anyone else?... State your name and address please.

MR. FITZGERALD: My name is Frank Fitzgerald. I live at 1320 Woodland Ave. I'm just about gonna repeat what Jerry said, but I'd like to say that I've lived there for 35 years and I've seen things come and go which haven't been too good, and you get something like this coming back in and rezoning again, it's just not right because it seems like the property values go down. There been people moving in and out every month, and it's just not right, so I'd like to leave the zoning the way it is.

PRESIDENT DENCZAK: Thank you. Next speaker. State your name and address please.

MR. JONES: My name is Dean Jones. I live at 1326 Woodland Avenue, and I'm opposed against having this rezone to a three unit complex. As they stated, we have had several problems with it, and with these people here, they just started to clean the properties up and as they stated, they were in the area to purchase property. He didn't say they purchased the 50 by 50 unit. This is a housing dwelling. This is not a unit where it's been built for an apartment complex. This is a house that they turned into this. And stating that they spent \$13,000.00 on the outside and the interior, I would like to see where the money went. As far as we're concerned, and there's other individuals who live on the street, that they want it denied also. So that's where we are. If we have to we'll bring more people in, but we want it denied. We want a single unit dwelling. That's what we want on that street. Thank you.

PRESIDENT DENCZAK: Thank you. Is there anyone else in the audience wishing to speak for or against this rezoning, please come forward... Is there anyone else in the audience wishing to speak for or against this rezoning, please come forward... Is there anyone else in the audience wishing to speak for or against this rezoning, 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 #4, CURTIS ZONE CHANGE, 7:32 PM

PRESIDENT DENCZAK: We had a scheduled public hearing for 7:32 PM. It's a request to rezone Lot #24694 located at 351 Cornelia Ave. NE from R-1A to PB-3 as requested by Trena and Soladene Curtis. The Planning Commission recommends denial on this rezoning. 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 rezoning, please come forward... Is there anyone in the audience wishing to speak for or against this rezoning, please come forward...

MINUTES OF THE MEETING OF NOVEMBER 24, 2003

PRESIDENT DENCZAK: State your name and address, please.

MS. ZACHARY: Kelly Zachary, 534 Quail Hollow Avenue NE. I was asked to come to Council tonight to speak on behalf of the residents in that area who are against this rezoning. We do realize it has been denied by the Planning Commission, but I was approached a couple weeks ago by one of the residents and she gave me a history of the area. There are a lot of elderly residents in this area who are against having a day care for two very good reasons. One is increased traffic, the other one is the noise problem that will result as a result of the day care going in. So, there are residents here from that area who will also speak tonight, but I am here on behalf of them stating that we would not like to see that day care go in at this present moment in time and that there are other avenues that can be taken in conjunction with Union Baptist Church if the people who are interested in putting the day care in would like to proceed with that and do a joint venture with Union Baptist Church. Thank you.

MEMBER MASSEY: Mr. President, to save some time here, I'm also asking for denial, so to save some time, I'm asking for denial as well.

PRESIDENT DENCZAK: Is there anyone else in the audience wishing to speak for or against, please come forward... State your name and address, please.

MS. REEVES: Viola Reeves at 201 Cornelia, and I have a letter here from Mrs. Rhoda Early who was unable to get here. "I am against changing the zoning classification in my neighborhood." This is from Rhoda Early in the same neighborhood. She was unable to be here tonight. "I am against changing the zoning classification in my neighborhood. I do not feel that there should be day care on Cornelia." And that's her concern, and one of my concerns would be all of the traffic that would be going up over that hill. You can't see as it is if cars are coming towards you and you're going one way and they're going another way. It's very dangerous and I happen to be one of the senior citizens that lives there. The neighborhood is mainly senior citizens, and this would not be very good. We're having other problems with zoning, and if this zoning is changed for business, then it will open the door for our complaint that we had when we came a year ago about 31 dogs in a four room house that's right across the street from us, and that would open the door for that family. It's still going on. Nothing's been done, and we're definitely against this.

PRESIDENT DENCZAK: Is there anyone else in the audience wishing to speak for or against this issue, please come forward...

MR. YOUNG: My name is Preston Young. I live at 361 Freedom Ave. NE about 250-60 feet away from this area. I've been in that area since 1960. When I moved there, there was about three of us building at the same time before it was developed. It hasn't been easy to keep it a good neighborhood. We want to keep it that way. We had problems with zoning before with trucking outfits. That was turned down. Since then I had all kind of problems in the area too, but between the police department, health department, what not and all other (UNINTELLIGIBLE), we kept it nice and we want to keep it nice and quiet. Now that whole area is being developed. A lot of money is going into that area now. Homes are nice, resident-- people want to come in to residential, people are buying the residential. We want to keep it that way. We do not need any zone changes in that to commercial because it opens the door for other business or anything else other than a day care center. So more stuff can come in. You're likely to wake up one morning with some bar, anything come in once you get a zone change. It's residential. We would appreciate it, Council -- we have prepared

MINUTES OF THE MEETING OF NOVEMBER 24, 2003

petitions, I have copies put in each one of your mail slots I think, and I hope you will vote with us against this because there's no need -- this is a nice neighborhood, quiet neighborhood, a lot of senior citizens in that neighborhood, and we would like to keep it that way. Thank you.

PRESIDENT DENCZAK: Thank you. Is there anyone else in the audience wishing to speak for or against this issue, please come forward ... Is there anyone else in the audience wishing to speak for or against this issue, please come forward ... Is there anyone else in the audience wishing to speak for or against this issue, please come forward ... Apparently not. The Chair declares the public hearing over in regards to this matter. The Ordinance will follow later this evening. Informal Resolu... What's this? What's going on? (INAUDIBLE VOICES FROM THE AUDIENCE)
Okay. Well, the Chair is a little compassionate. The Chair can understand that, so come on.

MR. MEACHAM: My name is James Meacham. I live at 3755 Market Ave. North. I'm interested in these speakers that have shared their thoughts about -- we need these kinds of programs in the neighborhood. The neighborhood is growing with fine homes and hard working parents and they need opportunities to help them deal with their children in the community. The parents need to know that they can get help from Council in dealing with the problems in their neighborhood. Growing up in that 4th Ward in the area right that they're discussing is where we grew up and we kept up properties and saw young people come and go, and we see many families are coming into the neighborhood and they need help with their children with a nursery or whatever ways they can, and they need support. Thank you.

PRESIDENT DENCZAK: Mr. Meacham, you're opposed to this zone change then?

MR. MEACHAM: No, I'm not opposed to it. I think it's good. Our lovely women are going out and getting these good paying jobs that they need help in raising their children and this is one way they need to help their children.

PRESIDENT DENCZAK: I see. Okay. Alright. Thank you.

MR. GREEN: Pardon me, I'm a guest here. My name is John Green. My mother is Ella Green and lives in the neighborhood. My wife and I are both soldiers in the United States Army. I think what Mr. Meacham was trying to express at his own level was that we have a group of people that live in the City where democracy -- I'm so proud to see it at work. I mean I am -- this is amazing to me because where I am right now, that society doesn't exist, and we have soldiers out risking their lives to give them what you are offering each other here today, and Mr. President of Council, I admire you for your determination to keep this type of society in order. But I think beyond that, what Mr. Meacham wanted to say is this. We are a history of people that live in a certain area. They feel they have the opportunity to determine their own destiny of where they want to live. And I think they not only have the right to express themselves, I think they deserve representation that will take that in consideration and do the right thing. The type of place where I come from, you had millions of people that needed freedom and never had representation that would believe in them, so in our profession we go somewhere and destroy that system that was unrepresented. So in Mr. Meacham's own way and all the other citizens, I think you should consider this. And again, I'm a guest. I still have a residency in Canton by the way and pay taxes and I'm still a Cantonian, but I really hope you admire the courage that brought them here tonight and admire the fortitude they have. My wife and I are sitting there and it makes me want to cry that we still have citizens in this country that believe in all of you, that have enough courage to get up with all their problems every day and come here to express to you, to take your wisdom and your kindness in giving of themselves to come here this evening. A lot of these people are barely able to live much less carry a machine gun like myself. So, I want you to think about that as

MINUTES OF THE MEETING OF NOVEMBER 24, 2003

you make your decision whatever you think it is. Again, I'm a guest. I feel like I'm completely out of line here saying this, so -- but I wanted -- cause I know Jimmy and I know his background. I knew him 20 years ago, so I know what he really wanted to say and I think if Jimmy had been here 20 years ago, this is the kind of thing he'd have said, so thank you very much and I appreciate it. (APPLAUSE)

PRESIDENT DENCZAK: If there's no one else wishing to speak in regards to this issue, the Chair declares the public hearing over in regards to this matter and the ordinance will follow later this evening.

PUBLIC SPEAKS (ORDINANCES OR RESOLUTIONS FOR ADOPTION ONLY):

PRESIDENT DENCZAK: No public speaks under ordinances or resolutions for adoption.

INFORMAL RESOLUTIONS

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

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

PRESIDENT DENCZAK: Moved and seconded that Member Babcock 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 Babcock is excused.

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 NOVEMBER 24, 2003

467. ASSISTANTLAWDIRECTORJASON REESE, CITY OF CANTON: ANSWER & LEGAL ANALYSIS REGARDING AUTHORITY OF CHIEF BUILDING OFFICIAL TO RESCIND A DEMOLITION ON PROPERTY DECLARED TO BE A PUBLIC NUISANCE; RECOMMENDING THAT CHIEF BUILDING OFFICIAL INFORM COUNCIL & SAFETY DIRECTOR IN WRITING OF ANY DECISION TO RESCIND A DEMOLITION WITH SUBSEQUENT ORDINANCE DECLASSIFYING STRUCTURE AS A NUISANCE. - MAJORITY LEADER
468. AUDITOR KIM PEREZ, CITY OF CANTON: REQUEST FOR ADDITIONAL AMENDED CERTIFICATE DATED 11/19/03. - CLERK OF COUNCIL

MINUTES OF THE MEETING OF NOVEMBER 24, 2003

469. CONCERNED CITIZENS OF 4TH WARD, CORNELIA AVENUE NE, CANTON OHIO: CITIZEN PETITION OBJECTING TO REQUEST TO REZONE 351 CORNELIA AVE NE AS REQUESTED BY TRENA & SOLADENE CURTIS TO BUILD A STRUCTURE FOR THE OPERATION OF A CHILD DAYCARE FACILITY. - RECEIVED & FILED
470. HEALTH BENEFITS ADMINISTRATOR ROSE BRESSON, CITY OF CANTON: OCTOBER 2003 MONTHLY COMPARATIVE REPORT OF INSURANCE CLAIMS & JANUARY-OCTOBER 2003 PAID CLAIMS & COMPARATIVE REPORT. - RECEIVED & FILED
471. HEALTH COMMISSIONER ROBERT PATTISON, CITY OF CANTON: REQUEST FOR \$7,000.00 SUPPLEMENTAL APPROPRIATION FROM THE UNAPPROPRIATED BALANCE OF THE 2321 IMMUNIZATION ACTION PLAN FUND. - LAW DIRECTOR (See O#1, 1st Rdg)
472. HEALTH COMMISSIONER ROBERT PATTISON, CITY OF CANTON: REQUEST FOR \$15,000.00 SUPPLEMENTAL APPROPRIATION FROM THE UNAPPROPRIATED BALANCE OF THE 2312 STD CONTROL FUND. - LAW DIRECTOR (See O#1, 1st Rdg)
473. LAW DIRECTOR JOSEPH MARTUCCIO, CITY OF CANTON: REQUESTING ADOPTION OF ORDINANCE AND ATTACHED RESOLUTION REPEALING CHAPTER 157 "POLICE AND FIRE MINORITY EMPLOYMENT OPPORTUNITY" OF PART 1, ADMINISTRATIVE CODE, OF THE CANTON CODIFIED ORDINANCES FOR PURPOSES OF SETTling PENDING LITIGATION WITH OHIO CIVIL RIGHTS COMMISSION. - JUDICIARY COMMITTEE (See O#2, 1st Rdg)
474. LIQUOR CONTROL DIVISION, STATE OF OHIO, 6606 TUSSING ROAD, PO BOX 4005, REYNOLDSBURG, OHIO 43068-9005: REQUEST FOR OWNERSHIP TRANSFER OF C2, C2X, D8 LIQUOR PERMIT BY TAMARKIN CO. dba GIANT EAGLE 6364, LOCATED AT 608 RAFF RD SW. - INTERGOVERNMENTAL & PUBLIC SERVICE CMTE
475. MAYOR RICHARD D. WATKINS, CITY OF CANTON: REQUESTING CONFIRMATION OF REAPPOINTMENT OF PHILLIP FRANCIS TO FAIR HOUSING COMMISSION FOR 5 YEAR TERM RETROACTIVE TO 8/1/03. - PERSONNEL CMTE
476. OHIO DEPT OF COMMERCE, DIVISION OF LIQUOR CONTROL, 6606 TUSSING ROAD, PO BOX 4005, REYNOLDSBURG, OHIO 43068-9005: OVERRULING OBJECTION OF COUNCIL TO C1, C2 LIQUOR PERMIT APPLICATION BY TRAISH ENTERPRISES, dba CHERRY MARKET, LOCATED AT 1494 CHERRY AVE SE & CONTINUING PROCESSING OF APPLICATION. - INTERGOVERNMENTAL & PUBLIC SERVICE CMTE
477. REPUBLIC ENGINEERED PRODUCTS, 3770 EMBASSY PARKWAY, AKRON, OHIO 44333-8367: INVITATION TO MEETING 11/20/03 AT 1:00 PM AT HOLIDAY INN (BELDEN VILLAGE) WITH REPRESENTATIVES OF REPUBLIC & USWA TO DISCUSS ECONOMIC IMPACT OF RECENT \$245 MILLION PERRY BID. - RECEIVED & FILED

MINUTES OF THE MEETING OF NOVEMBER 24, 2003

478. SERVICE DIRECTOR MICHAEL MILLER, CITY OF CANTON: REQUEST TO PAY \$23,740.00 MORAL OBLIGATION TO UNITED INDUSTRIAL GROUP FOR REPAIRS TO 450 HORSEPOWER SYNCHRONOUS MOTOR FOR #3 HIGH SERVICE PUMP AT SUGAR CREEK WATER TREATMENT PLANT. - LAW DIRECTOR (See O#3, 1st Rdg)
479. TREASURER ROBERT SCHIRACK, CITY OF CANTON: REQUESTING VARIOUS AMENDMENTS TO CITY CODE CHAPTER 181 RE: RECENTLY MANDATED GUIDELINES FOR LOCAL INCOME TAX. - LAW DIRECTOR

SUSPENDED RULE 22A TO ADD #480 & 481:

480. ALTIERI-BUCHER, KATHLEEN, 927 MAHONING RD NE, CANTON OHIO 44705: REQUEST TO VACATE A PORTION OF WHEELING PL NE BETWEEN MAHONING RD & FRANCIS CT NE FOR PRIVATE ACCESS. - PLANNING COMMISSION (See C#481) (See O#6A, 1st Rdg)
481. PLANNING COMMISSION, SHEILA K. THARP-BARRINO, SECRETARY, CITY OF CANTON: RECOMMENDING APPROVAL OF REQUEST BY KATHLEEN ALTIERI-BUCHER TO VACATE PORTION OF WHEELING PL NE BETWEEN MAHONING RD & FRANCIS CT NE FOR PRIVATE ACCESS. - LAW DIRECTOR (See C#480) (See O#6A, 1st Rdg) **PUB HRG 12/1/03 @ 7:30 PM**

ORDINANCES & FORMAL RESOLUTIONS FOR FIRST READING

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

NOTE: PRESIDENT DENCZAK CALLED UPON CLERK VANCKUNAS TO READ THE FOLLOWING ORDINANCES #1 THROUGH AND INCLUDING #6A FOR THE FIRST TIME BY TITLE & ANNOUNCED THE COMMITTEE REFERRAL, AS FOLLOWS.

- #1 (1ST RDG) AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 236/2002, AS AMENDED, BY MAKING THE SUPPLEMENTAL APPROPRIATIONS HEREIN DESCRIBED; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Finance Committee
- #2 (1ST RDG) AN ORDINANCE REPEALING CHAPTER 157 OF THE CODIFIED ORDINANCES OF THE CITY OF CANTON; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Judiciary Committee
- #3 (1ST RDG) AN ORDINANCE AUTHORIZING THE CITY AUDITOR TO PAY A MORAL OBLIGATION IN AN AMOUNT NOT TO EXCEED \$23,740.00 TO THE UNITED INDUSTRIAL GROUP; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Finance Committee
- #4 (1ST RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER IT

MINUTES OF THE MEETING OF NOVEMBER 24, 2003

AGREEMENT WITH LIFE INVESTORS INSURANCE COMPANY OF AMERICA TO COMMENCE AND ADMINISTER A FLEXIBLE BENEFIT PLAN UNDER SECTION 125 OF THE INTERNAL REVENUE CODE; AND DECLARING THE SAME TO BE AN EMERGENCY

Referred to Personnel Committee

- #5 (1ST RDG) AN ORDINANCE AUTHORIZING THE MAYOR AND/OR DIRECTOR OF PUBLIC SERVICE TO DESIGNATE THE CANTON COMMERCE DEVELOPMENT, LLC ("CCD") ITS AGENT TO SUBMIT A LOAN APPLICATION TO THE STATE OF OHIO URBAN REDEVELOPMENT LOAN PROGRAM IN AN AMOUNT NOT TO EXCEED 1.3 MILLION DOLLARS FOR THE MILLS BUSINESS PARK; AUTHORIZING THE ALLOCATION OF \$200,000.00 FOR 2004 AND 2005 FOR PURCHASE AND IMPROVEMENT OF THE MILLS BUSINESS PARK; AUTHORIZING THE MAYOR AND/OR DIRECTOR OF PUBLIC SERVICE TO ACCEPT AND ADMINISTER SAID LOAN; AND DECLARING THE SAME TO BE AN EMERGENCY

Referred to Community Economic Development & Finance Committees

- #6 (1ST RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO AN AGREEMENT WITH THE BOARD OF STARK COUNTY COMMISSIONERS FOR THE LEASE OF PARKING SPACES AT THE CORNERSTONE PARKING DECK; AND DECLARING THE SAME TO BE AN EMERGENCY

Referred to Intergovernmental & Public Service & Finance Committees

SUSPENDED RULE 22A TO ADD #6A:

- #6A (1ST RDG) AN ORDINANCE VACATING A PORTION OF WHEELING PLACE NE, A 12 FOOT RIGHT-OF-WAY RUNNING BETWEEN THE SOUTH LINE OF LOT 3080 AND THE NORTH LINE OF LOT 3081 AND FROM THE WEST LINE OF MAHONING ROAD NE TO THE WEST APPROXIMATELY 100 FEET; AND DECLARING THE SAME TO BE AN EMERGENCY

Referred to Public Safety & Thoroughfares Committee

ORDINANCES & FORMAL RESOLUTIONS FOR SECOND READING

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

NOTE: PRESIDENT DENCZAK CALLED UPON CLERK VANCKUNAS TO READ THE FOLLOWING ORDINANCE #7 FOR THE SECOND TIME BY TITLE, AS FOLLOWS.

RULE 22A SUSPENDED TO ADD #7:

- #7 (2ND RDG) AN ORDINANCE AMENDING ORDINANCE NO. 164/2001, AS AMENDED, THE CLASSIFICATION PLAN AND GENERAL SALARIES FOR ALL MANAGEMENT AND NON-BARGAINING UNIT EMPLOYEES OF THE CITY OF CANTON; AMENDING EXHIBIT A TO ORDINANCE NO. 164/2001, AS AMENDED; AND DECLARING THE

MINUTES OF THE MEETING OF NOVEMBER 24, 2003

SAME TO BE AN EMERGENCY.

ORDINANCES AND FORMAL RESOLUTIONS FOR THIRD READING

PRESIDENT DENCZAK: Ordinances and Formal Resolutions for the third and final reading. Ordinance #8 please.

NOTE: PRESIDENT DENCZAK CALLED UPON CLERK VANCKUNAS TO READ THE FOLLOWING ORDINANCES #8 THROUGH AND INCLUDING #27 FOR THE THIRD & FINAL TIME BY TITLE, AS FOLLOWS. ALL THIRD READING ORDINANCES WERE ADOPTED FOLLOWING THEIR FINAL READINGS, WITH THE EXCEPTION OF ORDINANCES #9 & 10 WHICH WERE DEFEATED.

#8 (3RD RDG) **ADOPTED AS ORDINANCE NO. 240/2003** 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 (FIRST CHURCH OF NAZARENE ZONE CHANGE)

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?...

MEMBER HART: Mr. President, this request from the First Nazarene is located in Ward 7, and the Planning Commission had asked that it be denied and I'm asking that this body reverse this. There have been some questions about spot zoning, and I believe that the Planning Commission -- and we all need to decide these issues on a case by case basis. There's been some concerns. You know, do you open up the Pandora's Box when you deal with these spot zoning issues concerning electric signs? You know, will Canton begin to look like Las Vegas East? But I guess many times when we worry about aesthetics, we've allowed the billboards and other things to go up which are to me a lot more intrusive to the eyesight than what this sign will be. It's located on Route 62. It will be just below, you know, as you travel along there. It's not affecting any other residents, any other businesses where it's located, and it's a use for the Church. It also can be used for communicating with the community, and I'm asking that you will reverse the City Planning Commission and vote for this. Thank you.

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

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

PRESIDENT DENCZAK: Having received the necessary nine notes, the Ordinance is adopted.

#8 ADOPTED AS ORDINANCE NO. 240/2003

#9 (3RD RDG) **DEFEATED** 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 (TODD LENSMAN/PRIME PROPERTIES ZONE CHANGE)

MINUTES OF THE MEETING OF NOVEMBER 24, 2003

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?... If not, roll call vote please.

NO REMARKS

ROLL CALL: 0 YEAS, 11 NAYS

PRESIDENT DENCZAK: Ordinance #9 is defeated.

#9 DEFEATED

#10 (3RD RDG) **DEFEATED** 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 (TRENA & SOLADENE CURTIS/JAZZY KIDZ DAY CARE ZONE CHANGE)

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?...

MEMBER MASSEY: Mr. President, I would ask that all councilmembers vote no on this.

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

NO REMARKS

ROLL CALL: 1 YEA, 10 NAYS
(DIAMOND VOTED YES)

PRESIDENT DENCZAK: Ordinance #10 is defeated.

#10 DEFEATED

MEMBER MASSEY: Excuse me, Mr. President. When we vote no on #10, that's saying we do not want the Jazzy Kids Day Care. Am I right?

PRESIDENT DENCZAK: That's correct. You don't want it rezoned for that.

MEMBER MASSEY: Right. We do not want it rezoned for that. So we vote no.

PRESIDENT DENCZAK: Yes. The ordinance was written in the positive and you voted no. So the ordinance is defeated.

#11 (3RD RDG) **ADOPTED AS ORDINANCE NO. 241/2003** AN ORDINANCE VACATING A PORTION OF A DEDICATED ALLEY BETWEEN 5TH STREET S.W. AND 6TH STREET S.W.; AND DECLARING THE SAME TO BE AN EMERGENCY

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

MINUTES OF THE MEETING OF NOVEMBER 24, 2003

PRESIDENT DENCZAK: Moved and seconded that you adopt Ordinance #11. Are there any remarks?... If not, roll call vote please.

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance #11 is adopted.

#11 ADOPTED AS ORDINANCE NO. 241/2003

#12 (3RD RDG) **ADOPTED AS ORDINANCE NO. 242/2003** AN ORDINANCE ADOPTING 2004 AMENDMENTS TO THE TRAFFIC AND GENERAL OFFENSES CODES OF THE CANTON CODIFIED ORDINANCES

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?... No remarks. Roll call vote please.

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance #12 is adopted.

#12 ADOPTED AS ORDINANCE NO. 242/2003

#13 (3RD RDG) **ADOPTED AS ORDINANCE NO. 243/2003** A RESOLUTION AUTHORIZING THE CITY LAW DIRECTOR TO DISTRIBUTE FREE OF CHARGE TO PUBLIC OFFICIALS AND PUBLIC INSTITUTIONS COPIES OF THE 2004 AMENDMENTS TO THE TRAFFIC AND GENERAL OFFENSES CODES; TO AFFIX PRICE FOR SALE OF SAME

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

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

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance #13 is adopted.

#13 ADOPTED AS ORDINANCE NO. 243/2003

#14 (3RD RDG) **ADOPTED AS ORDINANCE NO. 244/2003** AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 236/2002, AS AMENDED, BY MAKING THE SUPPLEMENTAL APPROPRIATION AND TRANSFERS HEREIN DESCRIBED; AND DECLARING THE SAME TO BE AN EMERGENCY

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

PRESIDENT DENCZAK: Moved and seconded that you adopt Ordinance #14. Are there any remarks under this ordinance?... If not, roll call vote please.

MINUTES OF THE MEETING OF NOVEMBER 24, 2003

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance #14 is adopted.

#14 ADOPTED AS ORDINANCE NO. 244/2003

#15 (3RD RDG) **ADOPTED AS ORDINANCE NO. 245/2003** AN ORDINANCE APPROVING AND ACCEPTING THE REPLATTING OF PART OF LOTS NOS. 13294 & 13295; AND DECLARING THE SAME TO BE AN EMERGENCY

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

PRESIDENT DENCZAK: Moved and seconded that you adopt Ordinance #15. Are there any remarks under this ordinance?... Very well, roll call vote please.

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance #15 is adopted.

#15 ADOPTED AS ORDINANCE NO. 245/2003

#16 (3RD RDG) **ADOPTED AS ORDINANCE NO. 246/2003** AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CONTRACT WITH CIVIL DESIGN ASSOCIATES, INC. IN AN AMOUNT NOT TO EXCEED \$69,400.00 TO PROVIDE PROFESSIONAL ENGINEERING AND SURVEYING SERVICES FOR THE MIDWAY AVENUE NE IMPROVEMENTS; AUTHORIZING THE CITY AUDITOR TO ESTABLISH THE 4552 MIDWAY AVENUE NE IMPROVEMENTS FUND; AMENDING APPROPRIATION ORDINANCE NO. 236/2002, AS AMENDED, BY MAKING THE SUPPLEMENTAL APPROPRIATION HEREIN DESCRIBED; AND DECLARING THE SAME TO BE AN EMERGENCY

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

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

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance #16 is adopted.

#16 ADOPTED AS ORDINANCE NO. 246/2003

#17 (3RD RDG) **ADOPTED AS ORDINANCE NO. 247/2003** AN ORDINANCE AUTHORIZING THE MAYOR AND/OR DIRECTOR OF PUBLIC SERVICE TO CONVEY CITY-OWNED REAL PROPERTY, NO LONGER NEEDED FOR MUNICIPAL PURPOSES, TO THE CANTON COMMUNITY IMPROVEMENT CORPORATION; AND DECLARING THE SAME TO BE AN EMERGENCY (919 WALNUT AVE NE)

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

MINUTES OF THE MEETING OF NOVEMBER 24, 2003

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: 11 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance #17 is adopted. **#17 ADOPTED AS ORDINANCE NO. 247/2003**

#18 (3RD RDG) **ADOPTED AS ORDINANCE NO. 248/2003** AN ORDINANCE AUTHORIZING THE MAYOR AND/OR DIRECTOR OF PUBLIC SERVICE TO CONVEY CITY-OWNED REAL PROPERTY, NO LONGER NEEDED FOR MUNICIPAL PURPOSES, TO THE CANTON COMMUNITY IMPROVEMENT CORPORATION; AND DECLARING THE SAME TO BE AN EMERGENCY (NE CORNER WALNUT & 2ND NE)

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

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance #18 is adopted. **#18 ADOPTED AS ORDINANCE NO. 248/2003**

#19 (3RD RDG) **ADOPTED AS ORDINANCE NO. 249/2003** AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CONTRACT WITH COOPER & ASSOCIATES, LLP IN AN AMOUNT NOT TO EXCEED \$75,750.00 TO PROVIDE PROFESSIONAL ENGINEERING AND SURVEYING SERVICES FOR THE 38TH STREET NW IMPROVEMENT, GP 1067; AUTHORIZING THE CITY AUDITOR TO ESTABLISH THE 4553 38TH STREET NW IMPROVEMENT, GP 1067 FUND; AMENDING APPROPRIATION ORDINANCE NO. 236/2002, AS AMENDED, BY MAKING THE SUPPLEMENTAL APPROPRIATION HEREIN DESCRIBED; AND DECLARING THE SAME TO BE AN EMERGENCY

MEMBER SMUCKLER: Mr. President, I move we 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

PRESIDENT DENCZAK: Ordinance #19 is adopted. **#19 ADOPTED AS ORDINANCE NO. 249/2003**

#20 (3RD RDG) **ADOPTED AS ORDINANCE NO. 250/2003** AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CONTRACT WITH CT

MINUTES OF THE MEETING OF NOVEMBER 24, 2003

CONSULTANTS, INC. IN AN AMOUNT NOT TO EXCEED \$18,600.00 FOR ENGINEERING SERVICES ASSOCIATED WITH THE LIFT STATIONS REPLACEMENT PROJECT; AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ADVERTISE, RECEIVE BIDS AND ENTER INTO CONTRACT IN AN AMOUNT NOT TO EXCEED \$100,000.00 FOR THE CONSTRUCTION ASPECT OF THE PROJECT; AMENDING APPROPRIATION ORDINANCE NO. 236/2002, AS AMENDED, BY APPROPRIATING FROM THE UNAPPROPRIATED BALANCE AND ALLOCATING SAME TO ITEMS HEREIN DESCRIBED; AND DECLARING THE SAME TO BE AN EMERGENCY

MEMBER SMUCKLER: Mr. President, I move we adopt Ordinance #20; seconded.

PRESIDENT DENCZAK: Moved and seconded that you adopt Ordinance #20. Are there any remarks under this ordinance?... Very well, roll call vote please.

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance #20 is adopted.

#20 ADOPTED AS ORDINANCE NO. 250/2003

#21 (3RD RDG) **ADOPTED AS ORDINANCE NO. 251/2003** AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO EXECUTE AND DELIVER TO AULTMAN HEALTH FOUNDATION/AULTMAN HOSPITAL AN EASEMENT ON PROPERTY OWNED BY THE CITY OF CANTON; AND DECLARING THE SAME TO BE AN EMERGENCY

MEMBER SMUCKLER: Mr. President, I move we adopt Ordinance #21; seconded.

PRESIDENT DENCZAK: Moved and seconded that you adopt Ordinance #21. Are there any remarks under this ordinance?... Very well, roll call vote please.

NO REMARKS

ROLL CALL: 10 YEAS, 0 NAYS, 1 ABSTENTION
(DOUGHERTY ABSTAINED)

PRESIDENT DENCZAK: Ordinance #21 is adopted.

#21 ADOPTED AS ORDINANCE NO. 251/2003

#22 (3RD RDG) **ADOPTED AS ORDINANCE NO. 252/2003** AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 236/2002, AS AMENDED, BY MAKING THE TRANSFER AND SUPPLEMENTAL APPROPRIATION HEREIN DESCRIBED; AND DECLARING THE SAME TO BE AN EMERGENCY

MEMBER SMUCKLER: Mr. President, I move we adopt Ordinance #22; seconded.

PRESIDENT DENCZAK: Moved and seconded that you adopt Ordinance #22. Are there any remarks under this ordinance?... Very well, roll call vote please.

MINUTES OF THE MEETING OF NOVEMBER 24, 2003

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance #22 is adopted.

#22 ADOPTED AS ORDINANCE NO. 252/2003

#23 (3RD RDG) **ADOPTED AS ORDINANCE NO. 253/2003** AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CONTRACT WITH CT CONSULTANTS IN AN AMOUNT NOT TO EXCEED \$22,350.00 TO PROVIDE ENGINEERING SERVICES FOR THE REMOVAL OF THE 8TH STREET NE BRIDGE; 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 adopt Ordinance #23; seconded.

PRESIDENT DENCZAK: Moved and seconded that you adopt Ordinance #23. Are there any remarks under this ordinance?... Very well, roll call vote please.

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance #23 is adopted.

#23 ADOPTED AS ORDINANCE NO. 253/2003

#24 (3RD RDG) **ADOPTED AS ORDINANCE NO. 254/2003** AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CONTRACT WITH THE STARK COUNTY PUBLIC DEFENDER COMMISSION FOR THE PROVISION OF LEGAL SERVICES TO INDIGENTS; AND DECLARING THE SAME TO BE AN EMERGENCY

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

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

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance #24 is adopted.

#24 ADOPTED AS ORDINANCE NO. 254/2003

#25 (3RD RDG) **ADOPTED AS ORDINANCE NO. 255/2003** AN ORDINANCE AUTHORIZING THE MAYOR AND/OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CONTRACT WITH STARK COUNTY REGIONAL PLANNING COMMISSION TO PROVIDE A GRANT IN AN AMOUNT NOT TO EXCEED \$82,000.00 FOR A COMPREHENSIVE FAIR HOUSING PROGRAM; AND DECLARING THE SAME TO BE AN EMERGENCY

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

MINUTES OF THE MEETING OF NOVEMBER 24, 2003

PRESIDENT DENCZAK: Moved and seconded that you adopt Ordinance #25. Are there any remarks under this ordinance?... Very well, roll call vote please.

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance #25 is adopted. **#25 ADOPTED AS ORDINANCE NO. 255/2003**

#26 (3RD RDG) **ADOPTED AS ORDINANCE NO. 256/2003** AN ORDINANCE AMENDING ORDINANCE NO. 143/2002

MEMBER SMUCKLER: Mr. President, I move we adopt Ordinance #26; seconded.

PRESIDENT DENCZAK: Moved and seconded that you adopt Ordinance #26. Are there any remarks under this ordinance?... Very well, roll call vote please.

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance #26 is adopted. **#26 ADOPTED AS ORDINANCE NO. 256/2003**

#27 (3RD RDG) **ADOPTED AS ORDINANCE NO. 257/2003** A RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE COUNTY AUDITOR

MEMBER SMUCKLER: Mr. President, I move we adopt Ordinance #27; seconded.

PRESIDENT DENCZAK: Moved and seconded that you adopt Ordinance #27. Are there any remarks under this ordinance?... Very well, roll call vote please.

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance #27 is adopted. **#27 ADOPTED AS ORDINANCE NO. 257/2003**

ANNOUNCEMENT OF COMMITTEE MEETINGS

PRESIDENT DENCZAK: Announcement of Committee Meetings please.

MEMBER SMUCKLER: Mr. President, I'm calling a Judiciary Committee meeting next Monday night at 6:00 to discuss Ordinance #2 only.

PRESIDENT DENCZAK: Any other committees?

MEMBER DIAMOND: Mr. President, Personnel will meet next Monday, December 1st at 6:30.

MINUTES OF THE MEETING OF NOVEMBER 24, 2003

MEMBER MALLONN: Mr. President, Public Safety & Thoroughfares will meet December 1st at 6:35. (LAUGHTER)

MEMBER ALTIERI-BUCHER: Mr. President, Intergovernmental & Public Service will meet at 6:30.

MEMBER MROCZKOWSKI: Mr. President, Finance Committee will meet at the same time.

MEMBER MASSEY: Mr. President, Community & Economic Development will meet the same time, same day.

PUBLIC SPEAKS (OPEN FORUM--CITY BUSINESS ONLY)

PRESIDENT DENCZAK: We're now under Public Speaks, Open Forum. Two people have signed up to speak this evening. First person is Ken Herdt. Did I pronounce that right?

MR. HERDT: Yes, it is. Mr. President, I live at 1309 12th Street NW. I'm here to address the Council...

PRESIDENT DENCZAK: State your name.

MR. HERDT: Kenneth Herdt. I'm here to address Council due to ongoing drug activity, prostitution and code violations at 1231 12th Street NW. I have personally witnessed drug dealings, throwing of trash from the third floor balconies, prostitution, physical violence amongst the tenants that live there. I have been verbally abused by the tenants. I have seen many countless drug customers in and out of the place all day long from teenagers to adults. I have been disturbed at night at 10:30 PM because of gun shots due to police activity trying to control that property. I've tried making complaints to vice. I have made complaints to code enforcement. I've seen some police activity, was hopeful that the problem was being solved, but it only slowed down for a short time. I sought the help of the Building Department figuring we could have the place shut down. I was told by the Building Department that the owners had other properties within the city limits and those had not been dealt with yet either. They were waiting until January to pursue any action against the owner and they were in touch with the owner's realtor to try to clean up the property, and I have found out that their realtor does not exist and he does not have a license. I have talked to Mr. Smuckler and Mr. Hawk in regards to this matter. I've had them at my house. They have seen some of the activity going on around there. Unfortunately, there's only so much they can do because the Building Department does not support their efforts. I realize there are special circumstances between the owners and I feel sorry for them. I would like to see this place shut down. I would love to see the owner forced to live in one of her apartments and see what those of us in the neighborhood are dealing with. The Building Department has not done anything with this building. It doesn't fall into ruin overnight. Two years ago these people purchased the property. I feel this building had many code violations and should not have been allowed to have an occupancy permit at that time, nor should they have one now. I have been told by the Building Department they will not review the occupancy permit until it expires next year. I'm wondering what is it going to take for Council or anybody else to shut this house down?...this dwelling. Is it going to take a murder? Because that's probably the next thing on the list. Most recently, on Friday, I observed a male tenant beating the crap out of a female tenant. I called the police. It took the police over ten minutes to arrive. After the police got there, they passed up the people several times before they finally stopped. They never once came to my house and talked to me about the incident. I was not the only person to dial 9-1-1 and report the incident. I am not the only person to ever complain about code violations with this building, and I am tired of looking at this building every day. I am investing in that neighborhood. I have lived in that neighborhood for over 12 years now. I want the Council to force the building inspection to do something about this. If the police will not shut

MINUTES OF THE MEETING OF NOVEMBER 24, 2003

them down, then make them vacate the building and clear it out. I am tired of seeing this stuff daily, and not getting any answers from the Safety Director or anybody else. What are you going to do about it?

MEMBER SMUCKLER: Mr. President, myself and Mr. Hawk -- I know I've been out to that building on several occasions as Mr. Herdt said. But I want Mr. Herdt to know this. This Council has no authority then and now to force the Building Department to do anything. The only people that have the authority, as I've told you before, is the Safety Director and the Mayor because they are the administrative officers over that department.

PRESIDENT DENCZAK: Member Hawk, are you aware of that problem too?

MEMBER HAWK: Yes, sir. I've spent some time on two separate occasions on Mr. Herdt's front porch watching this. At the time, we did have some extra patrols put into that area, and they did do some good. That was part of the commitment to spending the money to run prostitution out of the area. Yes, the extra patrols did help out, but I observed and watched from the front porch a drug deal go on right out of that apartment, so what he's speaking of is something we're aware of.

MEMBER SMUCKLER: Mr. President, that's also the same apartment you called me about later that evening about the dog being shot.

PRESIDENT DENCZAK: Oh, okay.

MEMBER SMUCKLER: This is the same apartment building.

PRESIDENT DENCZAK: Safety Director, is there anything being done about this problem that keeps coming up? Every Monday night we have somebody complaining about this area.

SAFETY DIRECTOR CONCATTO: Mr. President, this particular property was inspected and there was a reinspection scheduled for August 5th, at which time the owner of the property along with his son was killed in an airplane accident along with his wife being injured. We have pursued the wife in trying to get this property straightened out. This gentleman is not incorrect in that this property is a mess, and we have, contrary to his feelings or anybody else's feelings here about the Building Department, we have tried to move on this property. Mr. Whooten is the realtor or the person that we have been in contact with in encouraging them to have an eviction notice on the tenants. I think there's four tenants left there. I'm not sure of the exact number. I don't have it right here in front of me. I will pursue it with Jason Reese as far as doing this as a nuisance because of the drug deals there. However, if there's no felony arrests there, that's a difficult process to padlock the building for that. We, as a building department, cannot go in there with a U-haul and force those people to move out of that property. I don't disagree with one thing that you've said. I tried, I couldn't get back with you today when you called me. I was in conciliation all day. I had my secretary call you. I can only tell you that we'll do everything that we possibly can within the law to vacate this property and get that straightened out, including stepping up the patrol with the police department.

MR. HERDT: For the record, I would like to add that Mr. Whooten is not a licensed real estate agent in the State of Ohio. I did check with the State of Ohio Board of Realtors. He is not a licensed agent.

MINUTES OF THE MEETING OF NOVEMBER 24, 2003

SAFETY DIRECTOR CONCATTO: Mr. President, regardless of whether he is a licensed real estate official or not, he's the only contact person that we can get with this lady, this Mrs. Mitchell. And, we will continue to try to make contact with her and try to do what we can do within the law to force her to evict those people and to clean that property up. It's a mess and I won't disagree with you there. You have a valid complaint, and I won't disagree with you that you have a valid complaint, and we will do whatever we can to make sure that that's taken care of.

MR. HERDT: I understand that. I have been making complaints since June. When I spoke personally to the chief inspector on the 14th of this month, he had no record of any complaints that I had made nor the neighbor that lived next door to me that has left because they're afraid for their life of what's going on in that building. And I am grateful that he moved out because the night of the gun shots, he has a bad heart, he probably would have had a heart attack and died because of the activity in that place right next door to him. And I hope somebody closes it down before someone does die or something more tragic happens in our neighborhood. We're tired of it. And, I would like to speak to you when this meeting is over please, if that's possible. Thank you.

PRESIDENT DENCZAK: Thank you. The next speaker is Greg Roach.

MR. ROACH: Mr. President, City Council, my name is Greg Roach. I live at 2107 37th Street NW. I am here about Aluminum Cans for Burned Children which is a support program through Akron Children's Medical Center. Every year 1.2 million people are burnt severely enough to need medical attention, 5 thousand of those people won't survive. I'm one of the fortunate. I'm a burn survivor. We spoke at the October Mt. Vernon Neighborhood Association meeting about this, and I appreciate your interest in it. As I stated in our conversation, the Regional Burn Center at Akron Children's Hospital is also Canton's burn center. If you're burnt in Canton, you may go to Aultman, you may go to Mercy, but if you're severe, you will ultimately go to Akron Children's. Aluminum Cans for Burned Children is an organization that provides special scar-reducing garments for patients who can't afford them, transportation, out-patient treatments, essentials lost in home fires, and new clothes to wear at home from the hospital. Special events throughout the year are also funded by ACBC, including monthly support group meetings, an annual holiday party, summer camp for child survivors, an annual weekend retreat for adult survivors, and fire, safety and education programs. Last week I had the honor of giving juvenile fire stoppers their certificates of completion in this education program. It's my vision that the City of Canton becomes a sponsor of burn survivors through ACBC. It takes less than one case of cans to generate one pound of aluminum, and it's absolutely amazing what that pound purchases. So, it's my request that City Council take my vision and make it a reality. Thank you.

SAFETY DIRECTOR CONCATTO: Mr. President. Sir, as you may or may not know, the Canton Fire Department has been involved with ACBC, Aluminum Cans for Burned Children, for years, and still is involved with that program. We've been on the Board of that organization. We have at, I believe all the fire stations if not most of them, a container for aluminum cans that the citizens of the area are welcome to drop by and put those cans into that container. They're marked "aluminum cans," they go directly to -- the funds for those go directly to the ACBC program and Akron Children's Hospital. And, the fire department is very proud of their participation in that program and will continue to do that.

MR. ROACH: I'm aware of the City's fire department's participation in it. I don't believe that the public of Canton is aware that this program is there, and a lot of communities around the country have curb side pickup for recycling and I see this as a potential direction to go.

MINUTES OF THE MEETING OF NOVEMBER 24, 2003

PRESIDENT DENCZAK: Thank you.

MEMBER CARBENIA: Mr. President. Sir, I would also like to say that possibly -- I know that we at the Canton Fire Department had an aluminum can thing because I was president of the union at that time when we started it way back, and maybe you're right that maybe City Council should get involved and have the administration get involved and advertise it citywide to drop some of these cans off at different locations.

MR. ROACH: Thank you.

PRESIDENT DENCZAK: Okay. Thank you, sir.

MISCELLANEOUS BUSINESS

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

MEMBER CASAR: Mr. President, I'd just like to make an announcement with regards to the Finance Committee for the 2004-2005 term. Before I get into that, I would like to just state that the Rules Committee met, and we are going to go from a five person council of committees to three persons. So, the three people that we picked to be finance will be Greg Hawk as chairman, Tom Bernabei and Joe Carbenia. What I would like to say also that I observed Greg Hawk's work the last two years on the Finance Committee under John Mroczkowski, probably the best Finance Committee chairman I've had the pleasure to serve with, and I've been around here for about twenty years, and John has done an outstanding job and Greg has kinda walked in his footsteps, at least in my opinion, and I feel that Greg will do a great job. If he can do a job near as good as John did, we should be in pretty good hands for the new term. Also, I will be announcing within the next week to two the remaining committees. I've been working on them along with Joe Carbenia, the assistant majority leader, and I feel that this Finance Committee that we have in place must get started with the budget and that's why I want to get it out now that John can start working with the new committee. Thank you.

PRESIDENT DENCZAK: Is there any other miscellaneous business...?

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

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

NO REMARKS PERMITTED ON THE MOTION TO ADJOURN

ROLL CALL: 11 YEAS, 0 NAYS

ADJOURNMENT TIME: 8:50 P.M.

ATTEST:

APPROVED:

DEBRA VANCKUNAS

RAY DENCZAK

MINUTES OF THE MEETING OF NOVEMBER 24, 2003

CLERK OF COUNCIL

PRESIDENT OF COUNCIL

